

**MINUTES OF REGULAR MEETING OF  
THE TOWNSHIP COMMITTEE HELD ON  
WEDNESDAY, FEBRUARY 15, 2006, 8:00 P.M.**

**CALL TO ORDER**

The February 15, 2006 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 Kathleen G. Hyland  
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

\* \* \*

**PLEDGE OF ALLEGIANCE**

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

\* \* \*

Copies of Ordinances in full can be obtained at the Clerk's Office  
Monday through Friday 8:30 A.M. to 4:30 P.M.

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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 10, 2006 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.

\* \* \*

**APPROVAL OF MINUTES**

NONE

\* \* \*

**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION - RESCINDED IN ENTIRETY**

**ORDINANCE #2-06** - AMENDING CHAPTER 88, SECTION 3.2B(1) "FEES" SO AS TO PROVIDE FOR THE ESTABLISHMENT OF FEES PURSUANT TO RESOLUTION ADOPTED BY THE GOVERNING BODY OF THE TOWNSHIP OF MORRIS

ROLL CALL: MRS. HYLAND YES MR. WATSON YES  
MR. ROSENBUSH YES MR. WOTOWICZ ABSENT  
MAYOR NACE YES

\* \* \*

**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

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

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:

**ORDINANCE #3-06** - AMENDING CHAPTER 18 (RECREATION ADVISORY COMMITTEE), SPECIFICALLY SECTION 18-2 'MEMBERSHIP'

PUBLIC COMMENT

NONE

COMMUNICATIONS OF RECORD

NONE

ROLL CALL: MRS. HYLAND YES MR. WATSON YES  
MR. ROSENBUSH YES MR. WOTOWICZ ABSENT  
MAYOR NACE YES

\* \* \*

**ORDINANCES - INTRODUCTION**

NONE

\* \* \*

**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 APPROPRIATION OF PAYMENT TO NJ TRANSIT FROM THE PARKING LOT SURPLUS FOR PAYMENT OF THE AGREED 50/50 SPLIT BETWEEN THE TOWNSHIP OF MORRIS AND NEW JERSEY TRANSIT CORPORATION FROM 1/1/05 – 12/31/05.

WHEREAS, an agreement was made on January 11, 1996, between the Township of Morris, and New Jersey Transit Corporation, and

WHEREAS, as part of that agreement, all revenue generated, less expenses incurred, from the parking spaces added to the existing lot, shall be split 50/50 with NJT, and

WHEREAS, the Chief Financial Officer of the Township of Morris has prepared financial reports showing revenue and operating expenses for the following time period.

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NOW, THEREFORE, BE IT RESOLVED, that the Township of Morris appropriate these moneys from the Parking Enterprise Surplus and prepare a check in the amount of \$3,935.49 to be forward to NJT.

ROLL CALL: MRS. HYLAND YES MR. WATSON YES  
MR. ROSENBUSH YES MR. WOTOWICZ ABSENT  
MAYOR NACE YES

- - -

AUTHORIZING AWARD OF A PROFESSIONAL SERVICES AGREEMENT WITH COFFEY AND ASSOCIATES, COUNSELLORS AT LAW, 465 SOUTH STREET, MORRISTOWN, NJ 07960 FOR SPECIAL LEGAL COUNSEL IN AN AMOUNT NOT TO EXCEED \$10,000 FOR THE YEAR 2006

WHEREAS, the Township of Morris has a need to acquire professional services for special legal counsel as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the practice of law is a recognized profession, regulated by law requiring extensive and specialized training and as such is an exception to 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 full contract life (not the amount spent annually) will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is more than one year, or until the job is completed; and

WHEREAS, Coffey and Associates has indicated they will provide the professional services of special legal counsel for \$140 per hour; and

AUTHORIZING AWARD OF A PROFESSIONAL SERVICES AGREEMENT WITH COFFEY AND ASSOCIATES, COUNSELLORS AT LAW, 465 SOUTH STREET, MORRISTOWN, NJ 07960 FOR SPECIAL LEGAL COUNSEL IN AN AMOUNT NOT TO EXCEED \$10,000 FOR THE YEAR 2006 (CONTINUED)

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

WHEREAS, the Chief Financial Officer of the Township of Morris has filed a Certificate of Availability of Funds indicating funds are in Legal O.E.

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 Coffey and Associates as special legal counsel for a total not to exceed \$10,000; and

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

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

ROLL CALL: MRS. HYLAND YES MR. WATSON YES  
MR. ROSENBUSH YES MR. WOTOWICZ ABSENT  
MAYOR NACE YES  
- - -

AUTHORIZING THE MAYOR AND TOWNSHIP TO ENTER INTO AN AGREEMENT WITH S. ROTONDI & SONS, INC., P.O. BOX 1407, SUMMIT, NEW JERSEY 07902 FOR DISPOSAL OF YARD WASTE FOR A TWO-YEAR PERIOD

WHEREAS, the Township of Morris has a need to acquire a vendor to dispose of yard waste material as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the disposal of recycled material is an exception to 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 full contract life (not the amount spent annually) will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for two years; and

WHEREAS, S. Rotondi & Sons, Inc. has indicated they will provide the services for commingled yard waste disposal at a cost of \$10/yd. and \$325/container for disposal of brush and tree parts; and

AUTHORIZING THE MAYOR AND TOWNSHIP TO ENTER INTO AN AGREEMENT WITH S. ROTONDI & SONS, INC., P.O. BOX 1407, SUMMIT, NEW JERSEY 07902 FOR DISPOSAL OF YARD WASTE FOR A TWO-YEAR PERIOD (CONTINUED)

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

WHEREAS, the Chief Financial Officer of the Township of Morris has filed a Certificate of Availability of Funds indicating funds are in Recycling Trust and Garbage & Trash O.E..

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 S. Rotondi & Sons, Inc. for yard waste disposal; 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: MRS. HYLAND YES MR. WATSON YES  
MR. ROSENBUSH YES MR. WOTOWICZ ABSENT  
MAYOR NACE YES

**TOWNSHIP COMMITTEE MEETING  
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AUTHORIZING REFUND OF MONIES DUE TO TAX OVERPAYMENTS (1- \$250.00)

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>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Reason</u>	<u>Amount</u>
<u>TAX</u>				
7201	6	Frank Zamarelli	Refund of Tax O/P 4 <sup>th</sup> Qtr 2005	\$250.00

ROLL CALL: MRS. HYLAND YES MR. WATSON YES  
MR. ROSENBUSH YES MR. WOTOWICZ ABSENT  
MAYOR NACE YES

- - -

AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO ENTER INTO A LEASE AGREEMENT WITH ATLANTIC HEALTH SYSTEM FOR PARKING SPACES AT GINTY POOL PARKING LOT AT A COST OF \$3 PER DAY PER SPACE

RESOLVED, that the Mayor and Township Clerk are hereby authorized to enter into a yearly lease agreement, effective February 14, 2006, with Atlantic Health System for the lease of 178 parking spaces for employee parking only at the Ginty Pool Parking Lot at a cost of \$3 per day per space, five days per week.

BE IT FURTHER RESOLVED that said parking lot cannot be used by the hospital during May 22-29, 2006 and June 19 – September 4, 2006.

ROLL CALL: MRS. HYLAND YES MR. WATSON YES  
MR. ROSENBUSH YES MR. WOTOWICZ ABSENT  
MAYOR NACE YES

- - -

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”.

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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-expected 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: MRS. HYLAND      YES      MR. WATSON      YES  
                 MR. ROSENBUSH      YES      MR. WOTOWICZ      ABSENT  
                 MAYOR NACE      YES

- - -

URGING THE ADOPTION OF LEGISLATION TO PERMIT PHOTO RADAR DEVICES FOR TRAFFIC ENFORCEMENT - RESOLUTION OF FINDINGS AND DETERMINATION

WHEREAS, the Township of Morris recognizes that motor vehicles traveling in excess of the posted speed limit are inimical to the health and welfare of the citizens of the State of New Jersey often posing unacceptable risks to persons and property, and

WHEREAS, the careless and reckless operation of motor vehicles without due regard for red lights, stop signs and yield intersections contributes to a dangerous and unhealthy environment for the citizens of the various municipalities of the State of New Jersey, and

WHEREAS, municipal resources are already strained to the maximum extent and therefore do not allow police sufficient personnel to adequately provide manned radar coverage of local streets and intersections, and

WHEREAS, it has been proven that the driving behavior of motorists operating in and about the streets of the State of New Jersey becomes dramatically more complaint when the likelihood of being observed and cited for a violation is increased, which in turns leads to an increased level of deterrence, and

WHEREAS, there is now pending before the Assembly, Assembly Bill Number 2064, which would permit the use of photo radar to enforce certain motor vehicle laws, and

WHEREAS, the use of such a device would allow for a needed traffic calming and deterrence influence with a lesser strain on municipal resources.

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

1. The Township Committee of the Township of Morris does not strongly endorse the adoption of Assembly Bill No. 2064 and urges the New Jersey Senate to introduce companion legislation as quickly as possible

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to all members of the Assembly and Senate serving those municipalities in the County of Morris, to Governor Corzine, to the Clerks of all municipalities in the County of Morris and to the New Jersey State League of Municipalities.

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**RESOLUTIONS (CONTINUED)**

ROLL CALL: MRS. HYLAND YES MR. WATSON YES  
MR. ROSENBUSH YES MR. WOTOWICZ ABSENT  
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:

Harvey Klein, Director of the Office of Emergency Management, attended a Local Emergency Management Meeting in the County and advised the Committee of the results of this meeting:

1. First responders to attend two meetings, mandatory attendance by Fire, Police Department, OEM volunteers, DPW, Health Department .
2. Morris County will be holding a meeting on March 22, 2006 to discuss distribution of medications and table top exercise. Discussed OEM communication devices and recommended repeaters. Has requested the County to set up a Morris Township talk group. This request is being reviewed by the County.

The Township Committee thanked Harvey Klein for his presentation and all his hard work.

James Slate, Township Engineer, updated the Committee on Bromleigh Way flooding - reviewed flooding of the Watnong Brook in October and what could be done to address the flooding issue. The DPW has been contacted for cleanup, County contacted for trash cleanup and a study of the brook sent to the consultant for review. Cost estimate feasibility will be done after meeting with residents. Permits will be necessary for channel improvements. The study to be undertaken will be to reduce flow.

Mrs. Jean Hanley, 24 Bromleigh Way - stream flooding - Watnong Brook.

Mr. Carl Marks, 3 Tracy Court, Watnong Brook resident - need immediate relief.

Mr. Jeff Freeman, 26 Bromleigh Way, flooding.

Mr. Mark Ruiz, 18 Bromleigh Way.

Mrs. Dolores Houser, 5 Tracy Court, dumping in Watnong Brook.

Committee - short term solution will be addressed - delivery of rock, repair of banks, removal of trees.

Dr. Judy Banks, 16 Corn Hill Road - thanked the Committee and Mr. Mills, needs paper signed by Tuesday for closing.

Mr. Mark George, 43 Fanok Road, suggested a review of the issue of Old Glen Road. Mayor Nace will be Committee contact on this issue.

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Assembly Bill 2064, traffic cameras - the Committee will support this bill.

Mr. Martin Kupetz, 45 Old Glen Road - can 'radar in use' signs be installed.

Mrs. Bess Sparacino, 3 Fairfield Drive West, Old Glen Road traffic issue.

\* \* \*

**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. Granted municipal consent to the Morris County Soil Conservation District to hang a 3' x 8' sign on the fence at Jane Way (Morris County Complex on West Hanover Avenue) advertising the Annual Seedling Sale for Residents, which sign will be removed on or about April 5, 2006, subject to approval of the Police Chief and the filing of a Certificate of Insurance with a Hold Harmless Clause.
2. Granted municipal consent to the Morristown Running Company to hold a running race to benefit the Morristown High School Track Team called the 'Morristown St. Patty's Day 5K Race' on March 11, 2006 at 10 A.M., starting and finishing at Ginty Field, subject to approval of the Police Chief and the filing of a Certificate of Insurance with a Hold Harmless Clause.
3. Approved the following Games of Chance applications, subject to the filing of requisite Reports of Raffles Operation concerning previously held games of chance, subject to the provisions of Chapter 63 of the Public Laws of 1994, including the payment of requisite supplemental fees, and authorized the issuance of the related license:

RA-1932 - Hillcrest Home and School Association - On-Premise Raffle - March 4, 2006 - 11 A.M.-2 P.M. - 160 Hillcrest Avenue.

RA-1933 - Project Acorn - 50/50 Off-Premise Raffle - June 19, 2006 - 7 P.M. - Morris County Golf Club, 36 Punch Bowl Road.

RA-1934 - Friends of the Frelinghuysen Arboretum, Inc. (George Griswald) - Off-Premise Raffle - May 5, 2006 - 4:00-5:30 P.M. - Frelinghuysen Arboretum, 53 East Hanover Ave.

ROLL CALL: MRS. HYLAND YES MR. WATSON YES  
MR. ROSENBUSH YES MR. WOTOWICZ ABSENT  
MAYOR NACE YES

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## **MATTERS OF OTHER BUSINESS**

NONE

\* \* \*

## **TOWNSHIP COMMITTEE MEETING REGULAR MEETING FEBRUARY 15, 2006 PAGE 10**

### **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 Statement for 17 Village Drive, Block 8301, Lot 1, owner: Salvatore Petrosino.
2. Letter dated February 2, 2006 from Sidney D. Weiss, Esq., Counsel for The Southeast Morris County Municipal Utilities Authority, advising that on February 1, 2006 professional service contracts were awarded as follows:
  - a. Sidney D. Weiss, Esq. as General Counsel at the annual fee of \$95,000 plus expenses.
  - b. Hatch Mott MacDonald for consulting engineering services at the annual fee of \$24,720.
  - c. Dickinson, Vrabel & Cassells, P.A. for accounting-auditing services at the annual fee of \$20,100.
  - d. Hatch Mott MacDonald for consulting services in connection with preparation of plans and specifications, and the providing of bid and construction phase engineering services for the Mountain Way Booster Pump Station Improvements in the lump sum of \$46,000.

\* \* \*

### **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:

#### **MRS. HYLAND**

1. Pursue Bromleigh Way flooding situation and remediation.

#### **MR. ROSENBUSH**

1. Harvey Klein's effort; Health Department roll is a good investment in the community.

#### **MR. WATSON**

1. Award for beautification effort. Submit both Wheatsheaf Home Owners and Township Beautification Committee.

#### **MR. WOTOWICZ**

ABSENT

MAYORAL COMMENTARY - MAYOR ROBERT E. NACE

1. Jan Wotowicz is on the mend.

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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 2006  
TAX COLLECTOR

ROLL CALL: MRS. HYLAND YES MR. WATSON YES  
MR. ROSENBUSH YES MR. WOTOWICZ ABSENT  
MAYOR NACE YES

\* \* \*

**APPROVAL OF CLAIMS FOR PAYMENT - LIST OF BILLS AND VOUCHERS** Minute Book Attachment #1 (MBA #1) dated February 15, 2006 - \$9,306,620.51

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 \$9,306,620.51 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: MRS. HYLAND YES MR. WATSON YES  
MR. ROSENBUSH YES MR. WOTOWICZ 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 9:39 P.M., the February 15, 2006 Regular Meeting in order to conduct a "Closed Meeting" concerning "Legal and Personnel Matters", as authorized this date.

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**TOWNSHIP COMMITTEE MEETING  
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**CALL TO ORDER AND ADJOURNMENT**

At 9:59 P.M. the February 15, 2006 recessed Regular Meeting was called to order and a resolution for speed cameras entitled 'URGING THE ADOPTION OF LEGISLATION TO PERMIT PHOTO RADAR DEVICES FOR TRAFFIC ENFORCEMENT - RESOLUTION OF FINDINGS AND DETERMINATION' was adopted, thereafter with no further business to be considered, on motion duly made, seconded and unanimously (4-0-0-1 - Mr. Wotowicz absent) adopted, the meeting was adjourned at 10:01 P.M., next to convene at the 8:00 P.M., March 1, 2006, Regular Meeting, in the Municipal Building, 50 Woodland Avenue, Township of Morris.

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CATHLEEN AMELIO  
TOWNSHIP CLERK

DATED: MARCH 13, 2006