

**MINUTES OF REGULAR MEETING OF
THE TOWNSHIP COMMITTEE HELD ON
WEDNESDAY, AUGUST 15, 2007, 8:30 P.M.**

CALL TO ORDER

The August 15, 2007 Regular Meeting was called to order by Mayor Robert E. Nace at 8:30 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 Jeffrey R. Grayzel

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

ALSO PRESENT

William Foelsch, Director of Parks & Recreation

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PLEDGE OF ALLEGIANCE

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

NOTE: ORDINANCES CAN BE OBTAINED AT THE OFFICE OF THE TOWNSHIP CLERK

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

Mayor Nace issued the following statement of adequate notice:

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

Written Notice was given on August 10, 2007 to the official newspapers, Daily Record and Morris News Bee, and to the additional newspaper, Star Ledger, by mail at least 48 hours prior to the date of this meeting, and a copy of the Notice was posted on the Bulletin Board in the Municipal Building of the Township of Morris by the Township Clerk and a copy of the Notice was likewise filed in the Township Clerk's Office and copies of this Notice were mailed by certified mail to all persons who have requested individual notice, pursuant to N.J.S.A. 10:4-19, all of which Notices were given at least 48 hours prior to the date of this meeting, and I hereby hand to the Township Clerk, a copy of the Notice which was given as above set forth for appropriate retention in the Municipal Files".

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SPEAKER'S TIME LIMITATION

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

* * *

APPROVAL OF MINUTES

NONE

* * *

PRESENTATION - PROCLAMATION:

PRESENTATION TO MR. & MRS. STANLEY BIRN, 39 JUNARD DRIVE, MORRIS TOWNSHIP, IN CELEBRATION AND RECOGNITION OF THEIR SIXTIETH WEDDING ANNIVERSARY, JUNE 1, 2007.

* * *

2007 MORRIS COUNTY OPEN SPACE APPLICATION - PASSAIC RIVER COALITION

Ella Filippone, Executive Director, Watershed Association, spoke regarding the Coalition which has been operating for 38 years. A proposal to have an educational facility at 284 Mendham Road is being considered for a permanent facility for the Coalition; proposal requires the Township's approval; Lewis Lee is the current owner; would propose to purchase the property by the end of the year, known as the Sayre house; no additions; structure will remain the same; house is 217 years old. The Committee will deliberate and get back to Ms. Filippone in regard to this request.

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**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND ADOPTION -
CONTINUED TO THE SEPTEMBER 19, 2007 MEETING**

ORDINANCE #22-07 - "AN ORDINANCE APPROPRIATING THE SUM OF \$108,600 FROM THE GENERAL CAPITAL FUND BALANCE FOR VARIOUS PROJECTS AND PURCHASES"

* * *

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 September 19, 2007 regular meeting at 8:00 P.M.:

ORDINANCE #23-07 - 'AN ORDINANCE OF THE TOWNSHIP OF MORRIS AMENDING CHAPTER 88, ARTICLE X, SECTION 88-10.2 AND SCHEDULE XX "STOP INTERSECTIONS" (FANOK ROAD/DWYER LANE)

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

* * *

SUMMARY OF BIDS RECEIVED AUGUST 8, 2007

Township Administrator Fred J. Rossi reported that on August 8, 2007, 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 2007-12-Roof And Gutter Replacements & Repairs at Various Locations	Cipollini Roofing 203 E. Blackwell Street Dover, NJ 07801	\$99,014.00

The award of this bid was carried to the September 19, 2007 regular meeting.

* * *

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 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 AMOUNT NOT TO EXCEED \$5,000.00

WHEREAS, the Township of Morris has need for the professional services of a professional engineer with respect to providing a lot yield analysis of Block 23.02, Lot 5, in Harding Township as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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RESOLUTIONS (CONTINUED)

WHEREAS, the practice of engineering 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 acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, T&M Associates, 1373 Broad Street, Suite 306, Clifton, NJ 07013-4231, has submitted a revised proposal dated July 24, 2007 indicating they will provide the professional engineering services for \$5,000; and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M 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 T&M 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 stating that funds are available in Open Space Trust in the amount of \$5,000.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Morris hereby confirms the award of a contract with T&M Associates for the provision of professional engineering services with respect to providing a lot yield analysis of Block 23.02, Lot 5, in Harding Township for a fee not to exceed \$5,000.

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

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

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

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AUTHORIZING THIRD QUARTER 2007 TAX GRACE PERIOD TO BE EXTENDED

WHEREAS, the Collector of Taxes has certified to the Township of Morris that the mailing or other delivery of all original tax bills and advice copies for the 3rd and 4th quarters 2007 as well as the 1st and 2nd 2008 installments was completed on July 25, 2007, and

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RESOLUTIONS (CONTINUED)

WHEREAS, N.J.S.A. 54:4-66.3d provides that the third quarter property taxes shall not be subject to interest until the later of: August 1; or, the ten day grace period; or the twenty fifth calendar day after the tax bills were mailed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Morris, being the Governing Body thereof, that the grace period be extended to August 24, 2007 after which time interest will accrue back to August 1, 2007.

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

- - -

AUTHORIZING REFUND OF MONIES DUE TO TAX OVERPAYMENTS (3-\$3,093.53) & SEWER OVERPAYMENTS (2-\$448.40)

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>				
105	28	Michael & Lindsay Nunn	Refund Tax O/P 1 st Qtr 2004	\$ 295.93
306	71	Sonia Falcone	Refund Tax O/P 4 th 2006, 1 st 2007	\$ 2,524.39
1006	10	Robert Sullivan	Refund Tax O/P 3 rd Qtr 2005	\$ 273.21
<u>SEWER</u>				
4247-0	St Mark's Lutheran Church		Refund Sewer O/P 3 rd Qtr 2007	\$ 154.15
6679-0	Township of Morris		Deposit Error- from sewer to swim pool	\$ 294.25

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

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RESOLUTIONS (CONTINUED)

RESOLUTION AUTHORIZING THE CANCELLATION OF STALE DATED CHECKS

WHEREAS, there exists various checks on the books for the accounts listed below, and

WHEREAS, the checks and vouchers have been investigated and it has been determined that these checks are one year old, and

WHEREAS, the issue dates exceed the extended term allowed by the respective bank the checks were drawn upon.

NOW, THEREFORE, BE IT RESOLVED, that the following checks are hereby cancelled:

Recycling Trust Fund		\$29,395.51	
222	7/19/06	\$14,544.00	First Occupational Center of NJ
223	7/19/06	\$ 2,821.51	Foley Inc.
224	7/19/06	\$12,030.00	S. Rotondi & Sons Inc

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

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RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MORRIS IN SUPPORT OF A LEASE AGREEMENT BETWEEN THE TOWNSHIP OF MORRIS AND THE JUNIOR COLONIAL FOOTBALL ASSOCIATION

WHEREAS, the Township of Morris hereby leases to the Junior Colonial Football Association and the Association hereby leases from the Township, the Field House Building at Cornine Field.

WHEREAS, this lease shall be for a period of five (5) years, commencing on August 15, 2007, and will contain a 120-day termination clause for each party.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Morris, in the County of Morris, New Jersey, hereby authorizes the Mayor and Township Clerk to execute a lease agreement with the Junior Colonial Football Association for use of the Field House Building at Cornine Field for the period August 15, 2007 to August 15, 2012.

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

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RESOLUTIONS (CONTINUED)

AUTHORIZING FINAL CHANGE ORDER - OTE: 2006-10 – MUNICIPAL BUILDING BACKUP GENERATOR – GARY VIENNA ELECTRIC, 36 MENDHAM AVENUE, MORRISTOWN, NJ 07960 - TOTAL CHANGE ORDER \$226.00

WHEREAS, a contract was awarded by the Township Committee at a meeting held on December 20, 2006 to Gary Vienna Electric, 36 Mendham Avenue, Morristown, NJ 07960, in the amount of \$129,504.00, and

WHEREAS, it has been determined that certain changes and modifications are needed, and

WHEREAS, the Chief Financial Officer of the Township of Morris has filed a Certificate of Availability of Funds indicating funds are available in the following General Capital accounts, G-04-55-620-020 and G-04-55-113-001, and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Committee of the Township of Morris, being the Governing Body thereof, that the following change orders are hereby approved:

Change Order #1 - Sub-panel upgrade: This change order was issued for additional electrical work that was required to increase the amperage capacity of an existing sub-panel. The existing sub-panel had several additional circuits installed over the years, however; the service capacity of the sub-panel had never been upgraded to adequately and safely service the total number of circuits on this sub-panel. Accordingly, a change order was required to correct this hazardous condition. The total amount for this change order results in an increase to the contract of \$1,126.00.

Change Order #2 - Diesel fuel credit: This change order was issued for a credit for diesel fuel provided by the Township. As part of the contract, the contractor was required to provide for the first full tank of diesel fuel. In coordinating the actual load testing of the generator, the Township offered to provide the fuel for the contractor and deduct the Township's cost from the contract. A total of 300 gallons of diesel fuel were to be provided by the contractor. The total amount for this change order results in a decrease to the contract of \$900.00.

Summary of Contract Adjustments:

Field Change Order #1	+	\$1,126.00
Field Change Order #2	-	<u>\$ 900.00</u>
TOTAL AMOUNT OF CHANGE ORDER		\$ 226.00

Summary of Contract Adjustments:

Original Contract Award:		\$129,730.00
Field Change Order #1	+	1,126.00
Field Change Order #2	-	<u>900.00</u>
TOTAL CHANGE ORDER		\$ 226.00

Total Adjusted Contract Amount	<u>\$ 129,730.00</u>
Total previous payments:	\$ 40,680.90
Total Final Payment	<u>\$ 89,049.10</u>

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RESOLUTIONS (CONTINUED)

AUTHORIZING FINAL CHANGE ORDER - OTE: 2006-10 – MUNICIPAL BUILDING BACKUP GENERATOR – GARY VIENNA ELECTRIC, 36 MENDHAM AVENUE, MORRISTOWN, NJ 07960 - TOTAL CHANGE ORDER \$226.00 (CONTINUED)

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

- - -

AUTHORIZING THE PURCHASE OF A PICKUP TRUCK THROUGH STATE CONTRACT A67276 FROM PRINCETON NASSAU/CONOVER FORD, 902 ROUTE 206, PRINCETON, NJ 08540 IN AN AMOUNT NOT TO EXCEED \$15,606.

WHEREAS, the Township of Morris wishes to purchase a pickup truck, and

WHEREAS, the above item is available through state contract #A67276 from Princeton Nassau/Conover Ford, 902 Route 206, Princeton, NJ 08540, and

WHEREAS, the Director of Finance has certified that funds are available in Parking Lot O.E., Line #7-09-55-509-403 in the amount of \$15,606.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, Township of Morris, State of New Jersey, that a contract be awarded to Princeton Nassau/Conover Ford for the purchase of a Ford Ranger Pickup Truck.

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

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APPOINTING SPECIAL LEGAL COUNSEL- PUBLIC DEFENDER – SHARON BITTNER KEAN, ESQ., 18 MACCULLOCH AVE., MORRISTOWN, NJ 07960 - \$125/HR. – NOT TO EXCEED \$1,012.50

WHEREAS, the Township of Morris had the need to acquire professional services of legal counsel to act as a special public defender due to a conflict of interest by the public defender; 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, Sharon Bittner Kean, Esq. has agreed to provide the professional services of public defender for \$125 per hour; and

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

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RESOLUTIONS (CONTINUED)

APPOINTING SPECIAL LEGAL COUNSEL- PUBLIC DEFENDER – SHARON BITTNER KEAN, ESQ., 18 MACCULLOCH AVE., MORRISTOWN, NJ 07960 - \$125/HR. – NOT TO EXCEED \$1,012.50 (CONTINUED)

WHEREAS, the resolution previously awarded to Timothy Brunnock, Esq. (Resolution No. 31-07, Purchase Order No. 07-00317) shall be reduced by the amount being paid to Sharon Bittner Kean, Esq., Special Public Defender.

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 Sharon Bittner Kean, Esq., 18 Macculloch Ave., Morristown, New Jersey for a total not to exceed \$1,012.50.

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

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

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APPOINTING ROBERT H. RUTAN AS ELECTRICAL SUBCODE OFFICIAL FOR A FOUR (4) YEAR TERM, EFFECTIVE JUNE 25, 2007, EXPIRING JUNE 24, 2011.

BE IT RESOLVED by the Township Committee of the Township of Morris, that in accordance with N.J.S.A. 52:27D-126 Robert H. Rutan is hereby appointed "Electrical Subcode Official" for a four (4) year term, effective June 25, 2007, to expire June 24, 2011.

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

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AUTHORIZING AWARD OF A PROFESSIONAL LAND SURVEYING SERVICES CONTRACT - BLUE GATE FARM - RICHARD F. SMITH, JR., 60 WASHINGTON STREET, SUITE 203, MORRISTOWN, NJ 07960 - IN AN AMOUNT NOT TO EXCEED \$406.23

WHEREAS, the Township of Morris has need for the professional services of a professional land surveyor with respect to the roadway easement for Blue Gate Farm, and

WHEREAS, Richard F. Smith, Jr. is a professional land surveyor located at 60 Washington Street, Suite 203, Morristown, New Jersey 07960, 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

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RESOLUTIONS (CONTINUED)

AUTHORIZING AWARD OF A PROFESSIONAL LAND SURVEYING SERVICES CONTRACT - BLUE GATE FARM - RICHARD F. SMITH, JR., 60 WASHINGTON STREET, SUITE 203, MORRISTOWN, NJ 07960 - IN AN AMOUNT NOT TO EXCEED \$406.23 (CONTINUED)

WHEREAS, the profession of land surveying 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 the Township's Open Space Trust Fund Account.

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 Richard F. Smith, Jr. for professional land surveying services in the amount of \$406.23.

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

- - -

AUTHORIZING AWARD OF CONTRACT FOR PROFESSIONAL SERVICES FOR PROFESSIONAL ENGINEERING SERVICES FOR BURNHAM ROAD IMPROVEMENTS PROJECT TO PMK GROUP., 65 JACKSON DRIVE, PO BOX 5000, CRANFORD, NJ 07016 - IN AN AMOUNT NTE \$68,320.00

WHEREAS, the Township of Morris has need for the professional services of a professional engineer with respect to improvements on Burnham Road pursuant to the provisions of N.J.S.A. 19:44A-20.5, and

WHEREAS, the practice of engineering is a recognize 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 acquisition will exceed \$17,500.00, and

WHEREAS, the anticipated term of this contract is one year, and

WHEREAS, PMK Group, has submitted a proposal dated August 6, 2007 indicating they will provide the professional engineering services for \$68,320.00, and

WHEREAS, the PMK Group has completed and submitted a Business Entity Disclosure Certification which certifies that the PMK Group 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 the PMK Group from making any reportable contributions through the term of the contract, and

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RESOLUTIONS (CONTINUED)

AUTHORIZING AWARD OF CONTRACT FOR PROFESSIONAL SERVICES FOR PROFESSIONAL ENGINEERING SERVICES FOR BURNHAM ROAD IMPROVEMENTS PROJECT TO PMK GROUP., 65 JACKSON DRIVE, PO BOX 5000, CRANFORD, NJ 07016 - IN AN AMOUNT NTE \$68,320.00 (CONTINUED)

WHEREAS, the Chief Financial Officer of this Township of Morris has filed a Certificate of Availability of Funds stating that funds are available in the General Capital Account #G-04-55-620-802 in the amount of \$68,320.00.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Committee of the Township of Morris, they being the Governing Body of said Township, that a contract is hereby awarded to PMK Group in an amount not to exceed \$68,320.00 and the Mayor and Township Clerk are authorized to execute the same.

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

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

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

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APPOINTING PHILIP J. MAENZA, ESQ., 198C MT. PLEASANT AVENUE, P.O. BOX 471, EAST HANOVER, NEW JERSEY 07936 AS HEARING OFFICER - \$125/HOUR - NOT TO EXCEED \$5,000

WHEREAS, the Township of Morris has need for a hearing officer for purposes of conducting a hearing and making findings of facts and conclusions of law relative to a certain pending personnel matter, and

WHEREAS, Philip J. Maenza, Esquire, an attorney at law of the State of New Jersey, is experienced in these types of matters and possesses the necessary credentials.

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. The Township Committee does hereby appoint Philip J. Maenza, Esq., 198C Mt. Pleasant Avenue (P.O. Box 471), East Hanover, New Jersey 07936, as Hearing Officer.
2. The compensation herein authorized shall be at the rate of \$125.00 per hour, not to exceed a total of \$5,000.
3. The award of contract is made without competitive bidding as a professional service pursuant to N.J.S.A. 40:11-5.

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RESOLUTIONS (CONTINUED)

APPOINTING PHILIP J. MAENZA, ESQ., 198C MT. PLEASANT AVENUE, P.O. BOX 471, EAST HANOVER, NEW JERSEY 07936 AS HEARING OFFICER - \$125/HOUR - NOT TO EXCEED \$5,000 (CONTINUED)

4. The Hearing Officer shall have full authority to determine all procedural and scheduling issues pertaining to the hearing, and shall have full authority and responsibility for the conduct of the hearing in accordance with applicable law.
5. Upon conclusion of the hearing, the Hearing Officer shall make all necessary findings of facts and conclusions of law as to the charges and, in the event of a finding of guilty on any or all of the charges made, shall determine a penalty.
6. The findings of fact and conclusions of law of the Hearing Officer together with his penalty recommendations (if any) shall be immediately communicated to the Township Committee in the form of a written opinion. Thereafter, the Township Committee as the Appointed Authority shall have the ability to accept, reject or modify any portion of the opinion of the Hearing Officer to take any subsequent action in accordance with applicable law.

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

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THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MORRIS, MORRIS COUNTY, NJ SUPPORTING LEGISLATION REQUIRING BEER KEGS TO BE REGISTERED PRIOR TO SALE

WHEREAS, underage drinking is a serious problem affecting communities throughout the country, and

WHEREAS, beer kegs are often a main source of alcohol at teenage parties and, in addition, kegs may encourage drinking greater quantities of beer, increasing the risk of driving under the influence of alcohol-related problems, and

WHEREAS, when police arrive at underage keg parties, people often scatter, leaving the police no way of determining who purchased the alcohol for the underage drinkers, and

WHEREAS, adults who purchase alcohol for underage youth may be deterred only if they believe they will face legal or financial consequences for providing alcohol to people under age 21, and keg registration encourages people to think twice before purchasing kegs and allowing underage youth to drink from them, and

WHEREAS, the Township Committee of the Township of Morris believes that the registration of kegs will provide additional protection from liability to licensed establishments with the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Morris, County of Morris, State of New Jersey, they being the Governing Body thereof, does hereby endorse the continuing efforts of the Morris County Youth Drinking Prevention Coalition in its

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RESOLUTIONS (CONTINUED)

THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MORRIS, MORRIS COUNTY, NJ
SUPPORTING LEGISLATION REQUIRING BEER KEGS TO BE REGISTERED PRIOR TO
SALE (CONTINUED)

work to reduce underage drinking, by supporting legislation requiring beer kegs to be registered prior to sale.

This resolution shall take effect immediately.

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

APPOINTING JOHN M. IACIAFANO, ESQ 157 WASHINGTON STREET MORRISTOWN NJ
07960 AS SPECIAL COUNSEL, POLICE DEPARTMENT – \$125/HOUR - IN AN ADDITIONAL
AMOUNT OF \$5,000.00 FOR A TOTAL OF \$22,000

WHEREAS, the Township of Morris has the need to acquire professional services of special legal counsel as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 as it relates to Police Department personnel matters, 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 acquisition will exceed \$17,500, and

WHEREAS, the anticipated term of this contract is the duration of this agreement, and

WHEREAS, John M. Iacifano, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that he 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 from making any reportage 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 available 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 John M. Iacifano, Esq., 157 Washington Street, Morristown, NJ 07960, in the additional amount of \$5,000, for a total of \$22,000.

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

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

* * *

PUBLIC COMMENT/INQUIRY

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

Ms. Charlene Anderson, 7 Emmett Avenue - Verizon garage issue - needs response from the Township - property owner notification within 200 feet re: Board of Adjustment application - 253 Martin Luther King Avenue.

Mr. Stephan Bochmann, 55 MacKenzie Road - Morristown-Beard School use of the gravel area at Frelinghuysen Park for parking of students vehicle - opposes this use and would request that the use not be continued. Mrs. Hyland and Mr. Watson explained the agreement with the school for 20 parking spaces. Township will follow up on trash issues and a buffer is scheduled for the lot.

Mr. Terrance Portis, 5 Carlton Street - development of Martin Luther King Avenue for a six (6) family house - garbage concern, streets are not being swept by DPW.

Mr. Donnell Williams, 38 Harter Road - Board of Adjustment member - re: six (6) family home being developed on Martin Luther King Avenue.

Ms. Carol Wills, 36 Cleveland Avenue, parking (Hervey is not a through street), Cleveland Avenue parking on one side.

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PUBLIC COMMENT/INQUIRY (CONTINUED)

Ms. Christine Simpson, 57 Highland Avenue - traffic, requested speed bumps; ground hog issues.

Mr. Edward Benoit, 348 Madison Avenue - Frelinghuysen Park - Morristown Beard student parking. Questioned the validity of Township Department Heads contracting Township owned property for outside usage.

Mr. Ron Goldberg, 4 1/2 Hilltop Circle - 253 Martin Luther King Avenue - summarized the concerns of the citizens in and around the affected area of the proposed six (6) family house.

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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. Accepted, with regret and appreciation for services rendered, the resignation of Lenny Kubik, Electrical Inspector for the Township, effective July 27, 2007.
2. Granted permission to the Olde Wheatsheaf Farms Homeowners Association to hold a Block party on September 8, 2007 (rain date September 9), from 3:00 to 7:00 P.M., using Children's Park and closing the following from vehicular traffic: Kahdena Road and Knollwood Drive and Blackwatch Trail and Knollwood Drive, subject to approval of the Police and Fire Chiefs.
3. Granted permission to the residents of Willison Park Road and Manor Drive and Willison Park Road and Bedford Place to hold a block party on September 8, 2007 (rain date September 9), from 3:30 to 8:00 P.M., closing the aforementioned streets, subject to approval of the Police and Fire Chiefs.
4. Granted permission to Lapp USA to hold their Company Family Picnic at Lewis Morris Park-Doe Meadow on August 17, 2007, between 1:00 - 5:00 P.M., erecting tents for cooking with charcoal and sterno, subject to approval of the Police and Fire Chiefs and the Construction Code Official.
5. Granted permission to St. Mark Lutheran Church to hold its annual Fall Festival at Harter Road on September 9, 2007 from 12:00-3:00 P.M., subject to approval of the Board of Health and Police and Fire.
6. Granted permission to Oak Park Drive residents to hold a block party on September 8, 2007 (rain date September 9) from 3:00 to 11:00 P.M. at the end of the cul-de-sac, subject to the approval of the Police and Fire Chiefs.
7. Granted permission to Raymond Road residents to hold a block party on September 8, 2007 from 11:00 AM. to midnight , closing the Road between Fairchild and Sherman Avenues, subject to the approval of the Police and Fire Chiefs.

**TOWNSHIP COMMITTEE MEETING
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CONSENT CALENDAR (CONTINUED)

8. Granted permission to Raskin Road residents to hold a block party on September 29, 2007 from 4 P.M. to 9 P.M. (rain date September 30 - 3:00 P.M. to 7:00 P.M.) at the end of the cul-de-sac, subject to the approval of the Police and Fire Chiefs.
9. Approved, in accordance with a memo of recommendation from Craig Goss dated August 8, 2007, Daniel Gilmartin, 37 Frederick Place, Morristown, NJ as a volunteer fireman for the Morris Township Fire Department (Mt. Kemble Fire Company).
10. Approved, in accordance with a memo of recommendation from Craig Goss dated August 8, 2007, Edgar Flippin , 30 Fairchild Avenue, Morristown, NJ as a volunteer fireman for the Morris Township Fire Department (Hillside Hose Company).
11. Approved, in accordance with a memo of recommendation from Craig Goss dated August 8, 2007, Clondel Dobbs, Morristown, NJ as a volunteer junior firefighter for the Morris Township Fire Department.
12. Approved, in accordance with a memo of recommendation from Craig Goss dated August 8, 2007, Brendan McCloskey, NJ as a volunteer junior firefighter for the Morris Township Fire Department.
13. Granted permission to Meslar Road residents to hold a block party on September 8, 2007 (rain date September 9) from 3:00 to 9:00 P.M., subject to the approval of the Police and Fire Chiefs.

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

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MATTERS OF OTHER BUSINESS

NONE

* * *

MATTERS RECEIVED FOR THE RECORD

NONE

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TOWNSHIP COMMITTEE MEMBERS COMMENTS/QUESTIONS

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

MR. GRAYZEL

1. Has concern in reference to the Board of Adjustment approval of 256 Martin Luther King Avenue - traffic policies.

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

MRS. HYLAND

1. Traffic exists in all areas; would like to see the information on the Board of Adjustment application approval - 256 Martin Luther King Avenue.

MR. ROSENBUSH

1. Recognized four new volunteer firemen on the Consent Calendar.
2. Decision of Board of Adjustment - 256 Martin Luther King Avenue - would like to know when the approvals are finalized.
3. Stacking issues in the Collinsville area; traffic in neighborhood.

MR. WATSON

1. Agrees with the rest of the Committee on decision of Board of Adjustment on the property on 256 Martin Luther King Avenue (Post War Club).

MAYORAL COMMENTARY - MAYOR ROBERT E. NACE

1. Stacking issues will be stamped out as soon as possible; explained the approval process of the Board of Adjustment re: 256 Martin Luther King Avenue.
2. Proud to announce the Township's Trails Plan which will included in the Master Plan; acquisitions of open space; named members of the Trails Committee.

* * *

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:

JULY 2007
TAX COLLECTOR

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

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

Minute Book Attachment #1 (MBA #1) dated August 15, 2007 \$12,256,080.15

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 \$12,256,080.15 for payment of the itemized Vouchers set forth on Schedule A, referenced as Minute Book Attachment No. 1, all of which have been approved by the several committees of the Township of Morris, and which are hereby made a part of the minutes of this meeting.

ROLL CALL: MR. GRAYZEL YES MR. ROSENBUSH YES
MRS. HYLAND YES MR. WATSON YES
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 10:26 P.M., the August 15, 2007 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 10:58 P.M. the August 15, 2007 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 11:07 P.M., next to convene at the 8:00 P.M., September 19, 2007, Regular Meeting, in the Municipal Building, 50 Woodland Avenue, Township of Morris.

CATHLEEN AMELIO
TOWNSHIP CLERK

DATED: SEPTEMBER 5, 2007
APPROVED: SEPTEMBER 19, 2007