

**MINUTES OF REGULAR MEETING OF
THE TOWNSHIP COMMITTEE HELD ON
WEDNESDAY, FEBRUARY 20, 2008, 8:00 P.M.**

CALL TO ORDER

The February 20, 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.

* * *

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

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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FULL TEXT OF ORDINANCES CAN BE OBTAINED IN THE OFFICE OF THE TOWNSHIP CLERK

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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 February 15, 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".

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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

NONE

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ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND ADOPTION

Deleted: ¶
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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:

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

ORDINANCE #5-08 - "AN ORDINANCE AMENDING CHAPTER 88 OF THE CODE OF THE TOWNSHIP OF MORRIS, ENTITLED, "VEHICLES AND TRAFFIC," ARTICLE II, SECTION 88-2.2 AND SCHEDULE I "NO PARKING AT ANY TIME" AND SCHEDULE X "METERED RESIDENT AND NONRESIDENT PERMIT ZONES"

PUBLIC COMMENT
NONE

COMMUNICATIONS OF RECORD
NONE

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

* * *

ORDINANCES - INTRODUCTION

NONE

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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:

AUTHORIZING RETURN OF MONIES REMAINING IN CLIENT'S ESCROW ACCOUNT

WHEREAS, the following escrow account has completed the Planning Board/Board of Adjustment application process, and

WHEREAS, the Township Engineer has certified this escrow account may now be released.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee that the following escrow account be closed and the balance of all monies returned to the applicant:

<u>NAME</u>	<u>BALANCE</u>	<u>ESCROW ACCOUNT NO.</u>
Dean & Annemarie Janeway	\$479.16	E-12-56-808-703

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

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AGREEMENT FOR THE PROVISION OF RECYCLING SERVICES – FIRST OCCUPATIONAL RECYCLING AND WASTE, INC., 391 LAKESIDE AVENUE, ORANGE, NJ 07050 – 4 CREWS - 2 MEN PER CREW AT \$420.25 PER DAY X 27 WEEKS - NTE \$45,387.00

WHEREAS, the Township of Morris has a need to acquire services of a contractor to supply labor for the purpose of collecting grass clippings and brush as a non-fair and open contract pursuant to the provisions N.J.S.A. 19:44A-20.5; and

WHEREAS, these services are exempt from the bidding requirements set forth in N.J.S.A. 40A:11-5 et. seq.; and

WHEREAS, the Township Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for six months, i.e., Wednesdays, April 9 through October 8, 2008 for 27 weeks; and

WHEREAS, First Occupational Recycling and Waste, Inc. has submitted a proposal dated February 2008 indicating they will provide the labor services for \$45,387.00; and

WHEREAS, First Occupational Recycling and Waste, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that First Occupational Recycling and Waste, Inc. has not made any reportable contributions to a political or candidate committee in the Township Morris in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

AGREEMENT FOR THE PROVISION OF RECYCLING SERVICES – FIRST OCCUPATIONAL RECYCLING AND WASTE, INC., 391 LAKESIDE AVENUE, ORANGE, NJ 07050 – 4 CREWS - 2 MEN PER CREW AT \$420.25 PER DAY X 27 WEEKS - NTE \$45,387.00 (CONTINUED)

WHEREAS, the Chief Financial Officer of the Township of Morris has filed a Certificate of Availability of Funds indicating funds are available in Recycling Trust in the amount of \$45,387.00.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Morris authorizes the Mayor and Township Clerk to enter into a contract with First Occupational Recycling and Waste, Inc. for labor services for a fee not to exceed \$45,387.00; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that an official notice of this action shall be published in accordance with the law.

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

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RESOLUTIONS (CONTINUED)

AUTHORIZING REFUND OF MONIES DUE TO TAX OVERPAYMENTS (2-\$1,787.16)

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.:

Block	Lot	Name	Reason	Amount
<u>TAX</u>				
3903	8	James Pisciotto	Refund O/P 3 rd Qtr 2007	\$ 1,537.16
301	40	Kurt Goldzung	Refund of Vet Deduction 4 th 2007	\$ 250.00

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

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AUTHORIZING REFUND OF MONIES DUE TO TAX OVERPAYMENTS (2-\$1,542,788.00)

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

**AUTHORIZING REFUND OF MONIES DUE TO TAX OVERPAYMENTS (2-\$1,542,788.00)
(CONTINUED)**

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.:

Block	Lot	Name	Reason	Amount
<u>TAX</u>				
6101	1	Mack-Cali Realty Corp	Refund Tax Appeal 4 th 2006 & 4 th 2007	\$1,033,457.40
9101	4	Honeywell	Refund Tax Appeal 4 th 2006 & 4 th 2007	\$ 509,330.60

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

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RESOLUTIONS (CONTINUED)

AUTHORIZING REFUND OF MONIES DUE TO CANCELLATION OF SPECIAL MEETING (\$3,500.00)

WHEREAS, the Township Engineer has certified to the Township of Morris that certain payment be refunded, and

WHEREAS, the Chief Financial Officer of the Township of Morris has certified 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>Name</u>	<u>Amount</u>	<u>Reason</u>
Day Pitney	\$3,500.00	Payment of Sp. Meeting

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

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RE: 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

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 ABSENT
MAYOR NACE YES

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RESOLUTIONS (CONTINUED)

**GRANTING A LICENSE AGREEMENT TO ANNA AND DOMENICO PULLANO TO CONSTRUCT A
RETAINING WALL ON LOT 12, BLOCK 2505**

WHEREAS, the Township of Morris has an easement existing on property owned by Anna and Domenico Pullano and identified as Lot 12, Block 2505 on the Tax Map of the Township of Morris, and

WHEREAS, said easement is for sanitary sewer purposes, and

WHEREAS, Mr. & Mr. Pullano have requested that the Township of Morris allow them to construct a retaining wall partially in the easement area, and

WHEREAS, the Township of Morris has been advised that such construction will not impair the purpose of the easement.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township of Morris that the Township will issue a license to Anna Pullano and Domenico Pullano so as to allow the partial encroachment of the proposed retaining wall into the easement area.

BE IT FURTHER RESOLVED that a condition of the license shall be that in the event the Township of Morris needs access to the easement area for any purpose consistent with that easement, the Pullanos or their successors in interest shall, at their cost and expense, dismantle so much of the wall as is necessary to allow access and upon the further condition that there shall be no liability of any kind, upon the Township of Morris in connection with the issuing of this license agreement.,

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES
MR. GRAYZEL YES MR. WATSON ABSENT
MAYOR NACE YES
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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. Teitelbaum - 7 Trent Court, snow removal - notice reminder of snow removal from sidewalks - neighborhood not complying. Fine is \$25.00 for failure to remove snow from sidewalks - fine is low and should be increased. Neighbor dumps dog waste in storm drain. Went to visit JCP&L and was stopped by the police for I.D. JCP&L unmarked vehicles area concern. Speed limit in neighborhood is 25 MPH which is to fast.

Mr. Mark George, 43 Fanok Road - Convent Station train - when do we stop adding spaces to the train parking lot.

Mr. Lee Goldberg, 10 Arrowhead Road - need to have public comment heard sooner on agenda. Parking on Convent Road. Sidewalks needed and are issues. 5K run concerns.

Mr. Walter Bergner, 8 Normandy Parkway - Mr. Grayzel visited 8 Normandy - complaint of neighbors about property maintenance on 14 Normandy Parkway - branches, leaves, tree limbs, etc. How are records of complaints done; complained to John Gatti for investigation and nothing was done. Referred to fax Fred Rossi received from Mr. Bergner.

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Will follow up on whether or not Mr. Smith will remove limbs from property. Mr. Mills to follow up. Mr. Bergner to file suit.

Mr. Lee Goldberg - consent calendar - tax appeals - broadcast of meeting - referred to I.T. Committee.

Mr. Richard Noonan, 69 Fairchild Avenue - OEM thanked Committee for their support during their rose fund raiser, it was a great success.

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CONSENT CALENDAR

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

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:

1. Approved, in accordance with a memo from Timothy Quinn, Acting Police Chief dated February 14, 2008, Clay Boeninghaus, 533 Richfield Avenue, Kenilworth, NJ 07033 as a probationary patrolman for the Township Police Department, effective February 25, 2008 at a starting salary of \$45,997.00 (PBA Contract 2005-2009).
2. Granted municipal consent to the Melanoma Research Foundation (MRF) to stage a 5K run/walk on September 21, 2008, time approximately 7:30 A.M. to 11:30 A.M., starting and finishing at the municipal building, using local roads, subject to approval of the Police and Fire Chiefs, and the filing of a Certificate of Insurance naming the Township as an additional insured and a Hold Harmless Clause.
3. Granted permission to the Morris County Golf Club to hold fireworks on their property in Convent Station on Friday, July 4, 2008, subject to the Fire and Police Chiefs, and the Filing of a Certificate of Insurance naming the Township as an additional insured and a Hold Harmless Clause and advising surrounding neighbors of the event.
4. Approved, in accordance with a memo dated February 15, 2008 from Fire Chief Craig Goss, the transfer of James P. Danus from the Hillside Hose Company to the Mt. Kemble Fire Company, effective February 20, 2008.
5. Approved, in accordance with a memo dated February 18, 2008 from Fire Chief Craig Goss, Daniel R. Goss, 67 Frederick Place, Morristown, as a volunteer firefighter for the Morris Township Fire Department (Hillside Fire Company), effective February 20, 2008.
6. Removed, in accordance with a memo dated February 15, 2008 from Fire Chief Craig Goss, Daniel Gilmartin from the rolls of the Township Fire Department (Mt. Kemble Fire Company), effective February 20, 2008.
7. Approved, in accordance with a memo dated February 14, 2008 from Fire Chief Craig Goss, Joseph J. Auriemma, 52 White Birch Road, Morristown as a Junior Firefighter for the Township Fire Department, effective February 20, 2008.

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

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MATTERS OF OTHER BUSINESS

In matters of other general business the Governing Body, by unanimous vote, (exceptions, if any, noted thusly*) took the following actions:

1. Granted permission, in accordance with a letter of request dated February 19, 2008 from Anna and Domenico Pullano, 17 Lord William Penn Drive, to build a wall 2 1/2 to 3 feet high which would be built within a sewer easement in their rear yard. They have a 7 foot wall which must be lowered to 4 feet by order of the court, but was previously approved by the Township.

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

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MATTERS RECEIVED FOR THE RECORD

The following items were officially received for the record and placed on file in the Office of the Township Clerk, to be retained in accordance with the related specific detail of the current record retention schedule promulgated by the New Jersey Bureau of Archives:

1. Landlord Registration Certificate for 408 Pitney Place, Block 8301, Lot 3 CO408, owners: Donald & Alberta Marcy.
2. Civil Action Complaint (Real Property Tax) (Direct Appeal) filed with the Tax Court of New Jersey by James Street, LLC c/o Paragano Ent for Block 7101, Lot 1, 250 James Street.
3. Civil Action Complaint (Real Property Tax) filed with the Tax Court of New Jersey by Joanne D. Goer for Block 2502, Lot 5, 2 Bickford Drive.

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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

1. Toured DPW and Pollution Control - very professional. Mark, Tim, Jim and Tom, thank you.
2. New parking places at Convent Station - thanked Randy Williams and Acting Police Chief Tim Quinn.

MR. GRAYZEL

1. Applauded OEM for the rose sale and all the hard work in supporting themselves.
2. Junior firefighter appointed, giving young adults the opportunity to become a fireman and

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

Get involved in the community Applauded Joseph Auriemma for joining.

MR. ROSENBUSH

1. Enjoyed the roses - 500 dozen sold - fund raising program; grant presentation - Firemen Fund \$21,000 donated to the firemen. Messrs. Grayzel and Rosenbush attended.

MR. WATSON

ABSENT

MAYORAL COMMENTARY - MAYOR ROBERT E. NACE

1. Deed restriction signed - Frederick Place;
2. Engineering contract for Plymouth and Mac Kenzie \$43,000 for engineering design.
3. Anyone parking illegally at the Speedwell Avenue lot will be ticketed.
4. Saturday, March 15, 2008 - St. Patrick's Day Parade and Committee will march.

MAYORAL COMMENTARY - MAYOR ROBERT E. NACE (CONTINUED)

5. March Newsletter flyer has article to encourage residents to walk on behalf of cancer.
6. County has announced award of traffic study for the development of the Exxon property.

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CONSIDERATION OF MONTHLY REPORTS

On motion duly made, seconded and unanimously carried, the following internal operational monthly reports as indicated were received, approved (by the vote as hereinafter indicated) and placed on file in the Office of the Township Clerk, to be retained in accordance with the specific detail of the current record retention schedule promulgated by the New Jersey Bureau of Archives:

JANUARY 2008
TAX COLLECTOR

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

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APPROVAL OF CLAIMS FOR PAYMENT - LIST OF BILLS AND VOUCHERS

Minute Book Attachment #1 (MBA #1) dated February 20, 2008 \$11,743,746.23

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

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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 \$11,743,746.23 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 ABSENT
MAYOR NACE YES

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

The Governing Body recessed at 9:03 P.M., the February 20, 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 9:50 P.M. the February 20, 2008 recessed Regular Meeting was called to order, a resolution entitled 'GRANTING A LICENSE AGREEMENT TO ANNA AND DOMENICO PULLANO TO CONSTRUCT A RETAINING WALL ON LOT 12, BLOCK 2505' was adopted, thereafter with no further business to be considered, on motion duly made, seconded and unanimously (4-0-0-1-Mr. Watson absent) adopted, the meeting was adjourned at 9:53 P.M., next to convene at the 8:00 P.M., March 5, 2008, Regular Meeting, in the Municipal Building, 50 Woodland Avenue, Township of Morris.

CATHLEEN AMELIO
TOWNSHIP CLERK

DATED: MARCH 10, 2008