

Minutes of the Conference Meeting of the Borough Council held September 5, 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 or comments on the Consent Calendar.

There were no questions or comments

Mayor Druetzler provided details about the upcoming 9-11 commemoration service on Wednesday, September 11, 2013.

Councilmember Karr advised of a meeting with Rajesh and Muthu regarding computer service as well as the possibility of moving the servers and additional equipment down to the basement from the Police Department. This meeting has been postponed, but will be rescheduled. The Finance Committee continues to interview candidates for the Clerk's office position, and that during September and October it is anticipated there will be increased activity in the Clerk's office because of attendance at classes and seminars. There is also some vacation in this timeframe.

Borough Attorney Fraser updated the Council on mail received recently.

Councilmember Fu advised Councilmember McCluskey and she met with Employment Horizons several weeks ago in connection with their interest in providing a price quote for custodial services for four Borough buildings. Two staff members will visit the Borough to walk through the four buildings on September 12, 2013. She will keep the Council updated on this matter.

Councilmembers Cecala, Coogan, and McCluskey presented no reports.

Mayor Druetzler asked who would plan to attend the League of Municipalities luncheon on Thursday, September 12, 2013; he is able to secure a reserved table, but tickets must be purchased. He surveyed the Council members and most indicated they would be able to attend; members will advise as to spouse attendance.

Councilmember Mangravite provided an update on issues relating to the pick-up of grass. He spoke with Mr. Roselle who will speak with the crew chief about being "a

little more liberal on that side of town” since they are liberal on the other side of town.

Cross discussion about the pick-up of grass.

Borough Attorney Fraser provided information relating to wildlife feeding. There is a Health Department ordinance that includes not only wildlife, but also feral dogs and cats. Feeding of same is prohibited on both private and public property in the Borough. The ordinance imposes a fine of “not less than \$100 or more than \$500” and is enforced by the Health Officer, the Animal Control Officer and the Police Department.

Councilmember Mangravite stated it was raised at the last Council meeting that some people had been fined in the past under this ordinance. He advised the Health Department of Animal Control Officer, Meredith Petrillo’s recommendation of instituting a trap/neuter/release (TNR) program. The Health Department indicated it would be willing to consider it; however, Carlos Perez, the Health Officer, opposed this recommendation for health reasons. He does not believe this is an open issue any longer. He believes the Health Department is still considering fining people who continue to feed the feral animals.

Mayor Druetzler stated he believes residents need to be warned first about the intent to fine for feeding feral animals.

Borough Attorney Fraser read a list of what animals are defined as wildlife under the ordinance: wild geese, ducks, deer, raccoon, bear, coyote, squirrel, opossum, and feral dogs and cats.

Councilmember Cecala stated there is a difference between feeding the feral animals and baiting deer. Hunters can bait, but cannot feed the deer.

EXECUTIVE SESSION

Moved by Councilmember Coogan:

BE IT RESOLVED THAT Resolution 2013-105, entitled “Executive Session” be adopted.

Seconded by Councilmember McCluskey. So ordered.

Voice vote. All in favor. Motion carried.

Councilmember Coogan moved that the Executive Session be adjourned.

Seconded by Councilmember Mangravite.

Councilmember Karr moved that the Conference Meeting be adjourned.

Seconded by Councilmember Cecala.

June Uhrin, Borough Clerk

Frank J. Druetzler, Mayor

Minutes of the Regular Meeting of the Borough Council held September 5, 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 July 18th 2013.

Seconded by Councilmember Mr. Cecala. So ordered.

Voice vote. All present in favor. 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

Fire Prevention, August 2013

Treasurer, July 2013

Building Inspector, July 2013

BE IT FURTHER RESOLVED

THAT that Resolution No. 2013-106, entitled, "APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MOUNTAIN WAY IMPROVEMENT PROJECT, BOROUGH OF MORRIS PLAINS, MORRIS COUNTY," be adopted as attached.

THAT Sheryl McNichol, Franklin Place, be hired as a Substitute Crossing Guard for the Police Department at a daily rate of \$71.40, effective September 6th 2013.

THAT Phyllis Smith be granted permission to serve alcoholic beverages at a Picnic to be held Wednesday, September 18th 2013, from 11:00 A.M. to 7:00 P.M., at Community Park.

THAT the residents of Janeway Place and Bryce Way be granted permission to hold a Block Party on Saturday, September 21st 2013, with a rain date of Sunday, September 22nd 2013, from 3:00 P.M. to 11:00 P.M. and that permission to serve alcoholic beverages be granted; and that the Road Department provide the necessary barricades.

THAT the residents of Brook Drive North be granted permission to hold a Block Party on Saturday, September 21st 2013, with a rain date of Saturday, September 28th 2013, from 1:00 P.M. to 11:00 P.M. and that permission to serve alcoholic beverages be granted; and that the Road Department provide the necessary barricades.

THAT the Warner Lambert Senior Group be granted permission to park ten vehicles at the Community Park parking lot September 22nd and September 23rd 2013 while on a trip to Newport, RI.

THAT the Warner Lambert Senior Group be granted permission to park ten vehicles at the Community Park parking lot October 22nd through October 27th 2013 while on a trip to San Antonio, TX.

THAT the residents of Glenbrook Road be granted permission to hold a Block Party on Saturday, September 28th 2013, from 5:00 P.M. to 11:00 P.M. and that

permission to serve alcoholic beverages be granted; and that the Road Department provide the necessary barricades.

THAT the Contract between the Borough and Peter W. Smith Roofing & Construction be terminated effective August 20th 2013 for failure to comply with the Contract terms, and the Borough award the Contract for the DPW, Building #2 roof replacement to the second lowest quote, High Grade Contracting, Wharton, NJ, for their quote of \$13,200; that a purchase order be issued to High Grade Contracting in the amount of \$13,200.

THAT the Borough Council authorize the release and return of the \$500 Soil Disturbance cash bond to Silvia Mullens, 15 Sunrise Drive, per the Borough Engineer's correspondence dated August 19th 2013.

THAT the Borough Council authorize the Right of Construction Access Easement Agreement from Suzanne Blanchette to the Borough of Morris Plains on property located at 117 Sun Valley Way and that the Mayor and Clerk be and they hereby are authorized to execute the Agreement.

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 he has nothing to report at this time.

Public Safety

Councilmember McCluskey presented her report, including that the Fire Department participated in the Boonton Labor Day weekend parade and received a First Place trophy for Engine #4 and a Second Place trophy in the marching category. On September 14th 2013 the Adult Arts and Crafts Day will be held at the Farmers Market.

Chief Thompson presented his report, including that the Department is preparing for the race to be held next Thursday, providing relevant details; registration beings at 5:00 p.m. with the race starting at 6:00 p.m. He provided a status update on Officer Michael Kelly.

Cross discussion among Mayor Druetzler, one or two Council members and the Patch reporter, Russ, including information on an upcoming drug giveback event at Stop & Shop and providing him with a copy of *Plains Talk*.

Public Works

Councilmember Cecala presented his report, including that the deer cull begins on September 14th 2013. The Police Department and the Department of Public Works (DPW) are hanging the necessary signage. He made some mention of “a strange visitor” in the Mayor’s neighborhood.

Public Buildings & Grounds

Councilmember Fu presented her report, including that the Recreation Commission did not meet in August. The Opening Day for soccer is this Saturday at 10:00 a.m. at Simons Park field. The Recreation Volunteer of the Year will be recognized at this Opening Day event. The lighting installation at the Simons Park turf field is completed; she thanked the DPW for their assistance with this project. She advised the Recreation Commission has prepared a request/schedule for use of the Central Park turf field. Garage Sale Day permits are being sold. She reported the Teen Center house is newly painted thanks to the efforts of the DPW.

Continuing, she reported the Shade Tree Commission met last evening. She advised that the new Forestry Management Plan Forester, John Linson, will conduct a tree survey in October by driving around the Borough’s residential areas to observe shade trees and assessing the needs of each tree (which trees may need to be taken down, needs pruning, etc.). He is also reviewing the Borough ordinances and current procedures. He is familiar with No Net Loss reforestation projects having worked on several in the past. There will be a small fall planting (50 to 60 trees).

Councilwoman Fu advised that for the 9-11 ceremony, the Borough School students and St. Virgil students will be involved and will begin at 10:00 a.m. on September 11 at the Memorial site. She provided additional details about anticipated attendance and activities at this event.

Mayor Druetzler stated the lights at Simons Park look very good; obviously this lighting was needed.

Public Welfare, Sanitation & Sewers

Councilmember Mangravite presented his report, including preparations for the Wellness Day on October 19th 2013 and the Flu Clinic on the same date. He commented on the fall agenda activities of the Teen Center that includes a food drive at Stop & Shop on October 6th 2013.

Ordinance & Public Utilities

Councilmember Coogan advised he has no report at this time.

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 ordinance entitled:

ORDINANCE NO. 9-2013

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF MOUNTAIN WAY IN AND BY THE BOROUGH OF MORRIS PLAINS IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$395,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$161,900 BOND OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.

which ordinance was introduced and passed on first reading at a meeting held on August 15th 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 August 15th 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 September 5th 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 provided details of this paving project which involves Mountain Way from Granniss Avenue to its terminus at Children's Park. The work will be done in 2014. Seeing no one, he 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 Cecala seconded the motion.

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

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 order the Clerk to publish the proper notice thereof in the newspaper and record the ordinance in the proper place.

Councilmember Coogan read by title the ordinance entitled:

Councilmember Coogan read by title the ordinance entitled:
ORDINANCE NO. 10-2013

AN ORDINANCE AUTHORIZING A RETAINING WALL MAINTENANCE AGREEMENT WITHIN THE RIGHT-OF-WAY OF MALAPARDIS ROAD IN THE BOROUGH OF MORRIS PLAINS RELATING TO THE USE AND OCCUPANCY OF PREMISES LOCATED AT 68 MALAPARDIS ROAD ALSO KNOWN AND DESIGNATED AS BLOCK 171 LOTS 11 AND 12 ON THE MORRIS PLAINS TAX MAPS AND AUTHORIZING A RETAINING WALL MAINTENANCE AGREEMENT WITHIN THE BOROUGH OF SANITARY SEWERS EASEMENTS ON PROPERTY LOCATED AT 159 SUN VALLEY WAY ALSO KNOWN AND DESIGNATED AS BLOCK 91 LOT 14 ON THE BOROUGH TAX MAPS.

which ordinance was introduced and passed on first reading at a meeting held on August 15th 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 August 15th 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 September 5th 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 believes the title of this ordinance is self explanatory. Seeing no one, he 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 Karr seconded the motion.

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

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 order the Clerk to publish the proper notice thereof in the newspaper and record the ordinance in the proper place.

Councilmember Coogan read by title the ordinance entitled:
ORDINANCE NO. 11-2013

AN ORDINANCE PROVIDING FOR THE REPLACEMENT OF TREES LOST DURING DEFORESTATION OF STATE LAND IN AND BY THE BOROUGH OF MORRIS PLAINS IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY APPROPRIATING \$122,400 THEREFOR AND PROVIDING THAT SUCH SUMS SO APPROPRIATED SHALL BE RAISED FROM STATE GRANTS WITH \$40,000 APPROPRIATED FROM CAPITAL FUNDS BALANCE.

which ordinance was introduced and passed on first reading at a meeting held on August 15th 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 August 15th 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 September 5th 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. This ordinance relates to improvements done at the intersection of Routes 53 and 10, including that the State removed many trees as part of this project. This is an opportunity for the Borough to replant shade trees. A total of 408 trees can be planted over five years. All expenses will be reimbursed by the State and will not cost the Borough anything. Seeing no one, he 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:

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

Mayor Druetzler thanked Councilmember Fu for her diligence, efforts, and time spent on bringing this part of the project to finalization.

Mayor Druetzler declared the ordinance adopted and finally passed, approved the same and order the Clerk to publish the proper notice thereof in the newspaper and record the ordinance in the proper place.

RESOLUTIONS

None.

UNFINISHED BUSINESS

None:

NEW BUSINESS

None.

VOUCHERS

None.

EXECUTIVE SESSION

None.

Councilmember McCluskey moved to adjourn at 8:52 PM.

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

Frank J. Druetzler, Mayor

June R. Uhrin, Borough Clerk