

**MINUTES OF REGULAR MEETING OF  
THE TOWNSHIP COMMITTEE HELD ON  
WEDNESDAY, DECEMBER 20, 2006, 8:00 P.M.**

**CALL TO ORDER**

The December 20, 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  
Township Committee Member Jan Wotowicz

**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.

\* \* \*

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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 December 15, 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**

At this time the Township Clerk presented for approval, the following minutes:

NOVEMBER 8, 2006 - REGULAR MINUTES  
NOVEMBER 8, 2006 - CLOSED MINUTES

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: MRS. HYLAND ABSTAINED MR. WATSON YES  
MR. ROSENBUSH YES MR. WOTOWICZ YES  
MAYOR NACE YES

\* \* \*

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**DISCUSSION - TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE  
#1422-33-002-008 - 4 JOHN STREET CORPORATION, T/A DOUBLE D'S, 4 JOHN  
STREET, MORRISTOWN, NJ 07960 TO LYNNE DR, LLC, C/O EDWARD  
RODRIGUEZ, 501 BLOOMFIELD AVENUE, MONTCLAIR, NJ 07042 - EFFECTIVE  
DECEMBER 20, 2006 WITH CONDITIONS AS AGREED TO BY PURCHASER**

Mr. Jeremy M. Garlock, Esq., attorney for the applicant appeared on behalf of his client. The police reported favorable on this application. The Committee addressed any issues pending, outdoor entertainment/noise will be strickly enforced. The Committee extended their welcome.

\* \* \*

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

NONE

\* \* \*

**ORDINANCES - INTRODUCTION**

NONE

\* \* \*

**SUMMARY OF BIDS RECEIVED DECEMBER 14, 2006**

Township Administrator Fred J. Rossi reported that on December 14, 2006, 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 from the bidders and at the prices as indicated:

<u>NAME OF PROJECT</u>	<u>NAME/ADDRESS OF BIDDERS</u>	<u>TOTAL BID PRICES</u>
OTE: 2006-10-Municipal Building Backup Generator	Vienna Electric 36 Mendham Avenue Morristown, NJ 07960	\$129,504.00
	J.M. Construction Co. Inc. 131 Harrison Avenue Roseland, NJ 07068	\$116,760.00
	Wire's Electrical Shop Inc. 107 W. Valley View Avenue Hackettstown, NJ 07840	\$155,860.00
	Faigon Electrical Contractors 140 Eleventh Street Piscataway, NJ 08854	\$162,559.00
	Power with Prestige 40 Swartswood Road Newton, NJ 07860	\$166,960.00

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**SUMMARY OF BIDS RECEIVED DECEMBER 14, 2006 (CONTINUED)**

<u>NAME OF PROJECT</u>	<u>NAME/ADDRESS OF BIDDERS</u>	<u>TOTAL BID PRICES</u>
OTE: 2006-10 Generator	ACP Heating & Air Cond. 25 Just Road Fairfield, NJ 07004	\$176,800.00
	Manor II Electric Inc. 93 Spruce Drive Fairhaven, NJ 07106	\$175,029.00
OTE: 2006-11-Springbrook Road Improvements Project	Tomaro Contracting Co. 195 Green Pond Road Rockaway, NJ 07866	\$474,000.00
	Cifelli Son Gen. Const., Inc. 4 Coppola Street Nutley, NJ 07110	\$476,640.25
	Owl Contracting 21 Gill Avenue Rockaway, NJ 7866	\$506,506.00
	Z Brothers Concrete Cont., Inc. 304 Jernee Mill Road Sayerville, NJ 08872	\$509,668.80
	Top Line Construction Corp. 22 Fifth Street Somerville, NJ 08876	\$526,208.15
	Mark Paving Co. Incorporated 51 Noll Terrace Clifton, NJ 07013	\$530,597.00
	Rockborn Paving & Excavation, Inc. 210 W. Blackwell Street, 2nd Floor Dover, NJ 07801	\$565,637.60
	Renda Roads 6 Commerce Street, P.O. Box 89 Whitehouse, NJ 08888	\$719,648.75
OTE: 2006-12 - Hydraulic Rescue Tools - carried to a future meeting.		
OTE: 2006-14 - One 4x4 Utility Vehicle w/Plow & Crane (Sewer Dept.)	Beyer Brothers Corporation 109 Broad Avenue Fairview, NJ 07022	\$54,628.00

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**SUMMARY OF BIDS RECEIVED DECEMBER 14, 2006 (CONTINUED)**

Submitted, read in full, and placed on file in the Office of the Municipal Clerk, are letters of recommendation from the Township Engineer dated December 22, 2006 (ENG-409-06 and ENG-408-06 and letter dated December 15, 2006 from Mark Howarth, Superintendent DPW respectively).

On motion duly made, seconded and unanimously carried (5-0) authorization was given for the award of the bids as recommended by the Township Engineer 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:

**RESCINDING APPOINTMENT OF JAMES A. KARDARAS AS ALTERNATE #2 MEMBER  
OF THE TOWNSHIP ENVIRONMENTAL COMMISSION (WITHDRAWAL BY MR. KARDARAS)**

BE IT HEREBY RESOLVED that James A. Kardaras, 158 Lake Road, Morristown has withdrawn his name as a member of the Township of Morris Environmental Commission.

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

- - -

**AUTHORIZING EXECUTION OF \$1,062,500 GRANT AGREEMENT BETWEEN THE COUNTY  
OF MORRIS AND THE TOWNSHIP OF MORRIS FOR THE 2006 MORRIS COUNTY OPEN  
SPACE AND FARMLAND PRESERVATION TRUST FUND – “MOUNT KEMBLE  
RECREATION COMPLEX” - BLOCK 23.02, LOT 5 IN THE TOWNSHIP OF HARDING**

WHEREAS, the Township of Morris has made application to the County of Morris for open space funds (\$1,062,500) through the Morris County Open Space and Farmland Preservation Trust Fund for the “Mount Kemble Recreation Complex,” Block 23.02, Lot 5 in the Township of Harding; and

WHEREAS, the County of Morris approved this application on November 21, 2006; and

WHEREAS, the Township of Morris is required to execute a grant agreement between the County of Morris and Township of Morris.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Morris, being the Governing Body thereof, that the Township of Morris agrees to the terms and conditions of the grant and that the Mayor and Township Clerk are authorized to execute this agreement.

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**RESOLUTIONS (CONTINUED)**

AUTHORIZING EXECUTION OF \$1,062,500 GRANT AGREEMENT BETWEEN THE COUNTY OF MORRIS AND THE TOWNSHIP OF MORRIS FOR THE 2006 MORRIS COUNTY OPEN SPACE AND FARMLAND PRESERVATION TRUST FUND – “MOUNT KEMBLE RECREATION COMPLEX” - BLOCK 23.02, LOT 5 IN THE TOWNSHIP OF HARDING (CONTINUED)

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

- - -

AUTHORIZING REFUND OF MONIES DUE TO TAX OVERPAYMENTS (8-\$30,676.93) & SEWER OVERPAYMENTS (1-\$113.93)

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>				
1101	19.01	Wells Fargo Home Mtg	Refund Tax O/P 4 <sup>th</sup> Qtr 2006	\$12,211.99
1501	1 C1003	RoseMarie Wilson	Refund Tax O/P 3 <sup>rd</sup> , 4 <sup>th</sup> 2005, 1 <sup>st</sup> , 2 <sup>nd</sup> 2006, 1 <sup>st</sup> 2007	\$ 6,012.90
5303	13	Timothy & Sharon Callahan	Refund Tax O/P 3 <sup>rd</sup> Qtr 2006	\$ 2,299.54
7703	8	Theodore & Eva Mendelsohn	Refund Tax O/P 4 <sup>th</sup> Qtr 2006	\$ 1,855.79
7902	1 C4406	Peter Bluntschli	Refund Tax O/P 4 <sup>th</sup> Qtr 2006	\$ 326.70
1501	1 C4002	Township of Morris-Sewer Acct	Transfer 1 <sup>st</sup> Qtr 2007 Tax to Sewer	\$ 243.37
8701	20	Township of Morris-Sewer Acct	Transfer 1 <sup>st</sup> Qtr 2007 Tax to Sewer	\$ 114.02
10201	15	Evergreen Cemetery	Refund SBJ 4 <sup>th</sup> Qtr 2006	\$ 7,612.62

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

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**RE: AUTHORIZING TRANSFER OF FUNDS**

WHEREAS, various 2006 bills will be presented for payment, and

WHEREAS, N.J.S. 40A:4-58 and N.J.S. 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 N.J.S. 40A:4-58 and N.J.S. 40A:4-59 that the excess, in certain appropriations, be and the same is hereby transferred to the appropriations that are deemed insufficient.

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**RESOLUTIONS (CONTINUED)**

RE: AUTHORIZING TRANSFER OF FUNDS (CONTINUED)

<u>APPROPRIATION</u> \$7,000.00	<u>FROM</u> Swimming Pool S/W	<u>TO</u> Swimming Pool O/E
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ROLL CALL: MRS. HYLAND      YES      MR. WATSON      YES  
                 MR. ROSENBUSH      YES      MR. WOTOWICZ      YES  
                 MAYOR NACE      YES

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AUTHORIZING AWARD OF CONTRACT FOR BID OTE: 2006-11 - SPRINGBROOK ROAD IMPROVEMENTS PROJECT - AWARDED TO TOMARO CONTRACTING CO. INC., 195 GREEN POND ROAD, ROCKAWAY, NJ 07866 - NTE \$474,000.00

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

WHEREAS, after review and recommendation from the appropriate official, it appears that the contract should be awarded to the lowest responsible bidder: Tomaro Contracting Co. Inc., 195 Green Pond Road, Rockaway, NJ 07866, 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 appropriation, resolution or ordinance:

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 Tomaro Contracting Co. Inc., 195 Green Pond Road, Rockaway, NJ 07866 in the amount of \$474,000.00.
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.
4. Award subject to New Jersey Department of Transportation approval.

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

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**RESOLUTIONS (CONTINUED)**

AUTHORIZING AWARD OF CONTRACT FOR BID OTE: 2006-14 - ONE 4X4 UTILITY VEHICLE W/PLOW AND CRANE (SEWER DEPARTMENT) - AWARDED TO BEYER BROTHERS CORPORATION, 109 BROAD AVENUE, FAIRVIEW, NJ 07022 - NTE \$54,628.00

WHEREAS, this municipality has, in accordance with the Local Public Contracts Law of the State of New Jersey, received bids for the following: ONE 4X4 UTILITY VEHICLE W/PLOW AND CRANE (SEWER DEPARTMENT), and

WHEREAS, after review and recommendation from the appropriate official, it appears that the contract should be awarded to the lowest responsible bidder: BEYER BROTHERS CORPORATION, 109 Broad Avenue, Fairview, NJ 07022, 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 appropriation, resolution or ordinance: Sewer Capital Ordinance #7-06.040 and #21-06.040.

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 Beyer Brothers Corporation, 109 Broad Avenue, Fairview, NJ 07022 in the amount of \$54,628.00.
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: MRS. HYLAND      YES      MR. WATSON      YES  
                 MR. ROSENBUSH      YES      MR. WOTOWICZ      YES  
                 MAYOR NACE      YES

- - -

AUTHORIZING TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE #1422-33-002-008 - 4 JOHN STREET CORPORATION, T/A DOUBLE D'S, 4 JOHN STREET, MORRISTOWN, NJ 07960 TO LYNNEDR, LLC, C/O EDWARD RODRIGUEZ, 501 BLOOMFIELD AVENUE, MONTCLAIR, NJ 07042 - EFFECTIVE DECEMBER 20, 2006

WHEREAS, application has been made to this Township Committee for a Person-To-Person Transfer of the Plenary Consumption License No.1422-33-002-008, heretofore issued by the Township of Morris to 4 John Street Corp., a New Jersey Corporation, T/A Double D's, covering premises at 4 John Street, Morris Township, New Jersey to Lynnedr, LLC, T/A Bahama Beach Club & Tequila Eddie's, #1422-33-002-009, and

WHEREAS, this Township Committee, after investigation, has made the following findings and determinations that:

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**RESOLUTIONS (CONTINUED)**

AUTHORIZING TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE #1422-33-002-008 - 4 JOHN STREET CORPORATION, T/A DOUBLE D'S, 4 JOHN STREET, MORRISTOWN, NJ 07960 TO LYNNEDR, LLC, C/O EDWARD RODRIGUEZ, 501 BLOOMFIELD AVENUE, MONTCLAIR, NJ 07042 - EFFECTIVE DECEMBER 20, 2006 (CONTINUED)

- a. The submitted application form is complete in all respects.
- b. The applicant is qualified to be licensed according to all standards established by New Jersey Statute and Rules and Regulations and local ordinances.
- c. Proof of Publication in proper form has been filed.
- d. Five whole business days have passed following publication of the second notice of application.
- e. No written objections to the transfer have been received.
- f. Consent in writing to such transfer by the licensee has been received and filed.
- g. All proper and necessary fees for the transfer have been paid.
- h. The applicant has disclosed, by proper affidavit, which has been review and approved, the source of all funds used in the purchase of the license and the license business and all additional financing obtained in connection with the license business.
- i. The applicant has submitted a written statement under oath, signed by the transferor and the transferee, confirming that the transferee is aware of all obligations outstanding to New Jersey Alcoholic Beverage Manufacturers, Wholesalers and Distributors, and that such obligations will be satisfied by the transferor out of the proceeds of the sale, of the sale will be assumed by the transferee.
- j. The New Jersey Department of Taxation Tax Clearance Certificate has been received.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Committee of the Township of Morris, in the County of Morris and State of New Jersey, being the Governing Body of said Township, as follows:

1. That this Township Committee does hereby approve the Person-To-Person Transfer of Plenary Consumption Distribution License No. 1422-33-002-008, issued by the Township of Morris, covering the premises at 4 John Street, Morris Township from 4 John Street Corporation, T/A Double D's to Lynnedr, LLC, T/A Bahama Beach Club & Tequila Eddie's, #1422-33-002-009.
2. That the Clerk of this Township be and is hereby authorized and directed to place the necessary written endorsement of the grant of transfer upon the face of the license certificate. The effective date of the transfer shall be December 20, 2006.
3. That the Clerk of this Township be and is hereby authorized and directed to forthwith forward a certified copy of this resolution to the State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control, to the Transferee and the Transferor.



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**RESOLUTIONS (CONTINUED)**

AUTHORIZING AWARD OF CONTRACT FOR BID OTE: 2006-10 - MUNICIPAL BUILDING  
BACKUP GENERATOR - AWARDED TO VIENNA ELECTRIC, 36 MENDHAM AVENUE,  
MORRISTOWN, NJ 07960 - NTE \$129,504 (CONTINUED)

WHEREAS, after review and recommendation from the Township Engineer, it has been determined that the contract shall be awarded to the lowest responsible bidder: VIENNA ELECTRIC, 36 Mendham Avenue, Morristown, NJ 07960, 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 appropriation, resolution or ordinance:

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 Vienna Electric 36 Mendham Avenue, Morristown, NJ 07960 in the amount of \$129,504.
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: MRS. HYLAND      YES      MR. WATSON      YES  
                 MR. ROSENBUSH      YES      MR. WOTOWICZ      YES  
                 MAYOR NACE      YES

- - -

RESOLUTION RE: DENIAL OF GRIEVANCE AT STEP 3 REGARDING THE PERMANENT  
APPOINTMENT OF FIRE FIGHTER/FIRE INSPECTOR

BE IT RESOLVED by the Township Committee of the Township of Morris that the grievance received on December 5, 2006 from FMBA Local 70 regarding the permanent appointment of a Firefighter/Fire Inspector is hereby denied at Step 3.

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

- - -

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**RESOLUTIONS (CONTINUED)**

AUTHORIZING APPOINTMENT OF THOMAS J. ESCHMANN AS ASSISTANT SUPERINTENDENT OF THE ROADS AND SANITATION DEPARTMENT, EFFECTIVE AND RETROACTIVE TO DECEMBER 11, 2006, WITH A SIX (6) MONTH PROBATIONARY PERIOD.

BE IT HEREBY RESOLVED by the Township Committee of the Township of Morris that based on the recommendation of James Stoia, Superintendent of the Department of Public Works, Thomas E. Eschmann is hereby appointed Assistant Superintendent, Roads and Sanitation Department, effective and retroactive to December 11, 2006, with a six (6) month probationary period.

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

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RESOLUTION AMENDING THE LIST OF ROADS REFERRED TO IN SECTION 3(d) OF BOND ORDINANCE NUMBERED 15-00 FINALLY ADOPTED MAY 17, 2000 OF THE TOWNSHIP OF MORRIS, IN THE COUNTY OF MORRIS, NEW JERSEY

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MORRIS, IN THE COUNTY OF MORRIS, NEW JERSEY AS FOLLOWS:

Section 1. The list of roads referred to in Section 3(d) of Bond Ordinance Numbered 15-00 finally adopted May 17, 2000 is hereby amended to read as follows:

“Baer Court, Blackberry Lane, Bradford Court, Center Avenue, Colonel Evans Drive, Florence Avenue, Jacob Arnold Road, Laura Lane, Lord William Penn Drive, Madison Court, Raynor Road, Washington Avenue and Springbrook Road”.

Section 2. All other provisions referred to in Bond Ordinance Numbered 15-00 finally adopted May 17, 2000 are in effect.

Section 3. This resolution shall take effect immediately.

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

- - -

AUTHORIZING THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MORRIS TO ENTER INTO A LEASE AGREEMENT FOR THE USE OF MORRIS TOWNSHIP SWIMMING POOL – EQUISHARE USA, LLC / PONYSHARE

WHEREAS, Equishare USA, LLC/PonyShare (hereinafter, Equishare), lessee and operator of Seaton Hackney Stables located in the Township of Morris, requests use of the adjacent

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**RESOLUTIONS (CONTINUED)**

AUTHORIZING THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MORRIS TO ENTER INTO A LEASE AGREEMENT FOR THE USE OF MORRIS TOWNSHIP SWIMMING POOL – EQUISHARE USA, LLC / PONYSHARE (CONTINUED)

township-owned swimming pool in conjunction with their Summer 2007 Horseback Riding Camp, and

WHEREAS, seven (7) daily groups of 5-8 girls, each group accompanied by one of Equirshare's counselors, will use the pool between June 25, 2007 and August 31, 2007, for 45 minutes on the hour starting at 11: 00 A.M. and ending at 3:00 P.M., and

WHEREAS, Equishare will pay a fee to the Township of Morris of \$5.00 per day per girl for the 45 minute visits.

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

1. The aforementioned dates, times and fee are approved and the Township Administrator is authorized to sign an agreement outlining same.

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

- - -

AUTHORIZING THE PURCHASE OF A 2007 DODGE CHARGER THROUGH MORRIS COUNTY COOPERATIVE PRICING COUNCIL, CONTRACT NO. 15B FROM HERTRICH FLEET SERVICES, 695 NORTH duPONT BLVD., MILFORD, DELAWARE - NTE \$17,197

WHEREAS, the Township of Morris wishes to purchase a vehicle for use by the Administrator's Office, and

WHEREAS, the above item is available through the Morris County Cooperative Pricing Council, Contract No. 15B, from Hertrich Fleet Services, 695 North duPont Blvd., Milford, Delaware 19963, and

WHEREAS, the Director of Finance has certified that funds are available in Administrative and Executive Other Expenses in the amount of \$17,197.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, Township of Morris, State of New Jersey, that a contract be awarded to Hertrich Fleet Services for the purchase of a 2007 Dodge Charger in the amount not to exceed \$17,197.

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

- - -

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**RESOLUTIONS (CONTINUED)**

AUTHORIZING THE PURCHASE OF TWO 2007 JEEP LIBERTY VEHICLES THROUGH STATE CONTRACT NO. A67059 FROM WARNOCK FLEET & LEASING, 175 ROUTE 10 EAST, EAST HANOVER, NJ 07936-0524 - NTE \$42,782

WHEREAS, the Township of Morris wishes to purchase utility vehicles for use by the Roads and Sanitation Department, and

WHEREAS, the above items are available through State Contract No. A67059, from Warnock Fleet & Leasing, 175 Rt. 10 East, East Hanover, New Jersey 07936-0524, and

WHEREAS, the Director of Finance has certified that funds are available in General Capital, Line No. G-04-55-620-091, in the amount of \$42,782,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, Township of Morris, State of New Jersey, that a contract be awarded to Warnock Fleet & Leasing for the purchase of two 2007 Jeep Liberty Vehicles in the amount not to exceed \$42,782.

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

- - -

AUTHORIZING AWARD OF AN INCREASE IN THE PROFESSIONAL SERVICE CONTRACT IN THE AMOUNT OF \$2,500 TO TIMOTHY BRUNNOCK, ESQ. AS A PUBLIC DEFENDER, MAKING THE NEW TOTAL NTE \$22,500

WHEREAS, the Township of Morris has need for legal representation with respect to a public defender as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5, and

WHEREAS, the Township Committee awarded a contract to Timothy Brunnock, Esq. of the firm of Brunnock & Fleming, PC, 67 Park Place, Morristown, New Jersey at a meeting held on January 18, 2006, and

WHEREAS, the Township Committee awarded said contract in an amount not to exceed \$20,000, and

WHEREAS, it is now necessary to increase this amount, and

WHEREAS, the Chief Financial Officer of the Township of Morris has filed a certificate of availability of funds indicating that funds are available in Public Defender O/E.

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

1. A contract for additional legal services is hereby awarded to Timothy Brunnock, Esq. of Brunnock & Fleming, PC, 67 Park Place, Morristown, New Jersey for public defender services in an additional amount of **\$2,500**, not to exceed \$22,500 total.

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**RESOLUTIONS (CONTINUED)**

AUTHORIZING AWARD OF AN INCREASE IN THE PROFESSIONAL SERVICE CONTRACT IN THE AMOUNT OF \$2,500 TO TIMOTHY BRUNNOCK, ESQ. AS A PUBLIC DEFENDER, MAKING THE NEW TOTAL NTE \$22,500 (CONTINUED)

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and Determination of Value has been placed on file with Resolution No. 22-06 dated January 18, 2006.

WHEREAS, the Township of Morris has need for legal representation with respect to a public defender as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5, and

WHEREAS, the Township Committee awarded a contract to Timothy Brunnock, Esq. of the firm of Brunnock & Fleming, PC, 67 Park Place, Morristown, New Jersey at a meeting held on January 18, 2006, and

WHEREAS, the Township Committee awarded said contract in an amount not to exceed \$20,000, and

WHEREAS, it is now necessary to increase this amount, and

WHEREAS, the Chief Financial Officer of the Township of Morris has filed a certificate of availability of funds indicating that funds are available in Public Defender O/E.

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

1. A contract for additional legal services is hereby awarded to Timothy Brunnock, Esq. of Brunnock & Fleming, PC, 67 Park Place, Morristown, New Jersey for public defender services in an additional amount of **\$2,500**, not to exceed \$22,500 total.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and Determination of Value has been placed on file with Resolution No. 22-06 dated January 18, 2006.

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

- - -

AUTHORIZING PURCHASE OF A 2007 DODGE CARAVAN THROUGH STATE CONTRACT NO. A53133, FROM HERTRICH FLEET SERVICES - NTE \$20,000

WHEREAS, the Township of Morris wishes to purchase a vehicle for use by the Recreation Department, and

WHEREAS, the above item is available through State Contract No. A53133, from Hertrich Fleet Services, 695 North duPont Blvd., Milford, Delaware 19963, and







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**RESOLUTIONS (CONTINUED)**

RE: AUTHORIZING ENTRY INTO SETTLEMENT AGREEMENT BY AND BETWEEN THE TOWNSHIP OF MORRIS AND WESTMINSTER REALTY CORPORATION AND THE TOWNSHIP OF RANDOLPH (LITIGATION UNDER DOCKET NUMBER L-960-04) RESOLUTION OF FINDINGS AND DETERMINATION

WHEREAS, the Township of Morris had previously discussed in closed session and authorized the settlement of the above referenced litigation; and,

WHEREAS, the said settlement resolves both the case in chief by Westminster Realty Corporation against the Township of Randolph and the Township of Morris and the cross claim initiated by the Township of Morris against the Township of Randolph; and,

WHEREAS, copies of said settlement documents shall be retained on file in the Office of the Township Clerk.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Township Committee of the Township of Morris does hereby authorize the Mayor and Township Clerk to enter into the Stipulations of Settlement referred to herein after the same have been approved by the Municipal Attorney and Municipal Engineer.

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

- - -

RE: AUTHORIZING TRANSFER OF FUNDS

WHEREAS, various 2006 bills will be presented for payment, and

WHEREAS, N.J.S. 40A:4-58 and N.J.S. 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 N.J.S. 40A:4-58 and N.J.S. 40A:4-59 that the excess, in certain appropriations, be and the same is hereby transferred to the appropriations that are deemed insufficient.

<u>APPROPRIATION</u>	<u>FROM</u>	<u>TO</u>
\$10,000	Telephone O/E	Gasoline O/E

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

- - -

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

RE: IN RECOGNITION AND CONGRATULATIONS TO CHRISTOPHER T. MILEWSKI OF THE TOWNSHIP OF MORRIS WHO HAS ATTAINED THE RANK OF EAGLE SCOUT WHICH IS AMONG THE HIGHEST HONORS AVAILABLE IN SCOUTING

WHEREAS, Christopher T. Milewski, of Morris Township of Morris has attained the rank of Eagle Scout which is among the highest honors available in Scouting, coming only at the culmination of years of dedicated activity, and requiring the successful completion of an independent public service project, and;

WHEREAS, as a member of Boy Scout Troop 34 and then 228, Christopher has fulfilled all of the requirements above, and;

WHEREAS, Christopher has held all possible Troop leadership positions, was SPL at Summer Camp for 2 years, has attended the National Jamboree in the summer of 2001, and;

WHEREAS, he graduated from Morristown High School where he was an honor roll student and participated in many activities including Football, Track & Field, German National Honors Society, German Club, Jazz Band, and;

WHEREAS, during his high school career he was a cadet on the Morristown Ambulance Squad and served as Sports Director for the Township of Morris Recreation Department, and;

WHEREAS, for his Eagle Scout project, Christopher led Troop 228 and friends in labeling nearly 1000 storm drains to prevent the further pollution of the watersheds; the project took place in the Town of Morristown and was completed in October, 2005.

WHEREAS, Christopher is currently a freshman at the University of Vermont in Burlington, and is studying secondary education, and;

WHEREAS, in honor of his achievement thereof, Christopher is to be summoned to the Eagle Court of Honor on Thursday, January 11, 2007;

WHEREAS, Christopher is a credit to his family, Troop 228 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, recognized and extend congratulations and best wishes to:

**EAGLE SCOUT CHRISTOPHER T. MILEWSKI**

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

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

APPOINTING WILLIAM D. FOELSCH , DIRECTOR OF RECREATION EFFECTIVE  
FEBRUARY 1, 2007

BE IT RESOLVED by the Mayor and Township Committee that William D. Foelsch is hereby appointed Director of Recreation effective February 1, 2007.

BE IT FURTHER RESOLVED that he shall be hired on a part-time basis effective immediately through January 31, 2007.

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

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: MRS. HYLAND      YES      MR. WATSON      YES  
                 MR. ROSENBUSH YES      MR. WOTOWICZ YES  
   MAYOR NACE YES

\* \* \*

**PUBLIC COMMENT/INQUIRY**

NONE

\* \* \*

**TOWNSHIP COMMITTEE MEETING  
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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 licensing of the following Towing Companies for the three year term, i.e., 2007-2009 :

MORRISTOWN AUTO BODY  
17 MARTIN LUTHER KING AVENUE  
MORRISTOWN, NJ 07960

MORRISTOWN TOWING T/A EAGLE TRUCK SERVICES  
35 ABBETT AVENUE  
MORRISTOWN, NJ 07960

POWDER MILL TOWING  
299 LITTLETON ROAD  
PARSIPPANY, NJ 07054

MESLER'S TOWING \*  
163 MORRIS STREET  
MORRISTOWN, NJ 07960

\* On recommendation of Police Chief Loughman, letter dated December 14, 2006, this license is subject to their compliance with Chapter 89-11 Section A, which requires an enclosed and secured compound suitable to store five vehicles, which must be complied with by April 1, 2007, and failing that, suspension of the permit until they comply.

2. 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-1977 - Fathers & Friends of Delbarton School - Off-Premise Raffle - February 15, 2007 - 7-11 P.M. - \_Delbarton School Gym, 230 Mendham Road.

3. Accepting with congratulations and appreciation for her many years of dedicated service as the Township Recreation Director, the retirement of Marguerite A. Adams effective January 31, 2007.

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

\* \* \*

**MATTERS OF OTHER BUSINESS**

NONE

\* \* \*

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**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:

**MRS. HYLAND**

1. Jan Wotowicz has dedicated himself to the community and will be missed. Wished him good health and happiness.

**MR. ROSENBUSH**

1. Participated at a luncheon where the Township Police Department were honored and recognized.
2. Great to see the Convent Parking Lot completed.
3. Jan will be missed. Good luck to him.

**MR. WATSON**

1. Will miss Jan.

**MR. WOTOWICZ**

1. Closing speech:

As you have learned, over the many years, I am not known for giving eloquent speeches; except when Jean helps.

Now, as this is my final meeting as a member of this distinguished committee, I do have some thoughts to share.

First, I am grateful to the citizens of Morris Township for the opportunity of representing them for almost thirty years.

After the Board of Education and Zoning Board tours, I reached for the "Big Time" when I was selected to fill the remaining term of Mr. Gilligan.

However, the greatest honor and privilege was to serve as your Mayor for three years, during my nine year and nine months on the Township Committee. (At least this is the service period listed on my retirement confirmation from the NJ Treasury Department!).

Secondly, I hold this group of colleagues here on this dais in the highest esteem and affection. They are intelligent leaders, compassionate, and devoted to this community

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

MR. WOTOWICZ (CONTINUED)

and the best interests of ALL its citizens. Together with Fred Rossi, our Administrator and my friend, we have assembled an amazing body of employees, competent and concerned for the Township.

As a final thought, I will leave you with these words by Ralph Waldo Emerson, discovered and recommended by Jean, that married woman I live with.

This is his definition of success: and listen closely for these comments are amazingly appropriate as the means to survive, and enjoy, your remaining years of public service.

To laugh often and much; to win the respect of intelligent people and the affection of children;

To earn the appreciation of honest critics and to endure the betrayal of false friends;

To appreciate beauty, to find the best in others;

To leave the world a bit better, whether by a healthy child, a garden path, or a redeemed social condition;

To know even one life has breathed easier because you have lived.

This is to have succeeded.

Ralph Waldo Emerson.

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

1. Bid farewell to Jan Wotowicz - he has served his Township with pride - thank you. He will be missed, but will be back.
2. Congratulated the Police Department on the D.A.R.E Program in collecting coats, which has been a very successful program.

\* \* \*

**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:

NOVEMBER 2006  
TAX COLLECTOR

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

\* \* \*

**TOWNSHIP COMMITTEE MEETING  
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**APPROVAL OF CLAIMS FOR PAYMENT - LIST OF BILLS AND VOUCHERS**

Minute Book Attachment #1 (MBA #1) dated December 20, 2006 \$34,689,906.49

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 \$34,689,906.49 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 YES  
MAYOR NACE YES

\* \* \*

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

The Governing Body recessed at 8:32 P.M., the December 20, 2006 Regular Meeting in order to conduct a "Closed Meeting" concerning "Legal and Personnel Matters", as authorized this date.

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**CALL TO ORDER AND ADJOURNMENT**

At 8:48 P.M. the December 20, 2006 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 8:50 P.M., next to convene at the 7:00 P.M., January 3, 2007, Organization Meeting, in the Municipal Building, 50 Woodland Avenue, Township of Morris.

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CATHLEEN AMELIO  
TOWNSHIP CLERK

DATED: JANUARY 11, 2007