

Minutes of the Regular Meeting of the Borough Council held July 16th 2020 at 8:34 P.M. in the Council Chambers, Borough Hall, 531 Speedwell Avenue, Morris Plains, New Jersey.

PLEDGE OF ALLEGIANCE

NOTICE OF MEETINGS

I HEREBY ANNOUNCE AND STATE THAT THE ADEQUATE NOTICE OF THIS REGULAR MEETING WAS PUBLISHED AND POSTED IN ACCORDANCE WITH CHAPTER 213 OF THE PUBLIC LAW OF 1975, "OPEN PUBLIC MEETINGS ACT AND NOTICE OF THE REMOTE MEETING FORMAT WAS PROVIDED BY THE CLERK OF THE BOROUGH BY PREPARING A NOTICE DATED JULY 14th 2020 SPECIFYING THE TIME, DATE AND PLACE OF THIS MEETING AND POSTING SUCH NOTICE ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING, THE FRONT ENTRANCE DOOR OF THE MUNICIPAL BUILDING, AND THE BOROUGH WEBSITE. I HEREBY HAND A COPY OF SUCH NOTICE TO THE CLERK OF THE BOROUGH OF MORRIS PLAINS FOR INCLUSION IN THE MINUTES OF THIS MEETING. ALL OF THE ABOVE ACTIONS BEING IN ACCORDANCE WITH N.J.S.A. 10:4-6, *ET SEQ.*

NOTICE OF THE PUBLIC HEARING ON THE 2020 OPEN SPACE APPLICATION BY THE BOROUGH OF MORRIS PLAINS FOR THE WATNONG BROOK GREENWAY PROJECT TO PERMIT THE ACQUISITION OF A 3.290 ACRE PORTION OF LANDS KNOWN AND DESIGNATED AS BLOCK 63, LOT 48 ON THE TAX MAP OF THE BOROUGH OF MORRIS PLAINS WAS PUBLISHED IN ACCORDANCE WITH LAW IN THE DAILY RECORD AND THE MORRIS NEWS BEE ON JULY 2, 2020.

ROLL CALL

Present on Roll Call:

Mayor Jason C. Karr

Councilmembers: Art Bruhn, Council President

Salvatore Cortese

Joan Goddard

Catherine Kelly

Nancy Verga

Dennis Wagner

Absent: None

Gail H. Fraser, Esq., Borough Attorney

Leon Hall, PE, Borough Engineer

Mayor Karr welcomed members of the public attending this meeting. The agenda has been shared and the Consent Calendar will be likewise shared shortly. He explained the process of the meeting and how the public can address the Governing Body.

APPROVAL OF MINUTES

APPROVAL OF CONSENT CALENDAR

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PUBLIC HEARING - OPEN SPACE APPLICATION

Watnong Brook Greenway Project

Mayor Karr reminded the public in attendance how they can address the Governing Body. This public hearing involves a 3.29 acre plot of land located at 131 Mountain Way, Morris Plains, to be known as Block 63, Lot 48.04 and is zoned R-2, Single Family Residential. He provided additional information about the property, including that the entire lot is 5.412 acres, Trinity Lutheran Church location.

Mayor Karr continued stating that this property will be preserved as Open Space. He referred to the 3.29 acre portion of the property as one that could be developed for a one single-family residential building lot with the remainder of the lot constrained by the Watnong Brook and flood hazard area. Once acquired, the entire 3.29 acres will be preserved for Open Space/passive recreation.

Mayor Karr stated that a letter from the Whippany River Watershed Action Committee supporting this acquisition was recently received and he read a portion of it.

Mayor Karr opened the hearing to the public.

Ms. Kathy Peterson, 19 Kathleen Place, spoke about the Open Space grant application and the property that comprises it, including a survey map that was on the Borough website. She asked several questions that Mayor Karr answered.

Mayor Karr explained that the Church Board has not yet committed to accepting the Borough's offer for this land, but since the application was due, one was submitted along with a request to provide the public hearing information at a later date. If the Church decides against this offer, the

application will be withdrawn and the Church will remain the property owner. The entire tract is zoned residential. If the Borough acquires this property, he believes the Borough will be responsible for Watnong Brook.

Ms. Fraser spoke about issues pertaining to the Watnong Brook.

Mr. Hall shared information on issues relating to Watnong Brook from his perspective as the Borough Engineer.

Cross discussion about previous improvements to Watnong Brook and the challenges it poses due to some problematic existing conditions.

Mr. Eric Hendricks, 9 Brook Drive South, asked what can be done to improve the open space; could a playground be installed.

Mayor Karr stated the purpose of this Open Space application would be for passive recreation, the preservation of wildlife and habitat, native plants and trees, also to ensure the continued availability of the existing path connecting the existing neighborhoods of Mountain Way and Jaqui Avenue and the preservation and integrity of the Watnong Brook. There are no plans for any structure(s) to be built on this property.

Ms. Marilyn Kitchell, 140 Mountain Way, asked about possible flooding issues.

Mr. Hall stated "The flooding is what it is." He referred to flood insurance rate maps and provided additional engineering related information.

Ms. Barbara Hancock, 144 Mountain Way, spoke about the proposed passive recreation use and the importance of maintaining the land in a basically untouched manner since this land has long been used as a refuge for many wildlife creatures living in the area. She is still concerned about possible disturbances to the wildlife, the land itself and to the overall ecosystem.

Mayor Karr stated the meeting is now being conducted via speakerphone, Councilmembers Kelly, Wagner, Cortese, Bruhn, Attorney Fraser, Police Chief Koroski and Acting Clerk Rosanne Denman are in the room.

In reply to a question from Ms. Hancock, Mayor Karr stated there is no plan for a playground or any structures of any kind. The goal is to leave this land as it is as Open Space and to preserve what is there.

Ms. Linda Delap, 46 Sun Valley Way, shared her thoughts on this Open Space proposal. She expressed concern about monitoring of this area and the possibility of taking down trees.

Mayor Karr advised monitoring would be addressed the same way that is being done in all Borough Open Space sites. He thanked Ms. Delap for her commentary.

Mr. Eric Hendricks, 9 Brook Drive South, asked who has access to Open Space; it is public, correct? Could people have a picnic? He referred to passive recreation. Where is the funding coming from for this purchase? Does the Church now own all the property? Could the Borough sell this property?

Mayor Karr responded that is correct, there is public access to open space lands. He said the Borough has no intention of publicizing the property for any particular use. The funds primarily will come from a Morris County (Morris County Office of Planning and Preservation) grant in the amount of \$204,000.00; the Borough will also contribute \$11,000.00. The Church is currently owner of the property. If acquired, the property will be deeded as Open Space.

Ms. Marilyn Kitchell, 140 Mountain Way, advised she is a wildlife biologist. She supports the idea of this proposed Open Space land purchase; she stated her reasons why. She thanked the Governing Body for the opportunity to speak on this matter.

Ms. Peterson shared additional commentary on this proposal. She spoke about the importance of the property remaining undisturbed for the sake of the wildlife.

Mayor Karr thanked all residents who provided their thoughts on this proposal. Hearing no additional questions or comments, he closed the public hearing.

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RESOLUTION

Open Space Application

Councilmember Verga moved:

Resolution No. 2020-107

Resolution Authorizing an Application to the Morris County Open Space Trust Fund Watnong Brook Greenway Project

Councilmember Wagner seconded the motion.

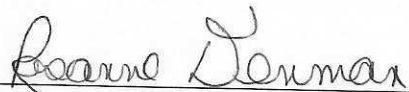
Yeas: Councilmembers Bruhn, Cortese, Goddard, Kelly, Verga,

Wagner
Nays: None
Absent: None
Abstain: None

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CLERK'S CERTIFICATION

I, Rosanne Denman, Acting Clerk of the Borough of Morris Plains, County of Morris, New Jersey, hereby certify that the foregoing is a true and exact copy of an excerpt of the minutes of the public hearing on the Borough's 2020 Morris County Open Space Application at the meeting of said Mayor and Council of the Borough of Morris Plains held on the 16th day of July, 2020.



Rosanne Denman, Acting Clerk

DATED: July 27, 2020