

**MINUTES OF REGULAR MEETING OF  
THE TOWNSHIP COMMITTEE HELD ON  
WEDNESDAY, NOVEMBER 12, 2008, 8:00 P.M.**

**CALL TO ORDER**

The November 12, 2008 Regular Meeting was called to order by Mayor Robert E. Nace at 8:00 P.M., in the Municipal Building, 50 Woodland Avenue, Morris Township, New Jersey.

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**ATTENDANCES**

**ELECTED OFFICERS**

**GOVERNING BODY**

Mayor Robert E. Nace  
Township Committee Member Ronald M. Goldberg  
Township Committee Member Jeffrey R. Grayzel  
Township Committee Member H. Scott Rosenbush  
Township Committee Member Richard A. Watson

**APPOINTED OFFICERS**

Cathleen Amelio, Township Clerk  
John M. Mills, III, Township Attorney  
Fred J. Rossi, Township Administrator

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**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Robert E. Nace.

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**PRESIDING OFFICER'S STATEMENT RE: ADEQUATE NOTICE - O.P.M.A. - (RECORD INSERT)**

Mayor Nace issued the following statement of adequate notice:

"Adequate Notice" of this meeting of the Township Committee of the Township of Morris, was given as required and defined by the Open Public Meetings Act, as follows:

Written Notice was given on September 12, 2008 to the official newspapers, Daily Record and Morris News Bee, and to the additional newspaper, Star Ledger, by mail at least 48 hours prior to the date of this meeting, and a copy of the Notice was posted on the Bulletin Board in the Municipal Building of the Township of Morris by the Township Clerk and a copy of the Notice was likewise filed in the Township Clerk's Office and copies of this Notice were mailed by certified mail to all persons who have requested individual notice, pursuant to N.J.S.A. 10:4-19, all of which Notices were given at least 48 hours prior to the date of this meeting, and I hereby hand to the Township Clerk, a copy of the Notice which was given as above set forth for appropriate retention in the Municipal Files".

\* \* \*

**SPEAKER'S TIME LIMITATION**

Mayor Nace announced that in order to give interested parties a fair chance to be heard, each speaker could comment for an unassignable period of five minutes before turning the microphone over to the next speaker, and that after each has had one turn, a person may be heard for an additional unassignable period of 5 minutes.

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**APPROVAL OF MINUTES**

At this time the Township Clerk presented for approval, the following minutes as revised:  
October 15, 2008 - Regular and Closed

On motion duly made, seconded and carried by the vote as hereinafter indicated, the reading of the above-specified minutes was waived, the minutes approved as circulated, and placed on file in the Office of the Township Clerk:

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE ABSTAIN

\* \* \*

**AUCTION OF ABANDONED CAR – 2002 NISSAN QUEST – VIN #4N2ZN15T52D818432**

At the request of Mayor Robert E. Nace, Township Attorney John M. Mills, conducted a public auction of abandoned vehicles which had come into the possession of the Police Department. The 2002 Nissan Quest has been stored at Powder Mill Towing, 299 Littleton Road, Parsippany, New Jersey, 07054 since April 11, 2008. Despite efforts by the Police Department to arrange for the owner to secure the vehicle, all efforts have been unsuccessful, leading to the necessity for public auction.

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**AUCTION OF ABANDONED CAR – 2002 NISSAN QUEST – VIN #4N2ZN15T52D818432  
(CONTINUED)**

With standard auction procedures being observed, Township Attorney John M. Mills, III opened the matter for bids from the general public and One (1) bid was received and accepted by the Township of Morris in the amount of \$500.00 by Mr. Gani Olurotimi, 5019 Avenue I, Brooklyn, NY 11234, (646)573-6142.

On motion duly made, seconded and unanimously adopted (5-0), the Township Clerk was authorized and directed to endorse the Junk Title Certificates to Mr. Gani Olurotimi after cash payment of \$500.00. Mr. Olurotimi did not have the funds required to complete the transaction of this vehicle as required in the bid ad placed in the Morris County Daily Record on November 3, 2008 in which the terms indicated cash due at sale. Therefore the endorsement of the Junk Title Certificates was rendered null and void.

\* \* \*

**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND ADOPTION**

The Township Clerk advised that each Ordinance scheduled for public hearing at this meeting had been duly posted on the legal notice bulletin board in the Municipal Building, published in the Daily Record, as supported by proof of publication which had been received and placed on file, and further, that copies of the Ordinance had been provided to the members of the General Public on request.

Each Ordinance as hereinafter set forth in full was read a second time, a public hearing held hereon, with public comments and communications of record, if any, as hereinafter noted, finally adopted by the vote as herein recorded:

**34-08 – AMENDING ORDINANCE NO. 15-08 FOR THE PURPOSE OF CORRECTING THE SALARY FOR A COMMUNICATIONS OFFICER CLASS 1 IN THE POLICE DEPARTMENT**

**BE IT HEREBY ORDAINED** by the Township Committee of the Township of Morris, they being the governing body thereof that Ordinance No. 15-08 is hereby amended as follows:

**SECTION ONE:** The following starting salary for a Communications Officer Class 1 in the Police Department shall be amended from \$34,374.00 to \$32,523.00.

**SECTION TWO:** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION THREE:** All Ordinances of the Township of Morris which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION FOUR:** This Ordinance shall take effect upon final passage and publication thereof, as provided for by law.

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**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND ADOPTION  
(CONTINUED)**

**34-08 AMENDING ORDINANCE NO. 15-08 FOR THE PURPOSE OF CORRECTING THE  
SALARY FOR A COMMUNICATIONS OFFICER CLASS 1 IN THE POLICE  
DEPARTMENT (CONTINUED)**

**PUBLIC COMMENT**

NONE

**COMMUNICATIONS OF RECORD**

NONE

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE YES

\* \* \*

**35-08 – AN ORDINANCE AMENDING CHAPTER 89 ENTITLED, " VEHICLES TOWING  
AND STORAGE" REGULATION TOW STORAGE YARDS FOR COMPANIES THAT  
DO NOT TOW FOR THE MORRIS TOWNSHIP POLICE BUT MAINTAIN A  
STORAGE YARD WITHIN THE TOWNSHIP OF MORRIS**

**Chapter 89: VEHICLE TOWING AND STORAGE**

[HISTORY: Adopted by the Township Committee of the Township of Morris 2-16-2000 by Ord. No. 2-00.  
Amendments noted where applicable.]

**§ 89-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATIVE FEE — A one time fee per vehicle for the purpose of compensating the licensee for inspecting the vehicle, allowing owners to retrieve personal property from the vehicle and for the preparation of additional paperwork beyond the initial towing bill.

CRUISING — The operation of a tow truck in and upon a roadway within the Township of Morris to solicit vehicle towing and/or storage business except in response to a police request.

HEAVY DUTY — A tow truck with dual wheels, capable of towing large trucks and shall meet the following minimum requires: G.V.W. - 30,000 lbs./G.C.W.R. 888 80,000 lbs./Boom rating - 50,000 lbs./Winch rating -50,000 lbs./Cable size and length \*\*\* 5/8" and 200'/Equipped with chassis lift/under-reach -Retracted rating 30,000 lbs. and Extended rating -15,000 lbs.

LABOR — The additional work done at the scene by the tow truck operator which is beyond that required to perform a basic tow or any additional man power needed to complete a recovery, winching or towing of a vehicle. Labor charged for additional man power shall be based on a per man, per hour basis.

LEASE — A vehicle leased by the licensee, through a leasing company, and showing the licensee on the registration as the owner or lessee. If the registration is such that the lessee is not listed, the licensee will be required to show a lease agreement.

LICENSE TO TOW — The document approved and issued by the Township of Morris granting the privilege to tow and store vehicles and perform other towing operations for the Township of Morris.

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**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND ADOPTION  
(CONTINUED)**

**35-08 – AN ORDINANCE AMENDING CHAPTER 89 ENTITLED, " VEHICLES TOWING AND STORAGE" REGULATION TOW STORAGE YARDS FOR COMPANIES THAT DO NOT TOW FOR THE MORRIS TOWNSHIP POLICE BUT MAINTAIN A STORAGE YARD WITHIN THE TOWNSHIP OF MORRIS (CONTINUED)**

**LICENSE FOR STORAGE — The document approved and issued by the Township of Morris granting the privilege to store vehicles within the Township of Morris.**

LICENSEE — A towing operator having a license granted by the township pursuant to the provisions of this chapter.

HEAVY-DUTY WRECKER — A tow truck with dual wheels, capable of towing large trucks, and shall meet the following minimum requirements:

- A. Gross vehicle weight (GVW): 30,000 pounds.
- B. Gross combination weight rating (GCWR): 80,000 pounds.
- C. Boom rating: 50,000 pounds.
- D. Winch rating: 50,000 pounds.
- E. Cable size and length: five-eighths inch and 200 feet.
- F. Equipped with chassis lift/under reach:
  - (1) Retracted rating: 30,000 pounds.
  - (2) Extended rating: 15,000 pounds.

LIGHT-DUTY WRECKER — A tow truck with dual wheels, capable of towing passenger cars, and shall meet the following minimum requirements:

- A. Gross vehicle weight (GVW): 14,000 pounds.
- B. Gross combination weight rating (GCWR): 18,000 pounds.
- C. Boom rating: 8,000 pounds.
- D. Winch rating: 8,000 pounds.
- E. Cable size and length: three-eighths inch and 100 feet.
- F. Wheel lift:
  - (1) Retracted rating: 6,000 pounds.
  - (2) Extended rating: 3,000 pounds.

LIGHT-DUTY FLATBED — A car carrier of the rollback and tilt type, with dual wheels, capable of removing and transporting passenger cars damage free and shall meet the following minimum requirements:

- A. Gross vehicle weight (GVW): 14,000 pounds.
- B. (Reserved)
- C. Winch rating: 8,000 pounds.

- D. Cable size and length: three-eighths inch and 50 feet.
- E. Bed length: 17 feet.

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**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND  
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**35-08 – AN ORDINANCE AMENDING CHAPTER 89 ENTITLED, " VEHICLES  
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STORAGE YARD WITHIN THE TOWNSHIP OF MORRIS (CONTINUED)**

- F. Bed width: 84 inches inside side rails.
- G. Wheel lift:
  - (1) Retracted rating: 6,000 pounds.
  - (2) Extended rating: 3,000 pounds.

MEDIUM-DUTY WRECKER — A tow truck with dual wheels, capable of towing small trucks, and shall meet the following minimum requirements:

- A. Gross vehicle weight (GVW): 18,000 pounds.
- B. Gross combination weight rating (GCWR): 30,000 pounds.
- C. Boom rating: 16,000 pounds.
- D. Winch rating: 16,000 pounds.
- E. Cable size and length: one-half inch and 200 feet.
- F. Wheel lift:
  - (1) Retracted rating: 10,500 pounds.
  - (2) Extended rating: 8,500 pounds.

MEDIUM-DUTY FLATBED — A car carrier of the rollback and tilt type, with dual wheels, capable of removing and transporting small trucks, full-size vans or large passenger cars damage free and shall meet the following minimum requirements:

- A. Gross vehicle weight (GVW): 18,000 pounds.
- B. (Reserved)
- C. Winch rating: 8,000 pounds.
- D. Cable size and length: three-eighths inch and 50 feet.
- E. Bed length: 19 feet.
- F. Bed width: 84 inches inside side rails.
- G. Wheel lift:
  - (1) Retracted rating: 6,000 pounds.
  - (2) Extended rating: 3,000 pounds.

OWNER — An individual or entity who or which owns or leases and/or operates, parks or abandons a vehicle within the township.

POLICE — The Police Department of the Township of Morris or of any jurisdiction having authority in

the subject matter.

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**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND ADOPTION  
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**35-08 – AN ORDINANCE AMENDING CHAPTER 89 ENTITLED, " VEHICLES TOWING AND STORAGE" REGULATION TOW STORAGE YARDS FOR COMPANIES THAT DO NOT TOW FOR THE MORRIS TOWNSHIP POLICE BUT MAINTAIN A STORAGE YARD WITHIN THE TOWNSHIP OF MORRIS (CONTINUED)**

**PRINCIPAL LOCATION** — The business office of an applicant/licensee, where licensee shall conduct business associated with the towing and storage of vehicles under authority of the towing license issued by the Township of Morris.

**RECOVERY** — When the tow truck operator applies his training and knowledge in a skillful manner to preserve the condition of the vehicle while moving it to a towable position. This can be accomplished in various ways, including, but not limited to, winching and rigging.

**ROAD SERVICE** — A service provided at the scene to enable a vehicle to be driven away, including, but not limited to, the changing of a flat tire, jump start of a vehicle or the delivery of fuel. There will be a separate charge for the fuel at its face value.

**ROUTE CALLS FOR SERVICE** — A police request for road service of a disabled vehicle, i.e., dead batteries, flat tires, out of gas or other services that do not require towing.

**STORAGE SERVICES** — The storage, housing or holding of vehicles, indoors or outdoors, by a licensee under authority of this chapter.

**TEMPORARY LICENSE** — A towing license, authorized by the Chief of Police, and issued by the Township of Morris for the purpose of replacing a current license, whether that replacement be due to the closing of the business or the revocation of the licensee's towing license for a violation of this chapter. This license is for emergency situations only and the cost will be prorated on a monthly basis.

**TOWING OPERATOR** — An individual or entity engaged in the business of providing towing and storage services.

**TOWING SERVICES** — The towing service and/or onsite vehicle repair, including tire changes, jump starts or furnishing fuel, rendered by a towing operator.

**VEHICLE** — Every device in, upon or by which a person or property is or may be transported upon the highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or motorized bicycles.

**WAITING TIME** — The time a licensee has equipment and personnel waiting at a scene to perform a towing operation.

**WINCHING** — The process of moving a vehicle by the use of the tow cable from a position that is not accessible for direct hookup by conventional means for loading onto a tow vehicle. Winching shall not mean pulling a vehicle onto a flatbed or carrier or lifting a vehicle with a conventional tow truck.

**YARD CHARGE** — The relocation of a vehicle from the licensee's storage facility to a public roadway for removal by another towing company. It shall not apply to vehicles that are capable of being driven from the storage facility to the roadway.

**§ 89-2. License required.**

A. No towing operator shall operate within the township for police-requested towing services and/or storage services unless the towing operator has obtained a license issued by the township.

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**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND ADOPTION  
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**B. No towing operator shall operate within the Township of Morris a storage facility unless the towing operator has obtained a (STORAGE) license issued by the Township.**

**§ 89-3. Exemptions.**

- A. Owner requested service. No license shall be required for the on-site repair and/or towing or storage of any vehicle when the request therefore is received by the towing operator from the owner or the owner's agent prior to a police request therefore.
- B. Towing from private property. No license shall be required by the police to tow any vehicle from private property without the consent of the owner and private property owner except on the express instruction of the police in the event of an emergency. **This applies to vehicles towed within the Township of Morris only.**

**§ 89-4. Term of license.**

Licenses to tow **and provide storage of vehicles** shall be issued for three calendar years commencing January 1 of the initial calendar year.

**§ 89-5. Application for license.**

- A. Form; required information. An application for a license shall be in writing, signed by the applicant on the form furnished by the township, and shall contain all information necessary to evidence the applicant's identity and legal address, compliance with the requirement of this chapter and ability to perform the towing services contemplated by this chapter.
- B. Filing. Applications shall be filed by October 1 of the year prior to the license year with the Township Clerk, together with the application fee specified in § 89-8.
- C. Eligibility. The applicant must have its primary business location within a distance of five miles from the boundary of the Township of Morris. **[Amended 10-18-2006 by Ord. No. 22-06]**  
**Exception: Tow operators who do NOT perform towing services for the Township of Morris.**

**§ 89-6. Review of application.**

- A. Reference to Chief of Police. Applications received by the Township Clerk shall be referred within two business days to the Township Chief of Police for his review.
- B. Inspection/recommendations. After such examination of the applications and such inspections as the Township Chief of Police may consider necessary to evaluate the applicant's compliance with, and ability to continue to comply with, the requirements of this chapter, the applications shall be returned to the Township Clerk with the recommended approval or disapproval of each application by the Township Chief of Police based upon his examinations, inspections and evaluations. Applicants and licensees shall cooperate with any and all investigations conducted by the Township Chief of Police or his designee or other law enforcement agency working in conjunction with the township police. The requirement of cooperation shall continue throughout the period of application and the duration of the license and storage of vehicles (even if a license is no longer in effect). A license may be denied for

fraud, misrepresentation or false statement in the application.

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**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND ADOPTION  
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**§ 89-7. Issuance of not more than six licenses.**

A. Authorization. The Township Committee shall, at a public meeting by resolution, authorize the issuance of not more than six licenses after consideration of the applications and the recommendations of the Township Chief of Police. Minor irregularities in the application may be waived by the Township Committee. In the event that more than six applicants qualify for a license, the names of all qualified applicants shall be placed in a container, on uniform slips of paper with the identity of every applicant concealed, and the Township Clerk shall draw six slips from the container after all applicants have received at least 10 calendar days, notice of the time when and place where the drawing will occur. Licenses shall be issued to each of the six applicants selected at the drawing. Licensees must have the favorable recommendations of the Chief of Police prior to the new license being issued.

**ONLY two (2) Storage Licenses shall be permitted in the Township of Morris and follow the aforementioned process for the issuance of the licenses should more than two applications arise.**

B. Issuance. The authorized license or licenses shall be issued by the Township Clerk in writing upon payment by the towing operator of the license fee specified in § 89-8.

**§ 89-8. Fees.**

The following schedule of nonrefundable fees is adopted for the obtaining of a towing or Storage license:

A. Application fee. Three hundred dollars for three-year licenses, payable before January 1 of the initial license year. For a temporary license for a period of less than 12 months, the fee shall be prorated on a monthly basis.

**§ 89-9. Suspension or revocation.**

A. General.

- (1) The Township Committee shall have the right to suspend or revoke any license issued under this chapter for good cause upon written complaint of the Chief of Police following his determination that there is probable cause for suspension or revocation based upon violation of this chapter.
- (2) A license may be denied, suspended or revoked for fraud, misrepresentation or false statement in the course of conducting the towing operation, for violation of this chapter or for the conviction of the applicant, its officers or a person or entity holding a 10% or larger interest in the applicant of a crime involving moral turpitude or relating to the towing business. A license may also be denied if the applicant has had a towing license or contract revoked while working for any other municipal, county or state agency. Such revocation shall have occurred within a twelve-month period prior to making application to the Township of Morris.

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**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND ADOPTION  
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**35-08 – AN ORDINANCE AMENDING CHAPTER 89 ENTITLED, " VEHICLES TOWING AND STORAGE" REGULATION TOW STORAGE YARDS FOR COMPANIES THAT DO NOT TOW FOR THE MORRIS TOWNSHIP POLICE BUT MAINTAIN A STORAGE YARD WITHIN THE TOWNSHIP OF MORRIS (CONTINUED)**

- (3) Written notice of such complaint and the bests of the complaint shall be given to the licensee, and the licensee shall be entitled to a hearing before the Township Committee prior to final determination of the complaint by the Township Committee. If, after the hearing, a majority of the members of the Township Committee present and voting decide that there has been a violation, they may terminate or suspend the license.
- B. Emergency suspension. A license may be suspended by the Township Chief of Police whenever the Chief, in his reasonable judgment, considers such suspension necessary for reasons of safety, ***or any significant violation of chapter 89.13.H,*** or has reason to believe that the licensee is not covered by the insurance required by § 89-15A of this chapter. Such suspension shall continue until terminated by the Chief, provided that, if the suspension is not terminated within three business days, the Chief shall file a complaint for suspension or revocation pursuant to § 89-9A, and the suspensions shall remain in effect pending a determination of the complaint.
- C. Temporary license. In the event of an emergency suspension or other failure of the licensee to perform its duties under this chapter, the Chief of Police may issue a temporary license to a towing operator to operate during any licensee's failure to perform should the replacement of said licensee be deemed necessary. The issuance of a temporary license shall be reported to the Township Committee immediately upon issuance. Temporary licenses may be issued for such period of time as may be deemed necessary by the Chief of Police.

**§ 89-10. Equipment.**

- A. Required equipment.
- (1) A towing operator, when filing an application for and at all times while holding a license under this chapter, shall own or lease for use in performing the services required by the license the following items of equipment:
- (a) One light-duty wrecker, or flat bed both types to be equipped with wheel lift.
  - (b) One medium-duty flat bed truck with wheel lift.
  - (c) (Above-mentioned equipment classes (light/medium/heavy) must meet the standards as stated in § 89-1 of this chapter.
- (2) Safety equipment to be carried on all trucks shall include:
- (a) Wheel lift or chassis lift/under reach.
  - (b) "J" hooks and chains or tie-downs.
  - (c) Snatch block.
  - (d) Two high-test safety chains.
  - (e) Auxiliary safety light kit (to be placed on rear of towed vehicle that does not have functioning tail light flashers).
  - (f) Rotating amber emergency lights mounted on top of truck (state-issued permit required and must be in truck).

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**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND  
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**35-08 – AN ORDINANCE AMENDING CHAPTER 89 ENTITLED, " VEHICLES  
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(CONTINUED)**

- (g) Two white work lights facing the rear of vehicle.
  - (h) Two safety cones with reflective strip (minimum height 18 inches).
  - (i) One shovel.
  - (j) One broom.
  - (k) Steering wheel tie-down.
  - (l) Two-way communication system, radio or cellular, with communication between the licensee's base and all of the required trucks and from truck to truck.
  - (m) Jumper cables or jump box.
  - (n) One fuel can capable of carrying five United States gallons of fuel.
  - (o) Toolbox with assorted hand tools.
- B. Tow truck lettering. All tow trucks operated by the licensee shall be permanently lettered on both sides in accordance with New Jersey Statute Title 39. (Newly purchased vehicles will be allowed a four week grace period during which time a pair of magnetic signs may be used).
- C. Required communication. Licensee shall maintain a twenty-four-hour phone number which is manned by the licensee's personnel. Such personnel must have constant two-way communication, radio or cellular, with the licensee's vehicles. Phone calls may be forwarded from the principal business location to a residence during nighttime hours as long as two-way communication can be maintained with licensee's vehicles.

**§ 89-11. Storage and garage facilities.**

- A. Outside secured storage. Each licensee shall have an outside secured storage area to accommodate at least five vehicles at any one time. The outside secured storage area must be solely under the control of the licensee at all times. All storage areas must meet the requirements of N.J.A.C. 11:3-38.2 (definitions) which states: "Outdoor secured" means an automotive storage facility that is not indoors and is secured by a fence, wall or other manmade barrier, that is at least six feet high.
- B. Equipment facility. Each licensee shall have an area and facility adequate for the storage and servicing of the required equipment specified in § 89-10 of this chapter when not in use. Such equipment facility must be within 10 miles, by radius, of the municipal building of the township.
- C. Hours/condition. The required storage and equipment facilities shall be as follows:
- (1) The hours of recovery of vehicles from storage shall be no less than Monday through Friday 8:00 a.m. to 5:00 p.m. and Saturday 9:00 a.m. to 12:00 noon, and prominently posted at all of the above mentioned facilities of the licensee and also made available at the township police headquarters. The vehicle shall be made available by the licensee immediately upon an emergency request by the Township Police Department. Facilities shall be kept clean and in good order to accommodate persons who may enter facilities with respect to any vehicles stored therein. The principal location, in addition to the above mentioned items, shall have adequate

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**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND  
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restroom facilities, with running water, that are clean and in good working order available to persons who may enter the facility with respect to any vehicle towed by the licensee.

- D. Unsecured outside storage. No unsecured storage area of any kind will be permitted for use by any licensee for storage of any vehicle towed under the license.
- E. **The Licensee shall provide the Township of Morris Police Department 24 hour emergency contact information for the licensee and for the company.**

**§ 89-12. Licensee's personnel.**

- A. All tow truck drivers must have an adequate, valid New Jersey driver's license with no restrictions or conditional endorsements, except conditions requiring glasses. Each driver/employee shall be of good moral character, mentally alert and present a neat appearance at all times. Drivers and employees shall wear clothing bearing the licensee's name. Drivers and employees shall behave in a professional and courteous manner at all times when dealing with the Police Department and the public. Possession of a commercial license with appropriate endorsements, when required by law, shall be a minimum mandatory requirement of this chapter.
- B. Light- and medium-duty drivers must obtain Level 1 driver certification from a tow truck operator's training course. New hires must obtain certification within nine months from start of employment.
- C. Heavy-duty drivers must obtain Level 2 driver certification from a tow truck operator's training course. New hires must obtain certification within nine months from start of employment. Heavy-duty drivers must have commercial driver's license (CDL) endorsement on their license.
- D. Recovery supervisors must obtain Level 3 driver certification from a tow truck operator's training course (within nine months of availability) and have training from an industry-recognized recovery course. On the recovery scene, not all personnel need to be recovery qualified, but a responsible recovery supervisor must have the listed requirements.
- E. The licensee must certify that it has provided ongoing training and education of its employees. The towing operator shall show proof of a minimum of six hours of training per employer, per year. If good cause exists to question the training, knowledge or driving record of any tow truck driver or other personnel, the Township Police Department shall inform the applicant or licensee, which shall then be given an opportunity to show cause to the contrary.
- F. At the time of the application or at any time a new tow truck driver is assigned, the licensee shall submit to the Township Clerk the name, driver's license number, social security number and date of birth of the tow truck driver prior to the driver's operation of any tow truck pursuant to a Township Police Department request.
- G. No licensee shall employ, directly or indirectly, any officers of the Township Police Department who may have a financial interest in the business or who are part owners in any way.

**§ 89-13. Towing and storage services.**

Towing and Storage services shall be governed by the following provisions:

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**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND ADOPTION  
(CONTINUED)**

**35-08 – AN ORDINANCE AMENDING CHAPTER 89 ENTITLED, " VEHICLES TOWING AND STORAGE" REGULATION TOW STORAGE YARDS FOR COMPANIES THAT DO NOT TOW FOR THE MORRIS TOWNSHIP POLICE BUT MAINTAIN A STORAGE YARD WITHIN THE TOWNSHIP OF MORRIS (CONTINUED)**

- A. the **TOW** schedule when a **TOW** licensee will be on duty will be set by the Township Police Department's Traffic Bureau and approved by the Chief of Police. The schedule shall be known as the "rotational duty service list."
- B. **TOW** Licensee's will respond to all police requests for towing and/or road service when requested by a police dispatcher or any other police officer expressly authorized to communicate such a request. Licensee will respond with the number of tow trucks requested to the scene within a reasonable time. Such reasonable time shall be deemed to be within 20 minutes under normal atmospheric conditions.
- C. If a **TOW** licensee is wholly or partially unable to respond due to failure of any equipment or personnel insufficiencies, the licensee will immediately notify the Police Department, who will contact the next towing company in the rotation to handle the request. If such an incident occurs, the licensee will furnish, in writing, within five business days, the details of the circumstances which caused the failure to respond to the Township Police Department's Traffic Bureau, which will make a determination if a follow-up investigation and/or inspection of the licensee's facility is required.
- D. Tow trucks of a licensee shall not cruise roadways within the township for business and shall not respond to any scene where towing may be required except upon request of the Township Police Department or as permitted under § 89-3A of this chapter.
- E. No rotating or flashing lights or sirens shall be used on a tow truck except as permitted by New Jersey Department of Motor Vehicles/Department of Transportation (NJDMV/DOT) (N.J.S.A. 39:3-50), and all vehicles operated by the licensee shall have a current permit for said lights issued by the DOT, along with all other required vehicle documents.
- F. All tow trucks shall be operated in accordance with all existing traffic regulations and in a safe and prudent manner. Tow truck drivers will request police assistance when they find it necessary to turn around, back up, tow in a direction opposite the flow of traffic, cross a median or other hazardous situation during the course of providing service or towing.
- G. Each licensee will be responsible for all vehicles and visible contents in their custody that are towed off the roads under direction of the police and shall make an inventory at the scene to note such contents of each vehicle.
- H. No vehicle will be removed from any roadway within the township without proper authorization from the police at the scene or the vehicle owner or operator as the case may be.

**(1) NO vehicle shall be removed from any roadway or private property within the Township of Morris where it is evident that the vehicle has been involved in a motor vehicle accident without authorization from the Police Department . Vehicles with any noticeable body damage, or in close proximity of property damage shall be considered evidence of a possible vehicle accident that the police shall be present to investigate.**

**(2) NO vehicle shall be removed from any roadway or private property where the operator of the vehicle appears to be under the influence of alcohol or drugs based upon the observations of any reasonable person.**

***Violations of section H (1) or (2) shall be forwarded immediately to the Chief of Police and the Township Committee for their review.***

- I. No licensee shall be required to tow to an area farther than the licensed storage area between the hours of 6:00 p.m. and 8:00 a.m. unless said licensee agrees to tow farther. If licensee agrees to tow farther than the licensed storage area between 6:00 p.m. and 8:00 a.m., he/she will only do so if

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**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND ADOPTION  
(CONTINUED)**

**35-08 – AN ORDINANCE AMENDING CHAPTER 89 ENTITLED, " VEHICLES TOWING AND STORAGE" REGULATION TOW STORAGE YARDS FOR COMPANIES THAT DO NOT TOW FOR THE MORRIS TOWNSHIP POLICE BUT MAINTAIN A STORAGE YARD WITHIN THE TOWNSHIP OF MORRIS (CONTINUED)**

adequate towing coverage will be available to the Township of Morris.

- J. The investigating officer and/or supervisor at the incident scene is in complete charge of the incident scene (excluding actual towing operations), and all tow trucks drivers shall comply with the officer/supervisor's instructions.
- K. Each licensee, prior to departing from the scene of towing services, shall be required to clean and clear the roadway of any debris resulting from any accident at such scene when rendering towing services and at all times carry the necessary equipment to perform such cleaning services. Such equipment shall minimally include, but is not limited to, a broom and shovel. The licensee may charge the owner's insurance company for the services rendered.
- L. In the event that a licensee refuses to tow or render services at the scene of an accident or disabled vehicle when requested by the police or vehicle owner/operator, the officer assigned to the incident shall report the refusal to his supervisor with all pertinent details. Police Department standard operating procedure (SOP) will be followed to secure a service to clear the scene and the report of the refusal shall be forwarded to the Township Chief of Police and Township Traffic Bureau as soon as possible for evaluation and follow-up and follow-up of the licensee's refusal to perform its obligation under the license. No towing operator shall be required to tow any vehicle in an unsafe manner or in such a way as to cause unnecessary damage to the vehicle towed or that may cause damage to the towing vehicle.
- M. Each licensee shall be required to keep up-to-date records of all vehicles towed in conjunction with this license. Each licensee shall provide the Township Police Traffic Bureau with a list of all vehicles towed by order of the police (impounded) that remain unclaimed in storage every Friday by 12:00 noon.
- N. Vehicles impounded or confiscated by the police and stored by the licensee shall not be released by the licensee without written authorization by the Police Department.  
**1. The Authorization to Release document must be signed by an authorized Police Department representative before it is provided to the licensee.**
- O. The on-call service when called out must respond with their own equipment.
- P. If the on-call towing service is unable to respond when called for any reason (inability to handle heavy duty, etc.), that towing service must advise the front desk officer so that the next towing service can be called.

**§ 89-14. Towing and storage charges.**

Towing and storage charges shall be paid by the owner of the vehicle towed and/or stored by a licensee at police request and pursuant to N.J.A.C. 11:3-38.6, such charges shall be as follows:

- A. Towing services. The following is the fee schedule for towing services (the fees do not include state taxes): [Amended 8-17-2005 by Ord. No. 18-05]
  - (1) Passenger vehicle rates.
    - (a) Basic towing service.

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**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND ADOPTION  
(CONTINUED)**

**35-08 – AN ORDINANCE AMENDING CHAPTER 89 ENTITLED, " VEHICLES TOWING AND STORAGE" REGULATION TOW STORAGE YARDS FOR COMPANIES THAT DO NOT TOW FOR THE MORRIS TOWNSHIP POLICE BUT MAINTAIN A STORAGE YARD WITHIN THE TOWNSHIP OF MORRIS (CONTINUED)**

[1] Day or night rate; light-duty tow: \$95.

[2] Day or night rate; medium-duty tow: \$175.

(b) Road service. Day or night rate (price does not include the cost of fuel for vehicles out of gas): \$65.

(c) Recovery and/or winching service (per hour): \$150. Said service to be charged in thirty-minute increments with a one-hour minimum pay. (Overturned passenger vehicles will carry a one-hour minimum.)

(d) Cleanup and/or labor charge (per hour): \$50. Charge for cleanup and/or removal of debris or mechanical work to ready vehicle for towing. This charge shall be in effect for additional manpower needed at scene (per man/per hour). To be charged in thirty-minute increments with a one-half-hour minimum. As provided for in N.J.S.A. 39:4-58.8, the towing service is not required to remove any hazardous materials.

(2) Heavy-duty rates (non-passenger vehicles).

(a) Basic towing service (per hour), day or night: \$300, to be charged in thirty-minute increments with a one-hour minimum.

(b) Recovery and/or winching service (per hour): \$350.

B. Storage charges. [Amended 8-17-2005 by Ord. No. 18-05]

(1) Inside secured storage (per calendar day).

(a) Passenger vehicles: \$40.

(b) Vehicles over 22 feet in length will be charged double the rate.

(2) Outside secured storage (per calendar day).

(a) Passenger vehicles: \$30.

(b) Large truck: \$70.

(c) Tractor trailer: \$140.

(d) Vehicles over 22 feet in length will be charged double the rate.

C. The licensee shall accept a minimum of two major credit cards 24 hours a day and must be able to do so at the principal location, on the road at the time service or tow is performed, **or at the storage facility location.**

D. The township and its Police Department shall not be liable to a licensee with respect to towing and/or service rendered to any owner pursuant to the licensee or otherwise. The licensee shall look to the registered owner of such vehicle for payment of towing and/or storage service charges or any other compensation.

E. If a vehicle is towed by a licensee to premises controlled by the Police Department for the purpose of utilizing the vehicle or its contents as evidence or in an on-going criminal investigation, such vehicle

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**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND ADOPTION  
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**35-08 – AN ORDINANCE AMENDING CHAPTER 89 ENTITLED, " VEHICLES TOWING AND STORAGE" REGULATION TOW STORAGE YARDS FOR COMPANIES THAT DO NOT TOW FOR THE MORRIS TOWNSHIP POLICE BUT MAINTAIN A STORAGE YARD WITHIN THE TOWNSHIP OF MORRIS (CONTINUED)**

shall not be released from Police Department custody, except to the licensee, unless the owner of the vehicle furnishes the Police Department with a receipt that all applicable fees for towing and/or service have been paid in full. A second fee may be charged if the vehicle is removed to the licensee's storage area or other destination desired by the police or vehicle owner. If a vehicle is released by the police to any party other than the licensee without proper receipt, the township shall be responsible for at charges, but may pursue its remedy against the owner or other person(s) responsible.

**§ 89-15. Insurance.** The licensee shall have in effect, prior to application and at times during the term of the license, the following insurance:

- A. Garage keepers' policy in the amount of \$1,000,000 for any one claimant and \$3,000,000 for more than one claimant, with \$500,000 coverage for property damage for any one event. This policy must include on-hook coverage of at least \$100,000.
- B. Automobile liability insurance issued by a financially sound insurance corporation of, or authorized to transact business in, the state, insuring the licensee and every tow truck operator against liability imposed by law for damages because of bodily injury, including death, sustained by any person and injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of tow trucks of the licensee. The amount of the limits of liability coverage to be offered by such policy shall be \$500,000 for bodily injury to each person, \$1,000,000 for bodily injuries in each accident and \$500,000 for property damage in each accident.
- C. The licensee shall supply a certificate of insurance to the Township Clerk describing every policy of insurance and identifying the township as an insured party. Each such certificate of insurance shall contain a provision that no cancellation of the policy shall become effective until after the expiration of 15 days' written notice of such proposed cancellation forwarded by the insurance company to the Township Clerk.
- D. The insurance coverage carrier shall have an A.M. Best rating of A or better.

**§ 89-16. Indemnity.**

The application of any towing operator for a license pursuant to this chapter shall include an agreement by the towing operator that, upon the issuance of a license, the licensee shall indemnify the township against all claims of third parties relating to towing and/or storage service of the licensee.

**§ 89-17. Motor vehicle information.**

The Township Police Department shall provide, when requested, towing operators with Department of Motor Vehicles information regarding registered owners and lien holders. The information requested and given shall be in conformance with N.J.S.A. 39:10A et seq. and shall not in any way violate the confidentiality that is reported in the Police Department.

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**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND ADOPTION  
(CONTINUED)**

**35-08 – AN ORDINANCE AMENDING CHAPTER 89 ENTITLED, " VEHICLES TOWING AND STORAGE" REGULATION TOW STORAGE YARDS FOR COMPANIES THAT DO NOT TOW FOR THE MORRIS TOWNSHIP POLICE BUT MAINTAIN A STORAGE YARD WITHIN THE TOWNSHIP OF MORRIS (CONTINUED)**

**§ 89-18. Supplementary rules and regulations.**

- A. The Township Chief of Police may issue rules and regulations from time to time on the operation of towing services and storage facilities to implement but not exceed the purpose of this section.
- B. Such rules and regulations shall be issued by publication in a newspaper in the township. Copies shall be mailed to any and all towing operators licensed by the township or any interested parties who request such copies.
- C. Towing operators may, in writing, request a hearing before the Township Business Administrator within 30 days of the issuance of the rules and regulations.
- D. **Towing Operators and Storage facilities within the Township of Morris must be in compliance with any rule or regulation set forth by the New Jersey Division of Consumer Affairs in the Department of Law and Public Safety. Chapter 89 shall not supersede the aforementioned regulations.**

**§ 89-19. Enforcement.**

The Township Chief of Police is hereby designated to enforce the provisions of this chapter in accordance with due process of law.

**§ 89-20. Copies of regulations and fees.**

Copies of such rules and regulations, this chapter and the fee schedule of the licensees shall be made available to the public at the township police headquarters during normal business hours.

**PUBLIC COMMENT**

NONE

**COMMUNICATIONS OF RECORD**

NONE

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE YES

\* \* \*

**36-08 – AN ORDINANCE AUTHORIZING APPROPRIATION FROM THE SEWER CAPITAL FUND BALANCE IN THE AMOUNT OF \$75,000 FOR THE BURNHAM ROAD IMPROVEMENT PROJECT**

BE IT ORDAINED by the Township Committee of the Township of Morris, in the County of Morris and State of New Jersey, they being the governing body of said Township, as follows:

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**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND ADOPTION  
(CONTINUED)**

**36-08 – AN ORDINANCE AUTHORIZING APPROPRIATION FROM THE SEWER CAPITAL FUND BALANCE IN THE AMOUNT OF \$75,000 FOR THE BURNHAM ROAD IMPROVEMENT PROJECT (CONTINUED)**

SECTION ONE: There is hereby appropriated from the Sewer Capital Fund Balance, the sum of \$75,000 for the Burnham Road Improvement Project

SECTION TWO: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION THREE: All Ordinances of the Township of Morris which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION FOUR: This Ordinance shall take effect upon final passage and publication thereof, as provided by law.

**PUBLIC COMMENT**

NONE

**COMMUNICATIONS OF RECORD**

NONE

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE YES

\* \* \*

**37-08 ORDINANCE AUTHORIZING APPROPRIATION FROM THE GENERAL CAPITAL FUND BALANCE FOR THE BURNHAM ROAD IMPROVEMENT PROJECT**

BE IT ORDAINED by the Township Committee of the Township of Morris, in the County of Morris and State of New Jersey, they being the governing body of said Township, as follows:

SECTION ONE: There is hereby appropriated from the General Capital Fund Balance, the sum of \$75,000 for the Burnham Road Improvement Project

SECTION TWO: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

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**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND ADOPTION  
(CONTINUED)**

**37-08           ORDINANCE AUTHORIZING APPROPRIATION FROM THE GENERAL  
CAPITAL FUND BALANCE FOR THE BURNHAM ROAD  
IMPROVEMENT PROJECT (CONTINUED)**

SECTION THREE: All Ordinances of the Township of Morris which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION FOUR: This Ordinance shall take effect upon final passage and publication thereof, as provided by law.

**PUBLIC COMMENT**

NONE

**COMMUNICATIONS OF RECORD**

NONE

ROLL CALL: MR. GOLDBERG YES   MR. ROSENBUSH YES  
              MR. GRAYZEL    YES   MR. WATSON       YES  
                                  MAYOR NACE YES

\* \* \*

**ORDINANCES - INTRODUCTION**

Each ordinance as hereinafter set forth was introduced, passed on first reading by the vote as hereinafter indicated, with a public hearing thereon scheduled for the December 17, 2008 meeting at 8:00 P.M.:

**38-08 "AMENDING CHAPTER 88 ENTITLED, "VEHICLES AND TRAFFIC," ARTICLE II, SECTION 88-2.2, ARTICLE XXI, "APPLICATION OF SUBTITLE 1 OF TITLE 39 OF THE REVISED STATUTES TO CERTAIN ROADS, STREETS, DRIVEWAYS AND PARKING AREAS." AND SCHEDULE I "NO PARKING AT ANY TIME" ON CERTAIN STREETS (WESTMINSTER PLACE, INDIAN HEAD ROAD, AND WHEATSHEAF FARM ROAD)"**

**BE IT HEREBY ORDAINED** by the Township Committee of the Township of Morris, they being the governing body thereof that the Code of the Township of Morris is hereby amended as follows:

**SECTION ONE:** Be it hereby ordained by the Township Committee of the Township of Morris that the following sections and schedules as designated in Chapter 88 of the Code of the Township of Morris are hereby amended as set forth below.

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**ORDINANCES – INTRODUCTION (CONTINUED)**

**38-08 "AMENDING CHAPTER 88 ENTITLED, "VEHICLES AND TRAFFIC," ARTICLE II, SECTION 88-2.2, ARTICLE XXI, "APPLICATION OF SUBTITLE 1 OF TITLE 39 OF THE REVISED STATUTES TO CERTAIN ROADS, STREETS, DRIVEWAYS AND PARKING AREAS." AND SCHEDULE I "NO PARKING AT ANY TIME" ON CERTAIN STREETS (WESTMINSTER PLACE, INDIAN HEAD ROAD, AND WHEATSHEAF FARM ROAD)" (CONTINUED)**

1. Schedule I: No Parking At Any Time

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Westminster Place	Both	Beginning at a point 500 feet east of its intersection with Overlook Road in a southerly direction to its terminus.
Indian Head Road	Both	Beginning at a point 1,295 feet north of its intersection with Mendham Road (State Route 124) to its terminus.
Wheatsheaf Farm Road		Both Entire length for the purpose of giving the Township the authority to enforce the provisions of Title 39 of the New Jersey State Statutes on a private road.

**SECTION TWO:** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION THREE:** All Ordinances of the Township of Morris which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION FOUR:** This Ordinance shall take effect upon final passage and publication thereof, as provided for by law.

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE YES

\* \* \*

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**ORDINANCES – INTRODUCTION (CONTINUED)**

**39-08 "ORDINANCE AUTHORIZING THE CONTRIBUTION OF OPEN SPACE TRUST FUNDING TO THE TRUST FOR PUBLIC LAND FOR THE ACQUISITION OF A PORTION OF THE ST. MARY'S ABBEY PROPERTY IN THE TOWNSHIP OF MORRIS"**

**BE IT HEREBY ORDAINED**, by the Township Committee of the Township of Morris, they being the governing body thereof as follows:

**SECTION ONE:**

- A. There is hereby appropriated from the Open Space Trust Fund of the Township of Morris the sum of \$1,000,000.00 to be contributed toward the acquisition of a portion of Lot 2, Block 4501, amounting to approximately 188 acres owned by the Order of St. Benedict – St. Mary's Abbey, by the Trust for Public Land.

**SECTION TWO:**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION THREE:**

All Ordinances of the Township of Morris which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION FOUR:**

This Ordinance shall take effect upon final passage and publication thereof, as provided for by law.

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE YES

\* \* \*

**40-08 RECINDING ORDINANCE NO. 31-08 ENTITLED "AN ORDINANCE AMENDING APPENDIX A119 OF THE CODE OF THE TOWNSHIP OF MORRIS, MORRIS COUNTY, NEW JERSEY, GRANTING AN EASEMENT TO JERSEY CENTRAL POWER AND LIGHT ON TOWNSHIP OWNED PROPERTY KNOWN AS THE COLLINSVILLE FIREHOUSE."**

**BE IT HEREBY ORDAINED** by the Township Committee of the Township of Morris as follows:

**SECTION ONE:** Ordinance No. 31-08 entitled "An Ordinance amending Appendix A119 of the Code of the Township of Morris, Morris County, New Jersey, granting an easement to Jersey Central Power and Light on Township owned property known as the Collinsville Firehouse" is hereby rescinded.

**SECTION TWO:** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or

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**ORDINANCES – INTRODUCTION (CONTINUED)**

**40-08 RECINDING ORDINANCE NO. 31-08 ENTITLED "AN ORDINANCE AMENDING APPENDIX A119 OF THE CODE OF THE TOWNSHIP OF MORRIS, MORRIS COUNTY, NEW JERSEY, GRANTING AN EASEMENT TO JERSEY CENTRAL POWER AND LIGHT ON TOWNSHIP OWNED PROPERTY KNOWN AS THE COLLINSVILLE FIREHOUSE."**

unenforceable, such decision shall not affect the remaining portion of this ordinance.

**SECTION THREE:** all ordinances of the Township of Morris which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION FOUR:** this ordinance shall take effect upon final passage and publication thereof as provided by law.

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE YES

\* \* \*

**41-08 – AMENDING ORDINANCE NO. 29-08 (CHAPTER 57 SECTION 166, DEVELOPMENT FEES FOR AFFORDABLE HOUSING)**

BE IT HEREBY ORDAINED by the Township Committee of the Township of Morris, in the County of Morris and State of New Jersey, they being the governing body of said Township, as follows:

**SECTION ONE:** SECTION 57-166(A) IS AMENDED TO REPLACE THE DEFINITION OF EQUALIZED ASSESSED VALUE WITH THE FOLLOWING DEFINITION:

“Equalized assessed value” - the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

**SECTION 57-166(B)(1) IS AMENDED TO READ AS FOLLOWS:**

(1) Pursuant to N.J.A.C. 5:97-8.3 (c), developers shall pay a fee of one and one half percent (1 1/2%) of the equalized assessed value for residential development in all zone districts provided no increased density is permitted.

**SECTION 57-166(C) IS AMENDED TO DELETE THE LAST SENTENCE OF SUBSECTION (3) AND ADD A NEW SUBSECTION (4) AS FOLLOWS:**

4. The following uses shall also be exempt from the imposition of the non-residential development fee:

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**ORDINANCES – INTRODUCTION (CONTINUED)**

**41-08 – AMENDING ORDINANCE NO. 29-08 (CHAPTER 57 SECTION 166,  
DEVELOPMENT FEES FOR AFFORDABLE HOUSING)  
(CONTINUED)**

- (a. through f. remain) a new sub-section g. is added:
- g. Non-residential development taking place entirely within the existing footprint.

SECTION 57-166(C)(7) IS DELETED.

SECTION 57-166(D) IS AMENDED TO READ AS FOLLOWS:

- D. Eligible Residential Development, Ineligible Residential Development and Exemptions

SECTION 57-166(E) IS AMENDED TO ADD A NEW SUB-SECTION (5) AS FOLLOWS:

- (5) Payment and collection shall be as prescribed in Form N-RDF or any authorized replacement.

SECTION 57-166(F) IS AMENDED AS FOLLOWS:

- 1) There is hereby created an interest-bearing Housing Trust Fund to be maintained in a designated depository institution approved by the Township Committee for the purpose of receiving the development fees from residential (and non-residential developers). All development fees paid by developers pursuant to this subsection shall be deposited in this fund. No money shall be expended from the Housing Trust Fund unless the expenditure conforms to a spending plan approved by COAH.

SECTION TWO: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portion of this ordinance.

SECTION THREE: all ordinances of The Board of Health of the Township of Morris which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION FOUR: this ordinance shall take effect upon final passage and publication thereof as provided by law.

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE YES

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**ORDINANCES – INTRODUCTION (CONTINUED)**

**42-08 AMENDING CHAPTER 67 ENTITLED “POOL MUNICIPAL: RULES AND REGULATIONS”**

BE IT HEREBY ORDAINED by the Township Committee of the Township of Morris they being the governing body thereof as follows:

SECTION ONE: Chapter 67 of the Code of the Township of Morris is hereby amended in its entirety to read as follows:

§ 67-1. Definitions.

For the purpose of this ordinance, the terms used herein are defined as follows:

AGE - The individual's age on July 1 of each season.

AREA - The total area belonging to the Township of Morris.

NONRESIDENT - Any person or persons who do not dwell permanently or continually within the confines of the Township of Morris, New Jersey. [Added 2-9-72 by Ord. No. 6-72]

POOL APRON - The prepared concrete deck immediately surrounding the water surface of the various pools.

POOL AREA - The entire fenced area surrounding the pool.

POOL PATIO - The prepared concrete deck adjoining the refreshment area and the pool building.

RESIDENT - A person who dwells permanently or continually within the confines of the Township of Morris, New Jersey.

§ 67-2. Membership.

- A. Membership is open to residents of the Township of Morris. Applications for membership from nonresidents will be accepted on a limited basis to be determined by the Township Committee, Township of Morris. Applications in excess of the maximum membership capacity of 4,000 memberships will be placed on a waiting list. As vacancies occur, the applications from Morris Township residents will be taken from the waiting list in the sequence in which they were received. Membership is valid for one season only and shall have no bearing on eligibility in any successive

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**ORDINANCES – INTRODUCTION (CONTINUED)**

**42-08 AMENDING CHAPTER 67 ENTITLED “POOL MUNICIPAL: RULES AND REGULATIONS” (CONTINUED)**

season. [Amended 2-9-1972 by Ord. No. 6-72; 2-16-2005 by Ord. No. 2-05]

- B. Types of membership: [Amended 2-9-1972 by Ord. No. 6-72; 2-13-1974 by Ord. No. 10-74; 1-23-1980 by Ord. No. 1-80; 2-23-1983 by Ord. No. 2-83; 2-17-1993 by Ord. No. 8-93; 12-6-2006 by Ord. No. 25-06]
- (1) Family membership, resident or nonresident: this membership includes a couple or widow or widower only and all children, natural or adopted, unmarried and living at home, including state ward children who are not yet twenty-three (23) years of age on July 1 of the membership year.
  - (2) Couple membership of two people, one of whom is an adult, resident or nonresident, who reside in the same dwelling. (Child, if any, who is not yet 23 years of age on 7/1 of the membership year).
  - (3) Baby-sitter or parent's helper, resident or nonresident, does not reside in the same household, but must be accompanied by the children for which they are responsible and which children must be members of a household membership.
  - (4) Individual membership, resident or nonresident, is available to any one individual 12 years of age or over. Children between the ages of 12 and 16 must successfully complete a swim pool proficiency test prior to obtaining an individual membership.
  - (5) Senior citizen individual membership, resident or nonresident, is available to any one individual who is of the age of 62 years or older on July 1 of the membership year, and such person must present proof of age at the time of application by either a photo static copy of his or her birth certificate or other proof satisfactory to the Township of Morris.
  - (6) Senior citizen couple membership, resident or nonresident, is available to any senior couples who are of the age of 62 years or older on July 1 of the

**TOWNSHIP COMMITTEE MEETING  
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**ORDINANCES – INTRODUCTION (CONTINUED)**

**42-08 AMENDING CHAPTER 67 ENTITLED “POOL MUNICIPAL: RULES AND REGULATIONS” (CONTINUED)**

membership year, and such persons must present proof of age at the time of application by either a photo static copy of his or her birth certificate or other proof satisfactory to the Township of Morris.

(7) The Township of Morris reserves the right to request proof of residency.

C. Servicemen who are residents of Morris Township and who are on leave or discharged during the period of January through Labor Day of the current pool season shall be given a pool membership free of charge, upon proof of leave or discharge at the time of application for this privilege. [Amended 2-16-2005 by Ord. No. 2-05; 4- 5-2006 by Ord. No. 5-06]

§ 67-3. Use of pool.

A. All members, upon proper identification card being presented to the pool office, shall be entitled to use either pool facility. [Amended 2-9-1972 by Ord. No. 6-72]

B. Membership will be accomplished by submitting a complete application to the Parks and Recreation Department. Upon approval, an identification card will be issued. This card is nontransferable. [Amended 2-16-2005 by Ord. No. 2-05]

C. Membership will be accomplished by submission, acceptance, and execution of a written application to the Department of Parks and Recreation:

Mail to:  
Township of Morris  
Parks & Recreation Department  
50 Woodland Avenue  
P.O. Box 7603  
Convent Station, New Jersey 07961-7603

Upon approval, an identification card will be issued. This card is nontransferable.

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**ORDINANCES – INTRODUCTION (CONTINUED)**

**42-08 AMENDING CHAPTER 67 ENTITLED “POOL MUNICIPAL: RULES AND REGULATIONS” (CONTINUED)**

D. Senior citizens who are 62 years of age or over, who are related to pool members, may receive free guest privileges to the pool area only, excluding swimming, and then only when accompanied by the pool member to whom they are related. [Added 4-14-1971 by Ord. No. 16-71; amended 1-23-1980 by Ord. No. 1-80; 4-5-2006 by Ord. No. 5-06]

§ 67-4. Hours of operation.

The Township Committee of the Township of Morris shall, from time to time and as it sees fit, establish hours of operation of the municipal swimming pool by resolution of said Township Committee.

§ 67-5. Membership fees. (Last amended 2/08 by Ord. No. 2-08 )

A. Fees. [Amended 3-1-1995 by Ord. No. 4-95; 2- 20-2002 by Ord. No. 1-02; 2-19-2003 by Ord. No. 3-03; 2-18-2004 by Ord. No. 2-04; 2-16-2005 by Ord. No. 2-05; 12-6-2006 by Ord. No. 25-06: 12-17-08 by Ord. No. 42-08]

(1)	Individual membership (12 years and older):	Rate Prior to May 1	Rate Beginning May 1
	(a) Resident	\$ 150	\$ 155
	(b) Nonresident:	\$ 295	\$ 300
(2)	Couple membership (2 people):		
	(a) Resident:	\$ 225	\$ 235
	(b) Nonresident:	\$ 365	\$ 375
(3)	Baby-sitter/parent's helper:		
	(a) Resident:	\$ 100	\$ 100
	(b) Nonresident:	\$ 100	\$ 100

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**ORDINANCES – INTRODUCTION (CONTINUED)**

**42-08 AMENDING CHAPTER 67 ENTITLED “POOL MUNICIPAL: RULES AND REGULATIONS” (CONTINUED)**

(4) Family membership:

(a) Resident family:	\$ 310	\$ 320
(b) Nonresident family:	\$ 465	\$ 480

(5) Senior citizen individual (62 years and older):

(a) Resident:	\$ 55	\$ 60
(b) Nonresident:	\$ 115	\$ 125

(6) Senior citizen couple (62 years and older):

(a) Resident:	\$ 95	\$ 100
(b) Nonresident:	\$ 195	\$ 200

B. Membership fees shall be paid in full with the filing of the application for membership.

C. Guests will be permitted to members as follows: Each Family membership will receive four (4) free one(1)-day guest privileges, each Couple membership shall receive three free one (1)-day guest privileges, and each individual membership will receive two (2)free one-day guest privileges, which guest privilege may be used at any time during the pool season.

Thereafter, guests will be permitted to members by purchasing a daily guest pass at the pool at a charge of \$8 each per day on weekdays and \$10 each per day on weekends and holidays. However, all members may purchase books of 10 one-day guest privileges at the rate of \$70 for each book of (ten)10 from the Parks and Recreation Department, which guest privileges may be used at any time during the current pool season and the following pool season. All guests, however, must be accompanied by the member at all times. Failure to accompany the member at all times may result in revocation of the membership without refund. Prior year members who renew their membership prior to May 1<sup>st</sup> of each year shall receive an additional four (4) one(1)-day current season guest privileges for a Family membership or

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**ORDINANCES – INTRODUCTION (CONTINUED)**

**42-08 AMENDING CHAPTER 67 ENTITLED “POOL MUNICIPAL: RULES AND REGULATIONS” (CONTINUED)**

an additional two (2) one(1)-day current season guest privileges for a Couple or an Individual` membership. [Amended 2-18-2004 by Ord. No. 2-04; 4-5-2006 by Ord. No. 5-06; 12-6-2006 by Ord. No. 25-06; 12-17-08 by Ord. No.42-08]

- D. No fees are returnable for any reason after opening day of each season.
- E. Children's swim lessons may be offered at the discretion of the Township of Morris. If offered, said lessons shall be available to the children between the ages of 4 and 12, four (4) days a week for two (2) weeks at a cost of \$30 per child. [Added 6-7-1995 by Ord. No. 17- 95; amended 2-16-2005 by Ord. No. 2-05; 12-6- 2006 by Ord. No. 25-06]
- F. Swim team is offered to all children between ages 6 – 17 at a cost of \$30 per child. [Added 12-6-2006 by Ord. No. 25-06]
- G. The Parks and Recreation Department of the Township of Morris is authorized to offer for sale, from time to time, coffee, bagels and other refreshments. All moneys are to be remitted to the Chief Financial Officer of the Township of Morris. [Added 6-7-1995 by Ord. No. 17-95]
- H. Camp Fees. The Township Committee of the Township of Morris may set by Resolution fees for pool admissions of participants and staff of private and not-for-profit summer camps located within the Township of Morris.
- I. Waiver or Reduction of Pool Membership Fees
  - (1) Fees required under Section A. above shall be reduced by 50% for any Township resident receiving public assistance. For the purposes of this section, public assistance shall include

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**ORDINANCES – INTRODUCTION (CONTINUED)**

**42-08 AMENDING CHAPTER 67 ENTITLED “POOL MUNICIPAL: RULES AND REGULATIONS” (CONTINUED)**

participation in the following: Welfare assistance, subsidized housing, federal school lunch program, food stamps, or other bona fide forms of public assistance.

(2) Pool Membership fees may be reduced or waived by the Director of Parks and Recreation for individuals residing in transitional housing located within the Township of Morris. Such reductions or waivers shall be requested in writing to the Director of the Department of Parks and Recreation and shall include the specific justification for the fee waiver or reduction request.

§ 67-6. Identification cards.

- A. All members will be issued identification cards which must be shown for admission to the pool area.
- B. Identification cards are not transferable.
- C. Lost cards must be reported immediately to the pool management, and the individual may secure temporary admission for one day only. [Amended 4-14-1971 by Ord. No. 16-71]
- D. New permanent identification cards may be secured at the Parks and Recreation Department at the hours posted by the Parks and Recreation Department. A fee of \$6 will be payable to the Township of Morris for the replacement card. [Amended 4-14-1971 by Ord. No. 16-71; 2-17-1993 by Ord. No. 8-93; 3-23-1994 by Ord. No. 4-94; 4-5-2006 by Ord. No. 5-06; 12-6-2006 by Ord. No. 25-06]
- E. [Repealed 4-14-1971 by Ord. No. 16-71]
- F. [Repealed 4-14-1971 by Ord. No. 16-71]
- G. Membership cards, permanent or temporary, are nontransferable. Anyone transferring and/or anyone who is the recipient of a transferred card, who is also a pool

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**ORDINANCES – INTRODUCTION (CONTINUED)**

**42-08 AMENDING CHAPTER 67 ENTITLED “POOL MUNICIPAL: RULES AND REGULATIONS” (CONTINUED)**

member, will have pool privileges revoked for the remainder of the season without refund.

H. Persons defacing a card shall lose swimming privileges for seven days and shall be charged \$6 for a new card. A second offense shall cause revocation of pool privileges for the remainder of the season without refund. [Amended 2-16-2005 by Ord. No. 2-05: 12-6-2006 by Ord. No. 25-06]

I. If membership is obtained by a fraudulent statement, the membership of the entire household shall be cancelled without refund. [Added 4-5-2006 by Ord. No. 5-06]

§ 67-7. General rules and general prohibitions. [Added 4-11-1973 by Ord. No. 11-73]

The Township Committee of the Township of Morris may from time to time adopt by resolution general rules and general prohibitions governing the municipal swimming pools in the Township of Morris and may amend the same from time to time by resolution, and said general rules and general prohibitions as may be so adopted by resolution of the Township Committee shall be enforced as set forth in 67-9 hereof, and the penalty as set forth in § 67-10 hereof shall apply.

§ 67-8. (Reserved)

§ 67-9. Enforcement of rules and regulations.

A. Regulations shall be posted at the pool and strictly enforced.

B. The Pool Manager, or the Assistant Manager, or the Head Lifeguard in his/her absence may close or limit the swimming facilities, or establish such additional rules and regulations, whenever in his/her judgment such action is deemed necessary or desirable for the protection of health or safety of such persons entitled to use such facilities.

C. Members of the Police Department of the Township of Morris, the Director of Parks and Recreation, the Pool

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**ORDINANCES – INTRODUCTION (CONTINUED)**

**42-08 AMENDING CHAPTER 67 ENTITLED “POOL MUNICIPAL: RULES AND REGULATIONS” (CONTINUED)**

Manager, the Assistant Manager and all lifeguards, when on duty at the swimming facilities, shall have authority to prohibit any action or conduct which they may consider to be dangerous, improper or immoral and any act or actions in violation of rules and regulations hereinbefore provided.

§ 67-10. Violations and penalties.

Any person or persons who shall violate these rules and regulations shall be subject to immediate ejection from the area by the official in charge thereof, and his membership subject to revocation or suspension by the Township; or, if a complaint shall be filed, any person or persons who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be subject to a fine or imprisonment, or both, in the discretion of the Magistrate imposing said fine or penalty, not exceeding \$200 or 30 days in jail.

§ 67-11. When effective.

**SECTION TWO:** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION THREE:** All Ordinances of the Township of Morris which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION FOUR:** This Ordinance shall take effect upon final passage and publication thereof, as provided for by law.

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE YES

\* \* \*

**TOWNSHIP COMMITTEE MEETING  
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**SUMMARY OF BIDS RECEIVED SEPTEMBER 3, 2008**

Township Administrator Fred J. Rossi reported that on October 8, 2008, the Receipt of Public Bids Committee met at 10:00 A.M., in the Municipal Building, 50 Woodland Avenue, and received bids on the projects hereafter enumerated.

NAME OF PROJECT                      NAME/ADDRESS OF BIDDERS

- OTE: 2008-11**     BURNHAM ROAD IMPROVEMENTS
- OTE: 2008-12-1** CAB AND CHASSIS W/75,000 LB. ROLL-OFF HOIST SYSTEM
- OTE: 2008-12-2** DPW TRUCK W/PLOW
- OTE: 2008-12-3** 4/2 VACUUM STREET SWEEPER
- OTE: 2008-12-4** TRAILER/WOODCHIPPER

Submitted, read in full, and placed on file in the Office of the Municipal Clerk, is a letter from the James R. Slate, Township Engineer dated November 9, 2008 (ENG- 298a -08) and letters from James A. Stoia, Superintendent of Public Works dated November 5, 2008 ( OTE: 2008-12-1, OTE: 2008-12-2, OTE: 2008-12-3 (letter of rejection), OTE: 2008-12-4.)

On motion duly made, seconded and unanimously carried (5-0) authorization was given for the award of bids received by the Township Engineer and Superintendent of Public Works for OTE: 2008-11, OTE: 2008-12-1, OTE: 2008-12-2, OTE: 2008-12-4 and the rejection of bid OTE: 2008-12-3 received by the Superintendent of Public Works as specified in the appropriate resolutions set forth hereinafter.

\* \* \*

**RESOLUTIONS**

In the next matter of business the following resolutions were duly offered, seconded and adopted by the vote as indicated at the end of the text of the resolutions:

**186-08 AUTHORIZING TRANSFER OF FUNDS**

WHEREAS, various 2008 Current Fund bills will be presented for payment and,

WHEREAS, NJS 40A:4-58 and NJS 40A:4-59 provides that excess unexpended balances in appropriations can be transferred to meet specific needs which are deemed to be insufficient,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Township Committee that in accordance with the provisions of NJS 40A:4-58 and NJS 40A:4-59 that the excess, in certain appropriations, be and the same are hereby transferred to the appropriations that are deemed insufficient.

<u>AMOUNT</u>	<u>FROM</u> <u>APPROPRIATION</u>	<u>TO</u> <u>APPROPRIATION</u>
\$14,000	Administration & Executive S/W	Planning Board O/E
\$8,000	Planning Board S/W	Planning Board O/E
\$3,000	Board of Adjustment S/W	Planning Board O/E
\$4,000	Administration & Executive S/W	Telephone O/E
\$1,000	Construction Code O/E	Construction Code S/W
\$2,000	Construction Code O/E	Electric O/E
\$5,000	Finance S/W	Electric O/E

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**RESOLUTIONS (CONTINUED)**

186-08 AUTHORIZING TRANSFER OF FUNDS (CONTINUED)

<u>FROM AMOUNT</u>	<u>TO APPROPRIATION</u>	<u>APPROPRIATION</u>
\$11,000	Administration & Executive S/W	Gasoline
\$5,000	Engineering S/W	Gasoline
\$10,000	Police S/W	Gasoline
\$4,000	Fire S/W	Gasoline
\$5,000	Roads S/W	Gasoline
\$5,000	Vehicle Maintenance S/W	Gasoline
\$5,000	Parks S/W	Gasoline
\$5,000	Street Lights	Gasoline
\$5,000	Recreation S/W	Gasoline
\$5,000	Board of Health S/W	Gasoline
\$10,000	Police S/W	Police O/E
\$3,000	Finance S/W	Natural Gas
\$2,000	Tax Collector S/W	Natural Gas
\$3,000	Administration & Executive O/E	Fire O/E

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE YES

\* \* \*

187-08 AUTHORIZING AWARD TO ABSOLUTE FIRE PROTECTION COMPANY, INC., 2800 HAMILTON BLVD., SOUTH PLAINFIELD, NJ 07080-2598 FOR PURCHASE OF SNAP-TITE FIRE HOSE AVAILABLE THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL, CONTRACT #40, ITEM 31, IN AN AMOUNT NTE \$74,854.65

WHEREAS, the Township of Morris wishes to purchase fire hose, and

WHEREAS, the above item is available through Morris County Cooperative Pricing Council under contract no. 40, Item No. 31 from Absolute Fire Protection Company, Inc., and

WHEREAS, the Director of Finance has certified that funds are available in General Capital, Line No. G-04-55-816-060 in the amount of \$74,854.65.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, Township of Morris, State of New Jersey, that a contract be awarded to Absolute Fire Protection Company, Inc., 2800 Hamilton Blvd., South Plainfield, NJ 07080-2598 for the purchase of Snap-Tite hose in the amount not to exceed \$74,854.65.

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE YES

\* \* \*

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**RESOLUTIONS (CONTINUED)**

188-08 AUTHORIZING AWARD TO WARNOCK FLEET AND LEASING, 175 ROUTE 10, PO BOX 524, EAST HANOVER, NJ 07936-0524 FOR THE PURCHASE OF A 4-WHEEL DRIVE, 4-DOOR SMALL UTILITY VEHICLE, 2009 JEEP LIBERTY, FOR USE BY THE CONSTRUCTION CODE DEPARTMENT IN AN AMOUNT NTE \$16,431.20

WHEREAS, the Township of Morris wishes to purchase a 4-wheel drive, 4-door small utility vehicle for use by the Construction Code Department, and

WHEREAS, the above item is available through Morris County Cooperative Pricing Council under contract no. 15-C, Item No. 1 from Warnock Fleet and Leasing, 175 Route 10, PO Box 524, East Hanover, NJ 07936-0524, and

WHEREAS, the Director of Finance has certified that funds are available in Construction Code O.E. in the amount of \$16,431.20.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, Township of Morris, State of New Jersey, that a contract be awarded to Warnock Fleet and Leasing for the purchase of a 2009 Jeep Liberty in the amount not to exceed \$16,431.20.

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE YES

\* \* \*

189-08 AUTHORIZING AWARD TO WARNOCK FLEET AND LEASING, 175 ROUTE 10, PO BOX 524, EAST HANOVER, NJ 07936, FOR THE PURCHASE OF A 2009 FORD EXPLORER XLT 4 WD FOR USE BY THE POLICE DEPARTMENT IN AN AMOUNT NTE \$24,437

WHEREAS, the Township of Morris wishes to purchase a police vehicle, and

WHEREAS, the above item is available through the Cranford Police Cooperative Pricing System from Warnock Fleet and Leasing, 175 Route 10, PO Box 524, East Hanover, NJ 07936-0524, and

WHEREAS, the Director of Finance has certified that funds are available in Purchase of Police Cars in the amount of \$24,437.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, Township of Morris, State of New Jersey, that a contract be awarded to Warnock Fleet and Leasing for the purchase of a 2009 Ford Explorer XLT 4WD in the amount not to exceed \$24,437.

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE YES

\* \* \*

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**RESOLUTIONS (CONTINUED)**

**190-08** APPOINTED ROBERT J. LETTIERE, 326 MT. KEMBLE AVENUE, MORRISTOWN, NJ 07960 TO THE HISTORIC PRESERVATION COMMISSION AS A CLASS "C" MEMBER, TERM EXPIRING DECEMBER 31, 2010

BE IT RESOLVED by the Township Committee of the Township of Morris that Robert J. Lettiere, 326 Mt. Kemble Avenue, Morristown, NJ 07960 is hereby appointed to the Historic Preservation Committee to fulfill the unexpired term of Peter H. Palmer said term to expire on December 31, 2010.

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE YES

\* \* \*

**191-08** AUTHORIZING REFUND OF MONIES DUE TO TAX OVERPAYMENTS (1-\$1,466.04) AND SEWER OVERPAYMENTS (2-\$236.80)

WHEREAS, the Collector of Taxes has certified to the Township of Morris that certain payments be refunded, and

WHEREAS, the Governing Body has reviewed said certification and approved the same.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Morris, being the Governing Body thereof, that these monies be refunded, i.e.:

<u>TAX</u>	<u>Block Lot</u>	<u>Name</u>	<u>Reason</u>	<u>Amount</u>
6604	4	Chase Home Financial	Refund O/P 3 <sup>rd</sup> Qtr 2008	\$1,466.04
<b><u>SEWER</u></b>				
6801	71	Jeffrey & Darlene Vinton	Refund O/P 4 <sup>th</sup> Qtr 2008	\$ 147.91
6203	10	Joan Shulman	Refund O/P 4 <sup>th</sup> Qtr 2008	\$ 88.89

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE YES

\* \* \*

**192-08** AUTHORIZING THE CONDUCTING OF A "CLOSED MEETING" AS DEFINED IN THE OPEN PUBLIC MEETINGS ACT CONCERNING "LEGAL AND PERSONNEL MATTERS"

WHEREAS, this meeting is a duly and properly called meeting of the Township Committee of the Township of Morris and adequate notice has been given as required by the "Open Public Meetings Act", and

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**RESOLUTIONS (CONTINUED)**

192-08      AUTHORIZING THE CONDUCTING OF A "CLOSED MEETING" AS DEFINED  
IN THE OPEN PUBLIC MEETINGS ACT CONCERNING "LEGAL AND  
PERSONNEL MATTERS" (CONTINUED)

WHEREAS, it is now necessary that this Governing Body consider matters involving "Legal and Personnel Matters", exceptions in the "Open Public Meetings Act", and which this Governing Body determines should be discussed at a "Closed Meeting".

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Committee of the Township of Morris as follows:

That this body shall conduct a "Closed Meeting" concerning the above-excepted matters, which are exceptions set forth in the said act, and upon which a public disclosure will be made as expeditiously as possible; said meeting to be held during a recess of this Regular Meeting at the Municipal Building, 50 Woodland Avenue.

ROLL CALL: MR. GOLDBERG YES      MR. ROSENBUSH YES  
                 MR. GRAYZEL YES      MR. WATSON YES  
                                         MAYOR NACE YES

\* \* \*

93-08      AUTHORIZING AWARD OF A FAIR AND OPEN CONTRACT FOR BID OTE: 2008-11  
BURNHAM ROAD IMPROVEMENTS TO JENICAR BUILDERS CONTRACTORS CO.,  
INC. 573 BELGROVE DRIVE, KEARNY, NJ 07032 IN AN AMOUNT NTE \$821,841.90

WHEREAS, this municipality has, in accordance with the Local Public Contracts Law of the State of New Jersey, received bids for the following:

BURNHAM ROAD IMPROVEMENTS, and

WHEREAS, after review and recommendation from the appropriate official, it appears that the contract should be awarded to the lowest responsible bidder, JENICAR BUILDERS CONTRACTORS CO., INC, and

WHEREAS, a Certificate of Availability of Funds has been provided to the Township Clerk by the Chief Financial Officer of this Township, certifying that the funds for said contract are available in the following line item appropriations, G-04-055-816-011, S-06-55-621-302, G-04-55-620-802, and additional funding is being provided for as Ordinance Nos. 36-08 and 37-08 are finalized, and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Committee of the Township of Morris, being the Governing Body of said Township, as follows:

1. That the subject contract is hereby awarded to JENICAR BUILDERS CONTRACTORS CO., INC. 573 BELGROVE DRIVE, KEARNY, NJ 07032.
2. The Mayor and Clerk of this Township be and are hereby authorized and directed to execute the contract and all other necessary documents in order to effectuate the purpose of this resolution.

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**RESOLUTIONS (CONTINUED)**

93-08 AUTHORIZING AWARD OF A FAIR AND OPEN CONTRACT FOR BID OTE: 2008-11 BURNHAM ROAD IMPROVEMENTS TO JENICAR BUILDERS CONTRACTORS CO., INC. 573 BELGROVE DRIVE, KEARNY, NJ 07032 IN AN AMOUNT NTE \$821,841.90 (CONTINUED)

3. That the Certificate of Availability of Funds supplied by the Chief Financial Officer of this Township shall be attached to a copy of this resolution and kept on file in the Office of the Municipal Clerk.

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE YES

\* \* \*

94-08 AUTHORIZING AWARD OF OPEN AND FAIR CONTRACT FOR BID OTE-2008-12-1 – ONE CAB AND CHASSIS W/75,000 LB. ROLL-OFF HOIST SYSTEM - TO DELUXE INTERNATIONAL TRUCKS, INC., 600 RIVER ST., HACKENSACK, NJ 07601 IN AN AMOUNT NTE \$157,415.00

WHEREAS, this municipality has, in accordance with the Local Public Contracts Law of the State of New Jersey, received bids for the following: ONE CAB AND CHASSIS W/75,000 LB. ROLL-OFF HOIST SYSTEM; and

WHEREAS, after review and recommendation from the appropriate official, it appears that the contract should be awarded to the lowest responsible bidder: DELUXE INTERNATIONAL TRUCKS, INC., 600 RIVER ST., HACKENSACK, NJ 07601

WHEREAS, a Certificate of Availability of Funds has been provided to the Township Clerk by the Chief Financial Officer of this Township, certifying that the funds for said contract are available in the following line item appropriation, resolution or ordinance: G-04-55-816-091.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Committee of the Township of Morris, being the Governing Body of said Township, as follows:

1. That the subject contract be and the same is hereby awarded to DELUXE INTERNATIONAL TRUCKS, INC., 600 RIVER ST., HACKENSACK, NJ 07601 IN AN AMOUNT NTE \$157,415.00
2. The Mayor and Clerk of this Township be and are hereby authorized and directed to execute the contract and all other necessary documents in order to effectuate the purpose of this resolution.
3. That the Certificate of Availability of Funds supplied by the Chief Financial Officer of this Township shall be attached to a copy of this resolution and kept on file in the Office of the Municipal Clerk.

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE YES

**TOWNSHIP COMMITTEE MEETING  
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**RESOLUTIONS (CONTINUED)**

95-08 AUTHORIZING AWARD OF CONTRACT FOR BID OTE-2008-12-2-ONE DUMP TRUCKW/PLOW - TO DELUXE INTERNATIONAL TRUCKS, INC., 600 RIVER ST., HACKENSACK,NJ 07601 IN AN AMOUNT NTE \$151,005.00

WHEREAS, this municipality has, in accordance with the Local Public Contracts Law of the State of New Jersey, received bids for the following: ONE DUMP TRUCKW/PLOW; and

WHEREAS, after review and recommendation from the appropriate official, it appears that the contract should be awarded to the lowest responsible bidder: DELUXE INTERNATIONAL TRUCKS, INC., 600 RIVER ST., HACKENSACK, NJ 07601

WHEREAS, a Certificate of Availability of Funds has been provided to the Township Clerk by the Chief Financial Officer of this Township, certifying that the funds for said contract are available in the following line item appropriation, resolution or ordinance: G-04-55-816-092.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Committee of the Township of Morris, being the Governing Body of said Township, as follows:

3. That the subject contract be and the same is hereby awarded to DELUXE INTERNATIONAL TRUCKS, INC., 600 RIVER ST., HACKENSACK, NJ 07601 IN AN AMOUNT NTE \$151,005.00
4. The Mayor and Clerk of this Township be and are hereby authorized and directed to execute the contract and all other necessary documents in order to effectuate the purpose of this resolution.
3. That the Certificate of Availability of Funds supplied by the Chief Financial Officer of this Township shall be attached to a copy of this resolution and kept on file in the Office of the Municipal Clerk.

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE YES

\* \* \*

196-08 AUTHORING THE REJECTION OF BID OTE-2008-12-3 – ONE 4/2 VACUUM STREET SWEEPER

WHEREAS, the Township of Morris did advertise for bids with respect to the above referenced item; and

WHEREAS, only one bid proposal was submitted; and

WHEREAS, said bid proposal exceeded the budgetary estimate.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Committee of the Township of Morris that the bid be rejected for the reasons set forth above.



**TOWNSHIP COMMITTEE MEETING  
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**RESOLUTIONS (CONTINUED)**

**198-08 OPPOSING STATE PROPOSAL TO VIOLATE NEW JERSEY STATE STATUTES AND  
LEGISLATIVE INTENT TO PRESERVE SURPLUS GREYSTONE PARK LANDS BY  
OFFERING GREYSTONE STATE HOSPITAL LANDS FOR PRIVATE SALE**

WHEREAS, P.L. 1999, c. 188 requires that any surplus land transferred from Greystone Park Psychiatric Hospital be designated for use as a state park, for County or Municipal use, to a land conservancy, for open space, historic preservation or farmland preservation; and,

WHEREAS, P.L. 2001, c. 345 provides that any property of the Greystone Park Psychiatric property, not conveyed to the County of Morris, shall be used only for recreation, conservation, historic preservation, farmland preservation, or use for programs or administrative purposes by the New Jersey State Department of Human Services; and,

WHEREAS, historic State Legislative Intent thus clearly obviates the sale of Greystone Park Psychiatric Hospital property for any function other than clearly specified public use, and,

WHEREAS, there appear to be efforts by the State House Commission to recommend the public auction of 130 acres of newly declared surplus property at Greystone Park Psychiatric Hospital for private use; and,

WHEREAS, this action would clearly violate existing State law on this subject; and,

WHEREAS, such private development is seriously inconsistent with the very substantial investment of time and resources made by Morris County in reliance upon the two statutory statements of Legislative intent as to the future use of the Greystone Property; and,

WHEREAS, this action would generate problems for local municipalities with respect to zoning and planning regulations as well as potentially increase the cost of municipal support services and costs for local infrastructure maintenance and upkeep; and,

WHEREAS, any amendments to existing state law to allow for the private development of a portion of the Greystone property would be inconsistent with any create problems related to:

(a) the current and continued provision of psychiatric and social services at the Greystone Park Psychiatric Hospital, (b) the newly implemented recreational and private not for profit social service uses on the adjacent Morris County Property and (c) the existing legislative plan for the use of the property carefully crafted over the past decade;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Morris in the State of New Jersey as follows:

1. That the Board unequivocally opposes the proposed actions by the State House Commission;
2. That the Board strongly opposed on principle any effort to amend existing legislation on this subject;
3. That a copy of this resolution be distributed to the Honorable Governor of the State of New Jersey, Jon Corzine, to the President of the Senate, to the Speaker

**TOWNSHIP COMMITTEE MEETING  
REGULAR MEETING  
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**RESOLUTIONS (CONTINUED)**

198-08 OPPOSING STATE PROPOSAL TO VIOLATE NEW JERSEY STATE STATUTES AND LEGISLATIVE INTENT TO PRESERVE SURPLUS GREYSTONE PARK LANDS BY OFFERING GREYSTONE STATE HOSPITAL LANDS FOR PRIVATE SALE (CONTINUED)

of the House, to the Chairman of the State House Commission, to all our local representatives, to any appropriate interested third party, and to all the governing bodies of the impacted municipalities urging them to adopt and circulate ordinances of opposition to this potential action similar to this resolution.

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE YES

\* \* \*

**PUBLIC COMMENT/INQUIRY**

Mayor Nace, in accordance with standard procedure, opened the meeting for comments by the general public. The name, address and summary of comments and response, as appropriate, follows:

Mr. Milton Goldband 16 Normandy Parkway West  
Inquired as to what is being done to abate the New Jersey Transit train horns; stated that 20-30 homes are affected by the horn noise and that this is noise pollution.

Mr. Lee Goldberg 10 Arrowhead Road  
Advised the Committee that an animal was trapped by a illegal leg trap and inquired about the legality of leg traps; how the Recreation Foundation could be contacted; status of the intersection of Park Avenue and Columbia Turnpike (Jets Facility).

Mr. Karl Marx 3 Tracy Court  
Commented on the Township news letter; what basis does a selection and/or justification of what streams in the Township are scheduled for restoration; requested relief from Watnong Stream flooding.

**CONSENT CALENDAR**

At this time the Township Clerk presented the Consent Calendar as hereinafter set forth.

1. Granted permission to place signage at the intersection of Woodland Avenue at Dwyer Lane advertising a fundraising event to the Friends of St. Hubert's Fundraising (FOSH) to be removed promptly following the November 8, 2008 event.

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**CONSENT CALENDAR (CONTINUED)**

2. Approved, in a memo dated November 6, 2008 from Timothy Quinn, Police Chief , the permanent appointment of Brian Paulison as a Communication Officer, Class I, effective November 12, 2008.

On resolution duly offered, seconded and adopted by the roll call as indicated (exceptions, if any, noted thusly\*), the Consent Calendar was adopted and thereby the Governing Body took the following actions:

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES  
MR. GRAYZEL YES MR. WATSON YES  
MAYOR NACE YES

\* \* \*

**MATTERS OF OTHER BUSINESS**

NONE

\* \* \*

**MATTERS RECEIVED FOR THE RECORD**

NONE

\* \* \*

**TOWNSHIP COMMITTEE MEMBERS COMMENTS/QUESTIONS**

At this time Mayor Nace called upon the Members of the Township Committee for comments which are summarized as follows:

MR. GOLDBERG Attended the Veterans Day Ceremony, appreciated the Morristown Band presence and the remembrance of the veterans who have served this country and recommended the public to attend this moving ceremony; attended a meeting of S.E.A.M.L.E.S.S. which is an organization for elected officials that encourage adjoining municipalities to work together, will try to post the meeting dates for S.E.A.M.L.E.S.S.

MR. GRAYZEL Morris Township Police Department reported a successful Halloween (very few incidents); speeding on local roads is an issue and the need to secure safety. The Police Department will distribute signs, which will start in the Fairchild area that say "Keep Kids Alive"; need study of speed bumps; thanked the Morris United Soccer organization for the work they do with the youth in Morris Township; leaf collection schedule can be found on the Township Web site; congratulated Mr. Caffrey and Mr. Snyder for their success in winning the November election and looks forward to working with them.

MR. ROSENBUSH Reported on his attendance at the 10 Towns and Great Swamp meeting. Ten Towns organization monitors water quality, development and management of properties within the Great Swamp watershed areas; assists financially on the Kitchell Pond improvements; Ten Towns thanked the Committee for their continued support; thanked the public for attending the Veterans Day Memorial service.

**TOWNSHIP COMMITTEE MEETING  
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**TOWNSHIP COMMITTEE MEMBERS COMMENTS/QUESTIONS (CONTINUED)**

MR. WATSON Veterans Day Ceremony was mentioned in the Morris County Daily Record and was a wonderful event; congratulated Dan Caffrey and Ray Snyder; would like to get the Municipal Messenger out earlier; congratulated the Mayor of Hanover Township for his assistance in the arrest of someone who tried to bribed him.

**MAYORAL COMMENTARY - MAYOR ROBERT E. NACE**

**PROCLAMATION - IN RECOGNITION AND OF CONGRATULATIONS**

WHEREAS, MICHAEL ANTHONY KELLY, of Morris Township, has achieved the distinguished status of EAGLE SCOUT in Troop 34, Patriots Path Council of Morris Township; and

WHEREAS, Michael has worked diligently during his scouting years to complete his required badge work and further supported his community by developing a garden area for thought and meditation to the Fine Arts Center at Delbarton School ; and

WHEREAS, Michael is a credit to his family, Troop 34 and the entire community.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Members of the Township Committee, on behalf of the citizens of the municipality, by individual hand and seal, recognize and extend congratulations and best wishes to Eagle Scout Michael Anthony Kelly

Ten Towns projects include the head waters of Loantaka Brook which the Township of Morris previously maintained, but due to D.E.P. regulation the Township can no longer manage the brook. The Tens Towns organization assists towns financially. Ten Towns maintain the ecological integrity of the Great Swamp National Wildlife Refuge and its surrounds. The Management Plan has been adopted by the governing bodies of all ten towns including Morris Township. The goals that were established by Ten Towns goals were established for Water Quantity, Water Quality, Macroinvertebrates, Stream Characteristics, Vegetation, Flooding, Wastewater.

Two (2) benches were dedicated to Kathleen Hyland and Patric Hyland today and the ceremony was attended by well over 100 people; the public should use the benches; has participated in S.E.A.M.L.E.S.S. planning group for many years; speeding and traffic calming has been a concern of the Committee for many years and will use all tools available in traffic enforcement; Burnham and Mill Roads will have a speed table with the upcoming re-construction of the roads; Chief Timothy Quinn has done a great job; urge the Morris County Freeholders to start Phase II of the Greystone recreation project as soon as possible and urge the residents to contact the Freeholders and urge them to approve Phase II.

Congratulated Dan Caffrey and Ray Snyder on their victory.

\* \* \*

**CONSIDERATION OF MONTHLY REPORTS – NONE**

**TOWNSHIP COMMITTEE MEETING  
REGULAR MEETING  
NOVEMBER 12, 2008 PAGE 45**

**APPROVAL OF CLAIMS FOR PAYMENT - LIST OF BILLS AND VOUCHERS**

Minute Book Attachment #1 (MBA #1) dated NOVEMBER 12, 2008                      \$10,980,888.08

The Resolution as hereinafter set forth was duly offered, seconded and adopted by the vote as hereinafter indicated:

WHEREAS, the Treasurer of the Township of Morris has prepared and has approved for payment the list of Vouchers attached to and hereby made a part hereof as Schedule A.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Township Committee of the Township of Morris that the proper officers of the Township of Morris be and are hereby authorized and directed to draw checks of the Township of Morris for a total of \$10,980,888.08 for payment of the itemized Vouchers set forth on Schedule A, referenced as Minute Book Attachment No. 1, all of which have been approved by the several committees of the Township of Morris, and which are hereby made a part of the minutes of this meeting.

ROLL CALL: MR. GOLDBERG YES      MR. ROSENBUSH YES  
                 MR. GRAYZEL YES      MR. WATSON YES  
                 MAYOR NACE YES

\* \* \*

**RECESSED MEETING FOR PURPOSE OF CONDUCTING "CLOSED MEETING"  
CONCERNING "PERSONNEL MATTERS"**

The Governing Body recessed at 9:16 P.M., the NOVEMBER 12, 2008 Regular Meeting in order to conduct a "Closed Meeting" concerning "Personnel Matters", as authorized this date.

- - -

**TOWNSHIP COMMITTEE MEETING  
CLOSED MEETING  
NOVEMBER 12, 2008 PAGE 46**

**CALL TO ORDER**

The "Closed Meeting" as defined in the Open Public Meetings Act, Chapter 231 of the Public Laws of 1975, as authorized by the resolution duly adopted at the January 20, 2008 Regular Meeting, was called to order by Mayor Robert E. Nace at 9:12 P.M., in the Municipal Building, 50 Woodland Avenue, Morris Township, New Jersey, during a recess of the January 20, 2008 Regular Meeting.

\* \* \*

**ATTENDANCES**

The following attendances were noted:

**ELECTED OFFICERS**

**GOVERNING BODY**

Mayor Robert E. Nace

Township Committee Member Ronald M. Goldberg

Township Committee Member Jeffrey R. Grayzel

Township Committee Member H. Scott Rosenbush

Township Committee Member Richard A. Watson

**APPOINTED OFFICERS**

Cathleen Amelio, Township Clerk

John M. Mills, III, Township Attorney

Fred J. Rossi, Township Administrator

James T. Prusinowski, Esquire

Police Chief Timothy Quinn

Mark Howarth, Superintendent of W.P.C.U.

Timothy O'Dell, Assistant Superintendent of W.P.C.U.

**PRESIDING OFFICER'S STATEMENT OF DISCUSSION ITEMS**

Mayor Robert E. Nace announced that in accordance with the resolution adopted this date authorizing the conducting of this "Closed Meeting", discussion would be limited to "Personnel Matters".

\* \* \*

**GRIEVANCE OF W.P.C.U. EMPLOYEE, JOSEPH DEBARI**

Appearing on behalf of Mr. DeBari, member of The International Brotherhood of Teamster, Local No. 469:

Mr. Vincent Cattano, Shop Steward

Mr. Michael Broderick, Vice President, The International Brotherhood of Teamsters, Local No. 469

**TOWNSHIP COMMITTEE MEETING  
CLOSED MEETING  
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Mr. Prusinowski summarized the step three (3) in the grievance filled by Mr. DeBari in reference to his suspension without pay on October 21, 2008 for criminal acts that occurred on that date that caused Mr. DeBari's suspension.

Mr. Broderick summarized Mr. DeBari's service to the Township of Morris and spoke on Mr. DeBari's behalf.

After hearing the testimony and reviewing the facts, the Mayor and Township Committee adjourned the Closed Meeting 10:00 P.M. to render their decision.

**REGULAR MEETING - CALL TO ORDER**

At 10:04 P.M. the November 12, 2008 recessed Regular Meeting was called to order and the following resolution was read into the record:

199-08 DENYING GRIEVANCE OF W.P.C.U. EMPLOYEE, JOSEPH DEBARI

WHEREAS, a contractual grievance was filed by Joseph DeBari, an employee of the Township of Morris and a member of the International Brotherhood of Teamsters, Local 469; and

WHEREAS, the collective negotiations agreement between the Township of Morris and the International Brotherhood of Teamsters, Local 469, provides that a hearing before the Township Committee shall occur at step three of the grievance process; and

WHEREAS, a hearing concerning DeBari's suspension without pay as a result of the criminal charges filed against him on October 21, 2008 was held by the Township Committee pursuant to the collective negotiations agreement.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Morris as follows:

1. Joseph DeBari shall continue to be suspended, without pay, from his duties with the Township of Morris pending the resolution of the criminal charges filed against him on October 21, 2008 consistent with the memorandum by Administrator Fred J. Rossi dated October 22, 2008;
2. Joseph DeBari shall not enter upon any Township property during the suspension without prior permission from the Township Chief of Police unless such entrance is based upon a constitutionally protected right;
3. The Township reserves the right to file disciplinary charges against DeBari as a result of his actions on or about October 21 and/or the subject of the criminal charges filed on October 21, 2008.
4. The Township shall cease to pay for DeBari's medical health, prescription and dental health insurance effective December 1, 2008; DeBari has the option to continue such coverage at his own expense by making the premium payments to the Township and insurance companies by the respective due dates and continuing thereafter until the criminal charges filed on October 21, 2008 are resolved. If DeBari elects to continue such coverage and fails to make the required payments at any time prior to the criminal charges being fully resolved, then such coverage shall be terminated without prior notice to DeBari.

**TOWNSHIP COMMITTEE MEETING  
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199-08 DENYING GRIEVANCE OF W.P.C.U. EMPLOYEE, JOSEPH DEBARI (CONTINUED)

ROLL CALL: MR. GOLDBERG YES                      MR. ROSENBUSH YES  
                 MR. GRAYZEL YES                      MR. WATSON YES  
                                                                                 MAYOR NACE YES

\* \* \*

**RECESSED MEETING FOR PURPOSE OF CONDUCTING "CLOSED MEETING"  
CONCERNING "LEGAL AND PERSONNEL MATTERS"**

The Governing Body recessed at 10:05 P.M., the NOVEMBER 12, 2008 Regular Meeting in order to conduct a "Closed Meeting" concerning "Legal and Personnel Matters", as authorized this date.

**CALL TO ORDER AND ADJOURNMENT**

At 10:45 P.M. the November 12, 2008 recessed Regular Meeting was called to order and with no further business to be considered, on motion duly made, seconded and unanimously (5-0) adopted, the meeting was adjourned at 10:55 P.M., next to convene at the 8:00 P.M., December 17, 2008, Regular Meeting, in the Municipal Building, 50 Woodland Avenue, Township of Morris.

\_\_\_\_\_  
CATHLEEN AMELIO  
TOWNSHIP CLERK

November 25, 2008