

**MINUTES OF REGULAR MEETING OF  
THE TOWNSHIP COMMITTEE HELD ON  
WEDNESDAY, FEBRUARY 7, 2007, 8:00 P.M.**

**CALL TO ORDER**

The February 7, 2007 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 Joseph V. Calvanelli  
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.

\* \* \*

The full text of Ordinances can be obtained in the Office of the Township Clerk



**TOWNSHIP COMMITTEE MEETING  
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**DISCUSSION - 2007 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
APPLICATION FOR GROUP HOME, 614 WEST HANOVER AVENUE. MR. JOHN  
KOMISOR, DELTA COMMUNITY SUPPORT APPLICANT TO BE PRESENT**

Mr. Komisor summarized the application for the bathroom and kitchen renovation at the group home. The amount requested is \$25,000. This presentation is required for the grant. Mayor Nace opened this discussion to the public and no one appeared.

\* \* \*

**ADRIAN HUMBERT SUMMARY OF ORDINANCE #1-07**

Mr. Andrian Humbert, Planning Board Planner, summarized Ordinance #1-07 (an ordinance adding a new section '95-28.1 Maximum Permitted Residential Area For Single Family Dwellings') as follows:

1. " When the TCC, at the request of the Planning Board, began work on this topic, it formulated four (4) purposes for a new ordinance. These are to:
  - \* Regulate the size of new homes in relationship to lot area
  - \* Provide a simple, understandable series of regulations
  - \* Place reasonable limits on the size of new homes while recognizing that limits requiring new homes of the same size as houses built forty, fifty or more years ago would be inappropriate.
2. Ordinance #1-07 which has been drafted to meet these purposes is a "cap" ordinance not as floor area ratio (FAR) ordinance. Any variances for house size related to this ordinance would be heard by the Planning Board with respect to subdivisions and would be "c" variances. Any variance for a house on an existing lot would be heard by the Board of Adjustment as a "c" variance. If the ordinance was an "FAR" ordinance only, the Board of Adjustment may hear the cases as "d" variances as both subdivisions and single lots. The Planning Board lacks jurisdiction for "d" variances per the Municipal Land Use Law.
3. A "cap" ordinance of the type proposed is permitted by the MLUL at NJSA 40:55D-65. This part of the statute allows the Township Zoning Ordinance to specify, in addition to FAR ordinances, "...other ratios and regulatory techniques governing the intensity of land use and the provision of adequate light and air." The New Jersey Supreme Court in Rumson Estates, Inc. v. The Mayor of the Borough of Fairhaven (2003) recognized that both FAR and "c" ordinances regulate the intensity of land use.
4. Average house sizes for new homes in Morris Township, and in similar communities, have been trending up in the past ten years. The following table based on data developed from Township records by the TCC indicates that there were 183 new single-family homes constructed in the Township between 1996 and 2006. The average house size for this period is 4,057 square feet excluding garages and unhabitable spaces.

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**ADRIAN HUMBERT SUMMARY OF ORDINANCE #1-07 (CONTINUED)**

<u>YEAR</u>	<u>AVG. FT 2/HOUSE</u>	<u>NO. OF HOUSES</u>
1996	3,783	18
1997	3,579	24
1998	4,099	27
1999	3,358	22
2000	4,572	21
2001	4,288	19
2002	4,046	15
2003	4,847	11
2004	4,576	7
2005	3,681	11
2006	4,982	8
	TOTAL	183
10-Year Average	4,057	18.3

5. During the above ten-year study period the largest residential subdivision development was Spencer Estates. These homes received certificates of occupancy between 2000 and 2005. If the thirty (30) new homes are factored out of the data, the corresponding average home sizes drop as follows:

TABLE 2

<u>YEAR</u>	<u>AVG. FT.2 W/O SPENCER</u>	<u>VS.</u>	<u>AVG. FT. 2 W/SPENCER</u>	<u>=</u>	<u>FLOOR AREA REDUCTION</u>
2000	4,408	VS.	4,572	=	-164
2001	3,862	VS.	4,288	=	-426
2002	3,275	VS.	4,046	=	-771
2003	4,113	VS.	4,847	=	-734
2004	4,458	VS.	4,576	=	-118
2005	3,436	VS.	3,681	=	-245

6. Spencer Estates is the largest, and perhaps best known, example of large new home construction in the Township since 1996. Of the thirty (30) new homes constructed in this development, fourteen (14) would be non-conforming in area if the ordinance is adopted. Six (6) additional homes would be within 235 square feet of the ordinance limitation. Additions to these homes would possibly require variances. Many of the other new homes constructed between 1996 and 2006 would also likely be in similar situations.
7. Overall, the rate of non-conformity which would be created Township-wide if the ordinance is adopted is less than five (5%) percent.
8. Other municipalities are trying a variety of approaches other than FAR and "cap" ordinances to keep new homes from visually overpowering neighboring properties. These include:
- \* greater side yard setbacks
  - \* restrictions on the width and height of homes
  - \* size limitations relative to the average neighborhood home size

Some of these methods may be legally untested and risky.

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**ADRIAN HUMBERT SUMMARY OF ORDINANCE #1-07 (CONTINUED)**

The issue of house sizes, particularly in existing developed neighborhoods, has become one that many municipalities are grappling with. It is obvious that there are equities on both sides of the issue which must be balanced. People who build and buy large homes expect that there will be stability in their zoning requirements and protection of their values. Residents who live in older neighborhoods expect to enjoy their properties and keep their values without undue intrusions on their light, air and open space. The proposed ordinance attempts to balance these competing interests in a sensible and reasonable fashion."

Mr. John Belles, 5 Mendham Avenue, commented on the two new homes that have been constructed and are quite large.

Mr. John Hellstrom, 75 Overlook Road, commended the Committee on this ordinance, it is a good step forward. What impact will this have on diversity?

Mr. Stuart Thomas, 70 Overlook Road, inquired if the Planning Board has looked at other towns' ordinance similar to the proposed ordinance being considered?

Ms. Susan Donnell, 80 Overlook Road, thank the Committee for this ordinance - every homeowner should be notified of the ordinance.

The hearing on this ordinance will be continued. Adrian Humbert will attend the April 4, 2007 meeting. This ordinance will be delayed for as long as it takes to advise all the residents.

The Committee is concerned with knockdowns with wall remaining needs to be addressed. This is a separate issue and should be considered by the TCC. Need surrounding towns' ordinance in reference to the new ordinance.

\* \* \*

**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 February 21, 2007 regular meeting at 8:00 P.M.:

ORDINANCE #2-07 - "VACATING A CERTAIN EASEMENT AS MORE SPECIFICALLY IDENTIFIED IN A DEED DATED JANUARY 26, 1982" (BLOCK 8402, LOT 08 - BROWNSTONES)

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

- - -

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**ORDINANCES - INTRODUCTION (CONTINUED)**

ORDINANCE #3-07 - "AN ORDINANCE CREATING A NEW CHAPTER IN THE CODE OF THE TOWNSHIP OF MORRIS - ESTABLISHING CHARGES FOR RECREATION PROGRAMS" (FEES)

ROLL CALL: MR. CALVANELLI YES MR. ROSENBUSH YES  
MRS. HYLAND YES MR. WATSON YES  
MAYOR NACE YES  
\* \* \*

**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:

**RESOLUTION - IN MEMORIAM - CATHLEEN Y. EARLE**

WHEREAS, our Heavenly Father has called unto His side, His servant  
**CATHLEEN Y. EARLE**, and

WHEREAS, through her dedicated public service, foresight and zeal for the community, she earned the affection and admiration of the people of the Township of Morris, and

WHEREAS, the stature she attained by her exemplary life and achievements was recognized during her lifetime.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Morris, does, by this resolution and public record, recognize the profound influence of CATHLEEN Y. EARLE on the citizens of the community, recognizing further that her death is a distinct loss, and

BE IT FURTHER RESOLVED that this resolution be spread in full upon the official record as a permanent expression of sympathy.

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

- - -

**CONGRATULATIONS - IN RECOGNITION AND OF MARGUERITE A. ADAMS**

WHEREAS, **MARGUERITE A. ADAMS** has rendered to the citizens and residents of the Township of Morris, thirty-five years of faithful service:

**1972  
SECRETARY  
1986  
ASSISTANT DEPUTY DIRECTOR  
1989  
ACTING DIRECTOR  
1990  
DIRECTOR**

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**RESOLUTIONS (CONTINUED)**

CONGRATULATIONS - IN RECOGNITION AND OF MARGUERITE A. ADAMS (CONTINUED)

WHEREAS, during her years of service, she faithfully performed the duties and obligations thrust upon her, and above and beyond these duties, has given her utmost to the Township of Morris to the end that all citizens have benefited from her experience, faithfulness, professionalism and dedication.

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:

That this Township Committee, on behalf of the citizens of the Township of Morris, does hereby extend appreciation for years of dedicated service and best wishes for a happy and healthy retirement.

BE IT FURTHER RESOLVED that this recognition be presented to

**MARGUERITE A. ADAMS**

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

A RESOLUTION AUTHORIZING THE PARTICIPATION IN A JOINT TRAFFIC STUDY WITH RESPECT TO THE PROPOSED DEVELOPMENT OF THE FORMER EXXON TRACT LOCATED ON PARK AVENUE IN THE BOROUGH OF FLORHAM PARK, NEW JERSEY

WHEREAS, pursuant to a settlement agreement entered into on July 12, 2004 between the Borough of Madison and the Borough of Florham Park, both municipalities agreed to conduct a regional traffic study with respect to the redevelopment of the Exxon property located in Florham Park; and

WHEREAS, the Borough of Florham Park has invited the Borough of Madison and other neighboring municipalities, including the Township of Morris, to join in the aforesaid regional traffic study; and

WHEREAS, the Township Committee of the Township of Morris has determined that it is in the best interest of the Township to assess any potential traffic impact upon the Township of Morris; and

WHEREAS, the Township Committee of the Township of Morris desires to join in the aforesaid regional traffic study.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Morris, County of Morris and State of New Jersey, being the governing body thereof, that the Township of Morris shall participate in the regional traffic study with the Borough of Florham Park, the Borough of Madison and other neighboring municipalities, with respect to the redevelopment of the Exxon tract located in the Borough of Florham Park, New Jersey, subject to the Township of Morris Committee's approval of the firm who shall be designated to perform such traffic study, the parameters of such traffic study and the cost of such traffic study.

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



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**RESOLUTIONS (CONTINUED)**

**RESOLUTION SUPPORTING RENEWAL OF THE GARDEN STATE PRESERVATION TRUST  
(CONTINUED)**

WHEREAS, protecting open spaces and improving urban natural areas stabilizes local property taxes and revitalizes communities; and

WHEREAS, since its creation in 1998, the Garden State Preservation Trust has enabled the State of New Jersey, its local governments, and nonprofits to acquire over 432,000 acres of parks, open space and farmland; and

WHEREAS, the Garden State Preservation Trust is essential not only to the State's conservation programs, but also to the work of counties, municipalities and nonprofit organizations by providing grants and low interest loans to help preserve land while protecting natural resources and farmland for future generations; and

WHEREAS, even many of the places already protected – our state and local parks – are threatened by inadequate levels of funding for operation, maintenance, and stewardship; and

WHEREAS, the Garden State Preservation Trust is virtually depleted, with funds to be completely exhausted in 2007 despite the continued need for the programs it makes possible;

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

1. The Township of Morris supports the renewal and strengthening of the Garden State Preservation Trust, to provide \$325 million annually for New Jersey to continue its programs to acquire open space and farmland and improve historic sites and preserved lands. This amount includes \$225 million a year for acquisition and \$100 million a year for capital projects, which could be provided by bonding an annual dedicated stream of approximately \$150 million.
2. The Township of Morris supports the dedication of \$56 million annually to establish a stable source of funding for operation, maintenance, and stewardship for parks, recreation and natural areas.
3. The Municipal Clerk is hereby authorized to provide a copy of this Resolution to the following: Jon Corzine, Governor, State Senator Bucco, Assemblymen Carroll and Merkt, Morris Land Conservancy, New Jersey Conservation Foundation and The Outdoor Recreation Alliance.

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

- - -

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**RESOLUTIONS (CONTINUED)**

AUTHORIZING AWARD OF CONTRACT TO MORRIS LAND CONSERVANCY, 19 BOONTON AVENUE, BOONTON, NJ 07005 TO PROVIDE ASSISTANCE IN ALL ASPECTS OF DEVELOPING A TOWNSHIP-WIDE TRAILS PLAN - NTE \$12,000

WHEREAS, there exists a need for services to provide assistance in all aspects of developing a township-wide trails plan; and

WHEREAS, the maximum amount of this contract is \$12,000; and

WHEREAS, the Local Public Contracts Law [N.J.S.A. 40A:11-5(1)(a)] requires that the resolution authorizing the award of contracts for "Extraordinary Unspecifiable Services" without bids and the contract itself must be available for public inspection; and

WHEREAS, the Township Administrator has certified that this meets the statute and regulations governing the award of said contracts; and

WHEREAS, the Chief Financial Officer of the Township of Morris has filed a certificate of availability of funds indicating funds are available in Open Space Trust.

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

1. An agreement with the Morris Land Conservancy, 19 Boonton Avenue, Boonton, New Jersey 07005, dated January 24, 2007, for the aforesaid services, a copy of which is on file in the Office of the Township Clerk and is made a part hereof by reference, is hereby approved and shall be entered into by this Governing Body.
2. The Mayor is hereby authorized to execute said agreement and the Township Clerk is authorized to attest and affix the seal to same.
3. This contract is awarded without competitive bidding as an Extraordinary, Unspecifiable Service in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services required cannot reasonably be described by written specifications to assure that the qualitative and quantitative assessment of the problems involved, which require expertise, experience, extensive training, and proven reputation in the field of endeavor, are obtained.
4. The contract period of this agreement shall be February 7, 2007 through February 28, 2008.

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

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**RESOLUTIONS (CONTINUED)**

**RESOLUTION RE: APPOINTING PAUL A. WOODFORD AS ALTERNATE NUMBER TWO MEMBER OF THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF MORRIS - RESOLUTION OF FINDINGS AND DETERMINATION**

BE IT HEREBY RESOLVED by the Township Committee of the Township of Morris that Paul A. Woodford, 36 Knollwood Drive, Morristown, New Jersey 07960 be and he is hereby appointed as Alternate Number Two Member of the Board of Adjustment of the Township of Morris, to assume his rightful position forthwith.

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

- - -

**IN RECOGNITION AND OF CONGRATULATIONS - THOMAS P. SHERIDAN**

WHEREAS, **THOMAS P. SHERIDAN**, a long time resident of Morristown, celebrated his 84th birthday on January 11, 2006, and has served for over 60 years as an member of The First Ward Hose Company of the Morristown Fire Department, which earned a day named after him, and

WHEREAS, in 1944-1945 Thomas entered the Army Air Corps, working in support duty as a radio systems trainer, training crews flying B-29s for some unnamed, secret missions which eventually had to do with dropping of the A-bomb. In 1987 Thomas was awarded the honor of "Veteran of the Year" by the Town of Morristown, and

WHEREAS, Thomas continues to dedicate his time to the Morristown community by providing his invaluable services to organizations such as The American Legion, Post 59 , Morristown Knights of Columbus, Bishop McLaughlin Council 3494, The Friendly Sons of St. Patrick and is a an active parishioner of the St. Margaret's of Scotland Church, and

NOW, THEREFORE, the Governing Body of the Township of Morris, urge our citizens to join with the Town of Morristown in expressing our sincere congratulations to Thomas on attaining his 84th birthday and wish him many more happy birthdays and congratulate him for his many years of firefighting service.

BE IT FURTHER RESOLVED that this recognition be presented to

**THOMAS SHERIDAN**

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

- - -

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**RESOLUTIONS (CONTINUED)**

AUTHORIZING AWARD OF PROFESSIONAL SERVICES TO T&M ASSOCIATES FOR PROFESSIONAL ENGINEERING SERVICES FOR BLOCK 23.02, LOT 5, IN HARDING TOWNSHIP, MORRIS COUNTY, NJ, IN AN AMOUNT NOT TO EXCEED \$2,950.00.

WHEREAS, the Township of Morris has need for the professional services of a professional engineer with respect to providing a construction cost estimate and a revised conceptual design of Block 23.02, Lot 5, in Harding Township, and

WHEREAS, T&M Associates is a professional engineering firm located at 1373 Broad Street, Suite 306, Clifton, New Jersey 07013-4231, and

WHEREAS, N.J.S.A. 40A:11-5 provides that any contract or agreement for professional services may be negotiated or awarded without public advertising, and

WHEREAS, the profession of engineering is one regulated by law, the performance of which requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of instructions, and

WHEREAS, the Chief Financial Officer of the Township of Morris has filed a certificate of availability of funds stating that funds are available in Open Space Trust.

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

1. The Township of Morris does hereby award a contract to T&M Associates for professional engineering services as more fully described in a proposed scope of services related to Block 23.02, Lot 5, Mount Kemble Avenue, Harding Township, NJ, and dated January 25, 2007, in an amount not to exceed \$2,950.00.
2. An official notice of this action shall be published in accordance with the law.

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

- - -

APPOINTING PAUL GANNON AS FOREMAN OF THE ROAD AND SANITATION DEPARTMENT, EFFECTIVE/RETROACTIVE TO FEBRUARY 5, 2007, WITH A SIX 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, Paul Gannon is hereby appointed Foreman, Road and Sanitation Department, effective and retroactive to February 5, 2007, with a six (6) month probationary period.

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

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

APPOINTED LAWRENCE C. VITALE, 1 KITCHELL ROAD, MORRISTOWN, NJ AS A MEMBER OF THE TOWNSHIP OPEN SPACE COMMITTEE FOR A TERM TO EXPIRE DECEMBER 31, 2007

BE IT RESOLVED by the Township Committee of the Township of Morris that Lawrence C. Vitale, Chairman of the Board of Adjustment, 1 Kitchell Road, Morristown, NJ 07960 is hereby appointed to the Open Space Committee to fulfill the unexpired term of James C. Allison, said term to expire December 31, 2007.

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

- - -

APPOINTED THE FOLLOWING AS MEMBERS OF THE TOWNSHIP PLANNING BOARD TO FILL UNEXPIRED TERMS AS INDICATED:

BE IT RESOLVED by the Township Committee of the Township of Morris that the following Planning Board appointments are hereby made for terms as indicated:

JERRY LOUGHMAN, 75 PARK AVE., CLASS IV MEMBER, EXPIRING DEC. 31, 2009;

LINDA MURPHY, 23 RAVEN DRIVE, ALTERNATE #1, EXPIRING DEC. 31, 2007;

JAN WOTOWICZ, 24 ARROWHEAD ROAD, ALTERNATE #2, EXPIRING DEC. 31.2008.

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

- - -

AUTHORIZING PAYMENT TO TWIN TOWN TIGERS "JUNIOR COLONIAL FOOTBALL ASSOCIATION" FOR USE OF THEIR CONCESSION STAND DURING THE 2006 STREETER POOL SEASON

BE IT RESOLVED by the Township Committee of the Township of Morris that payment in the amount of \$800.00 to the Twin Town Tigers "Junior Colonial Football Association" for the use of their concession stand during the 2006 Streeter Pool Season.

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

- - -

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**RESOLUTIONS (CONTINUED)**

**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. CALVANELLI YES MR. ROSENBUSH YES  
MRS. HYLAND YES MR. WATSON YES  
MAYOR NACE YES  
- - -

**APPROVING SETTLEMENT; RE: MATTER OF AL NETO CONTRACTORS - FINDINGS AND DETERMINATION**

WHEREAS, the Township Committee of the Township of Morris did discuss in closed session certain threatened and pending litigation; and

WHEREAS, the matter of Al Neto Contractors had been referred to arbitration; and

WHEREAS, on January 16<sup>th</sup> 2007 the Township and Al Neto Contractors Inc. had participated in an arbitration session with the Honorable David Cramp; and

WHEREAS, this resolution was the result of that arbitration.

NOW, THEREFORE, BE IT HEREBY FURTHER RESOLVED by the Township Committee of the Township of Morris, that the Township Attorney be authorized to execute a Stipulation of Settlement pursuant to which the claim of Al Neto Contractors for additional compensation in the amount of \$129,665.00 be settled for the sum of \$40,000.00. Further, the Township of Morris shall authorize the release of the retainer amount of \$37,608.35. The parties thereafter mutually release one another from any and all contractual undertakings with respect to the work in question.

ROLL CALL: MR. CALVANELLI YES MR. ROSENBUSH YES  
MRS. HYLAND YES MR. WATSON YES  
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. Richard Noonan, 69 Fairchild Avenue, spoke about the traffic/safety on East Hanover Avenue, drivers are not abiding by the safety zone area at the traffic lights.

\* \* \*

**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 permission to the College of St. Elizabeth to use the Convent Station Parking Lot for Commencement Ceremonies on Friday, May 11, 2007 from 6:00 P.M. to 9:30 P.M and on Saturday, May 12, 2007 from 8:00 A.M. to 12:00 Noon, subject to approval of the Police Chief.
2. Granted municipal consent to the Morristown Running Company to conduct a running race "Morristown St. Patty's Day 5K" on March 10, 2007 at 10 A.M., starting and finishing at Ginty Field, subject to approval of the Police and Fire Chiefs and subject to the **filing of a Certificate of Insurance, with a Hold Harmless Clause.**
3. Granted municipal consent to the Morris County Bar Association Foundation to stage the Lawyers For Kids 5K (3.1 miles) road race at the Morris Township Municipal Complex on July 12, 2007, beginning at 7:15 P.M. and concluding by 8:00 P.M., subject to approval of the Police and Fire Chiefs and the **filing of a Certificate of Insurance, with a Hold Harmless Clause.**
4. Granted municipal consent to the On Your Mark Productions (OYMP) on behalf of the 5,000 Strides to stage a 3.1 mile road race at the Morris Township Municipal Complex on June 11, 2007, beginning at 7:15 P.M. and concluding by 8:00 P.M., subject to approval of the Police and Fire Chiefs and the **filing of a Certificate of Insurance, with a Hold Harmless Clause.**
5. Approved the license for an Owner-Operator of a Vehicle For Hire for Martin R. Marulanda, 26 Kennedy Road, Morris Plains, NJ 07950, T/A A+Taxicab for the year 2007.
6. Granted permission to Morris County Golf Club to hold a fireworks display on their property, 36 Punch Bowl Road, on July 3, 2007, subject to approval of the Fire and Police Chiefs and the **filing of a Certificate of Insurance, with a Hold Harmless Clause.**

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**CONSENT CALENDAR (CONTINUED)**

7. Approved, in accordance with a memo of recommendation from Michael Loughman, Police Chief dated February 1, 2007, the following as Probationary Communication Officers, Class 1: Steven Crump, 36 Condit Street, Succasunna, NJ 07876 and Betty Guarino, 3 Spring Valley Drive, Florham Park, NJ 07932 effective February 12, 2007 at the starting salary of \$30,138.00.
8. Approved, in accordance with a memo of recommendation from Craig Goss, Fire Chief, dated January 31, 2007, Brian Daley, 1 Bedford Place, Morristown, NJ 07960 as a volunteer fireman for the Morris Township Fire Department (Fairchild Fire Company).
9. Approved, in accordance with a memo of recommendation from Craig Goss, Fire Chief, dated January 31, 2007, Robert J. Poll. 32 Brookfield Way, Morristown, NJ 07960 as a Junior Firefighter for the Morris Township Fire Department (Fairchild Fire Company).
10. 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-1980 - Project Acorn - 50/50 Off-Premise Raffle - June 18, 2007 - 7:00 P.M. - Morris County Golf Club, 36 Punch Bowl Road.

Ra-1982 - Hillcrest Home and School Association - On-Premise Raffle - March 3, 2-007 - 12-3 P.M. - 160 Hillcrest Avenue.

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

\* \* \*

**MATTERS OF OTHER BUSINESS**

NONE

\* \* \*

**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. Certificate of Registration from the State of New Jersey, Department of Community Affairs for Block 3903, Lot 12, 5 Center Avenue, Hillside School Condos, Owner: Pasmela Breunig.
2. Landlord Registration Statements from:  
2 Sherwood Drive, Block 6201, Lot 22, owner: Garden State Property Management V, LLC.  
20 Spencer Drive, Block 280, Lot 9, owners: Andrej & Neli Ljolje.  
11 Woodruff Road, Block 9402, Lot 35, owners: Henriette Khan & M. Anees Khan, M.D.

**TOWNSHIP COMMITTEE MEETING  
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**MATTERS RECEIVED FOR THE RECORD (CONTINUED)**

3. Notice received from the County of Morris, Department of Planning, Development & Technology acknowledging receipt of Ordinance #1-07, as introduced on January 17, 2007, Amending Chapter 95, adding new Section 95-28.1, Maximum Permitted Residential Area for Single Family Dwellings.

\* \* \*

**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. CALVANELLI

1. A visit of the Butterworth Sewer Plant was very educational as was the energy cost generated by the pumps. Explore alternative energy with a fact-finding committee.

MRS. HYLAND

NONE

MR. ROSENBUSH

NONE

MR. WATSON

1. Will miss Cathleen Earle, a good friend.
2. Proposed expansion at the Morristown Airport - the Township should play some role in weighing in on this expansion and is it too early to render support or not. Concerned with the impact on residents and if there is evidence of increase in air traffic. Mr. Wotowicz will be monitoring this proposal.

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

1. 

TOWNSHIP OF MORRIS  
MORRIS COUNTY, NEW JERSEY  
PROCLAMATION

**MARCH 1, 2007 – ‘NEA’S READ ACROSS AMERICA AND ‘READ ACROSS AMERICA-NJ’**

WHEREAS, the citizens of the Township of Morris stand firmly committed to promoting reading as the catalyst for our students’ future academic success, their preparation for America’s jobs of the future and their ability to compete in a global economy, and

WHEREAS, the Township Committee has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community’s well-being and long-term quality of life, and

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

MAYORAL COMMENTARY - MAYOR ROBERT E. NACE (CONTINUED)

PROCLAMATION (CONTINUED)

WHEREAS, NEA's 'Read Across America', a national celebration of reading, will be conducted on March 2, 2007, which would have been the 103rd birthday of Theodor Seuss Geisel, better known as Dr. Seuss, and

WHEREAS, 'Read Across America-NJ' is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, the Saturn-UAW, Staples, and their local affiliates across the State to promote reading and adult involvement in the education of our community's students.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee calls on the citizens of the Township of Morris to assure that every child is in a safe place reading together with a caring adult on March 2, 2007.

BE IT FURTHER RESOLVED that this body enthusiastically endorses 'NEA's Read Across America' and 'Read Across America-NJ', and recommits our community to engage in programs and activities to make America's children the best readers in the world.

\* \* \*

**CONSIDERATION OF MONTHLY REPORTS**

NONE

\* \* \*

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

The Governing Body recessed at 10:02 P.M., the February 7, 2007 Regular Meeting in order to conduct a "Closed Meeting" concerning "Legal and Personnel Matters", as authorized this date.

- - -

**CALL TO ORDER AND ADJOURNMENT**

At 10:35 P.M. the February 7, 2007 recessed Regular Meeting was called to order and a resolution entitled "APPROVING SETTLEMENT RE: MATTER OF AL NETO CONTRACTORS - FINDINGS AND DETERMINATION" was adopted (5-0), thereafter with no further business to be considered, on motion duly made, seconded and unanimously (5-0) adopted, the meeting was adjourned at 10:40 P.M., next to convene at the 8:00 P.M., February 21, 2007, Regular Meeting, in the Municipal Building, 50 Woodland Avenue, Township of Morris.

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CATHLEEN AMELIO  
TOWNSHIP CLERK

DATED: MARCH 1, 2007