

**MINUTES OF REGULAR MEETING OF
THE TOWNSHIP COMMITTEE HELD ON
WEDNESDAY, SEPTEMBER 17, 2008, 8:00 P.M.**

CALL TO ORDER

The September 17, 2008 Regular Meeting was called to order by Mayor Robert E. Nace at 8:00 P.M., in the Municipal Building, 50 Woodland Avenue, Morris Township, New Jersey.

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ATTENDANCES

ELECTED OFFICERS

GOVERNING BODY

Mayor Robert E. Nace
Township Committee Member Ronald M. Goldberg
Township Committee Member Jeffrey R. Grayzel
Township Committee Member H. Scott Rosenbush
Township Committee Member Richard A. Watson

APPOINTED OFFICERS

Cathleen Amelio, Township Clerk
John M. Mills, III, Township Attorney
Fred J. Rossi, Township Administrator

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PLEDGE OF ALLEGIANCE

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

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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 September 12, 2008 to the official newspapers, Daily Record and Morris News Bee, and to the additional newspaper, Star Ledger, by mail at least 48 hours prior to the date of this meeting, and a copy of the Notice was posted on the Bulletin Board in the Municipal Building of the Township of Morris by the Township Clerk and a copy of the Notice was likewise filed in the Township Clerk's Office and copies of this Notice were mailed by certified mail to all persons who have requested individual notice, pursuant to N.J.S.A. 10:4-19, all of which Notices were given at least 48 hours prior to the date of this meeting, and I hereby hand to the Township Clerk, a copy of the Notice which was given as above set forth for appropriate retention in the Municipal Files".

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SPEAKER'S TIME LIMITATION

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

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APPROVAL OF MINUTES

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

June 18, 2008 Regular and Closed
July 16, 2008 Regular and Closed

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: MR. GOLDBERG YES MR. ROSENBUSH YES
MR. GRAYZEL YES MR. WATSON YES
MAYOR NACE YES

* * *

**AUCTION OF ABANDONED CAR - 1995 FORD CONTOUR –
VIN #3FALP6530SM109563 AND 1991 NISSAN SENTRA VIN #1N4GB32A3MC746114**

At the request of Mayor Robert E. Nace, Township Attorney John M. Mills, conducted a public auction of abandoned vehicles which had come into the possession of the Police Department. The 1995 Ford Contour has been stored at Meslar's Towing, 163 Morris Street, Morristown, NJ

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**AUCTION OF ABANDONED CAR - 1995 FORD CONTOUR –
VIN #3FALP6530SM109563 AND 1991 NISSAN SENTRA VIN IN4GBB32A3MC746114
(CONTINUED)**

07960 since October 23, 2007 and the 1991 Nissan Sentra has been stored at Eagle Towing, 205 Parsippany Road, Parsippany, NJ 07054 since October 23, 2007. Despite repeated efforts by the Police Department to arrange for the owners to secure the vehicles, all efforts have been unsuccessful, leading to the necessity for public auction.

With standard auction procedures being observed, Township Attorney John M. Mills, III opened the matter for bids from the general public and no bids were received.

On motion duly made, seconded and unanimously adopted (5-0), the Township Clerk was authorized and directed to endorse the Junk Title Certificates to the towing companies to offset the total towing and storing charges.

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ABC ADMINISTRATIVE HEARING – MADISON HOTEL (TIMBERS, INC.)

Present were John Iacofano, Esq., Police Chief Tim Quinn and Captain Dennis Riley, Edward Broderick, Esq., Attorney for Madison Hotel, Mr. Gene Keller, part owner of the Madison Hotel. Plea arrangement: No Contest. The March 27, 2008 and April 6, 2008 charges were summarized. The Committee confirmed the recommendation for a letter of reprimand be issued for the violations.

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ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND ADOPTION

The Township Clerk advised that each Ordinance scheduled for public hearing at this meeting had been duly posted on the legal notice bulletin board in the Municipal Building, published in the Daily Record, as supported by proof of publication which had been received and placed on file, and further, that copies of the Ordinance had been provided to the members of the General Public on request.

Each Ordinance as hereinafter set forth in full was read a second time, a public hearing held hereon, with public comments and communications of record, if any, as hereinafter noted, finally adopted by the vote as herein recorded:

ORDINANCE NO. 28-08 - AN ORDINANCE AMENDING CHAPTER 13A, SECTIONS 13A-4A AND ADDING A NEW SECTION 13A-7E RE: OPEN SPACE ACQUISITIONS

WHEREAS, the Township of Morris has need to amend the Open Space Ordinance in a manner so as to provide greater flexibility in the preservation of open space.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Morris as follows:

SECTION ONE:

Chapter 13A, Section 4A is amended to provide as follows:
13A-4. Powers and duties; officers, employees and meetings.

A. The Open Space Committee shall make an initial

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

**ORDINANCE NO. 28-08 - AN ORDINANCE AMENDING CHAPTER 13A, SECTIONS 13A-4A
AND ADDING A NEW SECTION 13A-7E RE: OPEN SPACE ACQUISITIONS (CONTINUED)**

determination of which parcels of land should be acquired in fee, those parcels from which the Township should acquire the development rights only and those parcels which may be suitable for preservation through Township funding in whole or in partnership with others, but for which title maybe held in the name of another public or other appropriate non-profit entity.

SECTION TWO:

Chapter 13A-7 is amended to provide a new section as follows:

13A-7E.

E. Said funds may also be used to fund in whole or in partnership with other public entities or appropriately qualified private non-profit entities the acquisition of lands or interests therein so as to preserve the same as open space. It is permissible pursuant to this ordinance for funds to be used for the purposes herein when actual title to the preserved lands shall be in another, appropriately qualified entity.

SECTION THREE:

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portion of this ordinance.

SECTION FOUR:

All ordinances of the Township of Morris which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION FIVE:

This ordinance shall take effect upon final passage and publication thereof as provided by law.

PUBLIC COMMENT

NONE

COMMUNICATIONS OF RECORD

NONE

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

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

**ORDINANCE NO. 29-08 - ORDINANCE OF THE TOWNSHIP OF MORRIS
ADDING SECTION 57-166, DEVELOPMENT FEES FOR AFFORDABLE HOUSING,
TO CHAPTER 57, "LAND DEVELOPMENT"**

WHEREAS, in Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A.52:27D-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's ("COAH") adoption of rules; and

WHEREAS, it is in the best interest of the Township of Morris to establish standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's rules; and

WHEREAS, it is the intent of the Governing Body that fees collected pursuant to this ordinance shall be used for the sole purpose of providing low and moderate income housing and that this subsection shall be interpreted within the framework of the COAH rules on development fees.

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

There is hereby established under Chapter 57, "Land Development a new Section 57-166 entitled "Development Fees for Affordable Housing" which Section shall read in its entirety as follows:

"Section 57-166. Development Fees for Affordable Housing

A. Definitions.

As used in this ordinance, the following terms have the meanings indicated:

COAH - The New Jersey Council on Affordable Housing.

DEVELOPMENT FEES - Money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.

EQUALIZED ASSESSED VALUE - The value of a property determined by the Township Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined by the Township Tax Assessor at the time of a certificate of occupancy.

SUBSTANTIVE CERTIFICATION - A determination by COAH approving a municipality's housing element and fair share plan in accordance with the provisions of the Fair Housing Act and the rules and criteria as set forth herein. A grant of substantive certification shall be valid for a period of ten (10) years unless extended by COAH in accordance with the terms and conditions contained therein."

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

ORDINANCE NO. 29-08 (CONTINUED)

B. Residential Development Fees.

- (1) Pursuant to N.J.A.C. 5:97-8.3(c), developers shall pay a fee of one and one half percent (1½%) of the equalized assessed value for residential development provided no increased density is permitted.
- (2) When a municipality approves an increase in residential density pursuant to N.J.S.A.40:55D-70d(5) [known as a “d” density variance], the municipality may impose a developer fee of up to six (6%) percent of the equalized assessed value (EAV), for each additional unit which may be realized. However, if the zoning on a site has changed during the two (2) year period preceding the filing of such a variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two (2) year period preceding the filing of the variance application.
- (3) The construction of new residential development and additions and alterations to existing development are subject to development fees. New construction fees shall be based on the equalized assessed value of land and improvements. Fees that result from additions and alterations shall be based on the increase in assessed value that results from the addition or alteration.

C. Nonresidential Development Fees by P.L. 2008,c.46, a fee is imposed on all construction resulting in nonresidential development as follows:

- (1) A fee equal to two-and one-half (2½%) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots; or
- (2) A fee equal to two- and one-half (2½%) percent of the increase in equalized assessed value, of the additions to existing structures to be used for non-residential purposes.
- (3) All non-residential construction of buildings or structures on property used by churches, synagogues, mosques or other houses of worship, and property used for educational purposes, which is tax exempt pursuant to R.S.54:4-3.6, shall be exempt from the imposition of a non-residential development fee pursuant to statute, provided that the property continues to maintain its tax exempt status under that statute for a period of at least three (3) years from the date of issuance of the certificate of occupancy. In addition, the following uses shall be exempt from the imposition of a non-residential development fee:
 - a. Parking lots and parking structures, regardless of whether the parking lot or parking structure is constructed in conjunction with a non-residential development, such as an office building, or whether the parking lot is developed as an independent non-residential development;

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

ORDINANCE NO. 29-08 (CONTINUED)

- b. Any non-residential development which is an amenity to be made available to the public including, but not limited to, recreational facilities, community centers, and senior centers, which are developed in conjunction with or funded by a non-residential developer;
- c. Non-residential construction resulting from a relocation of or an on-site improvement to a non-profit hospital or a nursing home facility;
- d. Projects which are located within a specifically delineated urban transit hub, as defined in Section 2 of P.L.2007,c.346;
- e. Projects that are located within an eligible municipality, as defined under Section 2 of P.L.2007,c.346, when a majority of the project is located within a one-half (½) mile radius of the midpoint of a platform area for a light rail system;
- f. Projects determined by the New Jersey Transit Corporation to be consistent with a transit village plan developed by a transit village designated by the Department of Transportation.

(4) A developer of a non-residential development exempted from the non-residential development fee pursuant to this section shall be subject to it at such time the basis of the exception set forth in this subsection no longer applies, and shall make the payment of the non-residential development fee, in that event, within three (3) years after that event or after the issuance of the final certificate of occupancy of the non-residential development whichever is later.

(5) For purposes of this subsection, "recreational facilities and community center" means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including but not limited to ball fields, meeting halls, and classrooms, accommodating either informal or formal activity; and "senior center" means any recreational facility or community center with activities and services oriented toward serving senior citizens.

(6) If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation the owner shall remit the fees required pursuant to this section within forty-five (45) days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

(7) The payment of non-residential development fees required pursuant to P.L. 2008, c.46 shall be made prior to the issuance of a certificate of occupancy for such development. A final certificate of occupancy shall not be issued for any non-residential development until such time as the fee imposed pursuant to this section has been paid by the developer. A non-residential developer may deposit with the appropriate entity the development fees as calculated by the municipality

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

ORDINANCE NO. 29-08 (CONTINUED)

under protest, and the local code enforcement official shall thereafter issue the certificate of occupancy provided that the construction is otherwise eligible for a certificate of occupancy.

(8) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the first building permit for a development which may be subject to a non-residential development fee. Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the non-residential development. The construction official responsible for the issuance of a final certificate of occupancy shall notify the local assessor of any and all requests for the scheduling of a final inspection on property which may be subject to a non-residential development fee. Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the non-residential development in accordance with the procedures established by P.L.2008,c.46; and thereafter notify the developer of the amount of the non-residential development fee. Should the municipality fail to determine or notify the developer of the amount of a non-residential development fee within ten (10) business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute resolution process set forth in P.L.2008,c.46. Upon tender of the estimated non-residential development fee, providing that the developer is in full compliance with all other applicable laws, the municipality shall issue a final certificate of occupancy for the subject property.

(9) A developer of a mixed use development shall be required to pay the statewide residential development fee relating to the non-residential component of a mixed use development subject to the provisions of P.L.2008,c.46.

(10) Non-residential construction which is connected with the relocation of the facilities for a for-profit-hospital shall be subject to the fee authorized to be imposed under this section to the extent of the increase in equalized assessed valuation in accordance with regulations to be promulgated by the Director of the Division of Taxation, Department of the Treasury.

(11) Whenever non-residential development is situated on real property that has been previously developed with a building, structure, or other improvement, the non-residential development fee shall be equal to two-and-on-half (2½%) percent of the equalized assessed value of the land and improvements on the property where the non-residential development is situated, as determined by the tax assessor of the municipality at the time the developer or owner, including and previous owners, first sought approval for construction permit, including but not limited to demolition permits pursuant to the State Uniform Construction Code, or approval under the Municipal Land Use Law P.L.1975,c.291. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

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

ORDINANCE NO. 29-08 (CONTINUED)

D. Eligible Development, Ineligible Development and Exemptions.

- (1) Developments of low and moderate income units and inclusionary housing units shall be exempt from paying development fees.
- (2) Developments that have received preliminary or final approval prior to the effective date of this ordinance shall be exempt from paying a development fee unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or construction permit shall be synonymous with preliminary or final site plan approval for this purpose.
- (3) Developments of new individual structures, excluding teardowns, and rebuilds of replacement single-family dwellings on the same lot that receive municipal construction approvals, shall pay a development fee. The development fee shall be calculated based on the percent of equalized assessed value of the development pursuant to Subsections A and B of this section.
- (4) Bona fide houses of worship and other not-for-profit institutions shall be exempt from paying development fees.
- (5) Additions to existing single-family dwellings shall be exempt from paying development fees.

E. Collection of Fees.

- (1) Developers shall pay fifty percent (50%) of the estimated development fee to the Township at the issuance of building permits. At the issuance of certificates of occupancy, the appropriate development fee shall be based on the percent of equalized assessed value of the development pursuant to Subsections A and B of this section. The developer shall be responsible for paying the difference between the fee calculated at building permit and paid at issuance of certificate of occupancy.
- (2) In the event any of the conditions described in N.J.A.C.5:97-8-13(a) occur, the Council shall be authorized, on behalf of the municipality, to direct the manner in which all funds in the affordable housing trust fund shall be expended. Such revenues shall immediately become available for expenditure once the Council has notified the municipal clerk and chief financial officer that such a condition has occurred. In furtherance of the foregoing, Morris Township shall in establishing its housing trust fund pursuant to N.J.A.C.5:97-8.1, ensure that the Township has provided written authorization, in the form of an escrow agreement, to permit the Council to direct the disbursement of such revenues from the account following the delivery to the bank of the aforementioned written notification provided by the Council to the Township's clerk and chief financial officer.

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

ORDINANCE NO. 29-08 (CONTINUED)

- (3) No fees shall be collected until COAH has approved §57-166. Imposed and collected developer's fees that are challenged shall be placed in an interest bearing escrow by Morris Township. If all or a portion of the contested
- (4) fees are returned to the developer, the accrued interest on the returned amount shall also be returned.

F. Housing Trust Fund

- (1) There is hereby created an interest-bearing Housing Trust Fund in (name of bank) for the purpose of receiving development fees from residential and nonresidential developers. All development fees paid by developers pursuant to this subsection shall be deposited in this fund. No money shall be expended from the Housing Trust Fund unless the expenditure conforms to a spending plan approved by COAH.
- (2) If COAH determines that the Township of Morris is not in conformity with COAH's rules on development fees, COAH is authorized to direct the manner in which all development fees collected pursuant to this Section shall be expended. Such authorization is pursuant to: this subsection, COAH's rules on development fees, and the written authorization from the Township Committee to the (name of bank) (the depository for the Fund).
- (3) In establishing the Housing Trust Fund, the Township shall provide written authorization, in the form of a three (3) party escrow agreement between the Township, the bank and COAH, to permit COAH to direct the disbursement of funds as provided for in N.J.A.C. 5:97-8.13(b). This three party escrow agreement shall be submitted to COAH within seven (7) days from the opening of the trust fund account. All interest accrued in the housing trust fund shall be used only on eligible affordable housing activities approved by COAH.

G. Use of Funds.

- (1) Money deposited in a Housing Trust Fund may be used for any activity approved by COAH for addressing the Township's low and moderate income housing obligation. Such activities may include, but are not necessarily limited to: housing rehabilitation, new construction, regional contribution agreements, the purchase of land for low and moderate income housing, extensions and/or improvements of roads and infrastructure to low and moderate income housing sites, assistance designed to render units to be more affordable to low and moderate income households, and administrative costs necessary to implement Morris Township's housing element. The expenditure of all money shall conform to a spending plan approved by COAH.
- (2) At least thirty percent (30%) of the revenue collected shall be devoted to render units more affordable. One-third (1/3) of the affordability assistance portion of

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

ORDINANCE NO. 29-08 (CONTINUED)

development fees collected shall be used to provide affordability assistance to those households earning thirty (30%) percent or less of median income by region. Examples of such activities include, but are not limited to: down payment assistance, low interest loans, rental assistance, and rehabilitation.

- (3) No more than twenty percent (20%) of the revenues shall be expended on administrative costs necessary to develop, revise, or implement the housing element. Examples of eligible administrative activities include: personnel, consultant services, space costs, consumable supplies, and rental or purchase of equipment.
- (4) Development fee revenues are not to be expended to reimburse Morris Township for housing activities that preceded first or second round substantive certification.
- (5) Morris Township shall complete and return to COAH, all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and non-residential developers, payment in lieu of constructing affordable housing on-site, and funds from the sale of units with extinguished controls, and the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

H. Expiration of Ordinance.

This ordinance shall expire if:

- (1) The ability of Morris Township to impose, collect and expend developer's fees shall expire with the expiration of its substantive certification unless the Township has filed a revised and adopted housing element and fair share plan, has petitioned for substantive certification for the succeeding round and has received COAH's approval of a revised development fee ordinance prior to the expiration. If Morris Township fails to act before the expiration of its substantive certification, the Township may only resume the imposition and collection of developer's fees by filing a revised and adopted housing element and fair share plan, petitioning for substantive certification for the succeeding round and after receiving COAH's approval of a revised development fee ordinance.
- (2) Morris Township shall not impose a developer fee on a development that receives preliminary or final approval after the expiration of its substantive certification, nor shall Morris Township retroactively impose a development fee on such a development.
- (3) Morris Township shall not expend developers fees after the expiration of its substantive certification.

I. This ordinance shall take effect immediately upon final passage and publication thereof, as provided for by law.

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

ORDINANCE NO. 29-08 (CONTINUED)

This ordinance shall take effect immediately.

PUBLIC COMMENT

NONE

COMMUNICATIONS OF RECORD

NONE

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

* * *

**ORDINANCE NO. 26-08 - AN ORDINANCE OF THE TOWNSHIP OF MORRIS AMENDING
SECTION 95-18.2 TH-4 TOWNHOUSE RESIDENTIAL ZONE RE: COAH OBLIGATION.
(PLANNING BOARD OPPOSES THE ADOPTION)CONTINUED FROM THE
AUGUST 20, 2008 MEETING**

This Ordinance was introduced at the July 16, 2008 Regular Meeting of the Township Committee, passed on first reading by unanimous vote, with a public hearing thereon scheduled for August 20, 2008 at that time the Township Committee on motion duly made and seconded continued the public hearing to the next scheduled regular meeting of the Township Committee, being September 17, 2008.

After discussion by the Township Committee, on motion duly made and seconded Ordinance 26-08 was withdrawn.

COMMUNICATIONS OF RECORD

Planning Board of the Township of Morris, dated August 18, 2008, opposing the adoption of this Ordinance.

ROLL CALL: MR. GOLDBERG NO MR. ROSENBUSH YES
MR. GRAYZEL NO MR. WATSON YES
MAYOR NACE YES

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

ORDINANCE NO. 30-08 - ORDINANCE GRANTING EASEMENT TO THE COUNTY OF MORRIS - PART OF BLOCK 201, LOT 4 - FAIRCHILD FIRE HOUSE; FOR TRAFFIC SIGNAL EQUIPMENT

BE IT HEREBY ORDAINED by the Township Committee of the Township of Morris as follows:

SECTION ONE:

The Mayor and Township Clerk are hereby authorized and directed to enter into a deed of easement to the County of Morris granting an easement for traffic light equipment purposes to be located on 516 square feet of Block 201, Lot 4, Fairchild Fire House site.

SECTION TWO:

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portion of this ordinance.

SECTION THREE:

All ordinances of the Township of Morris which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION FOUR:

This ordinance shall take effect upon final passage and publication thereof as provided by law.

ORDINANCE NO. 31-08 - "AN ORDINANCE AMENDING APPENDIX A119 OF THE CODE OF THE TOWNSHIP OF MORRIS, MORRIS COUNTY, NEW JERSEY, GRANTING AN EASEMENT TO JERSEY CENTRAL POWER AND LIGHT ON TOWNSHIP OWNED PROPERTY KNOWN AS THE COLLINSVILLE FIREHOUSE"

BE IT HEREBY ORDAINED by the Township Committee of the Township of Morris as follows:

SECTION ONE: The Mayor and Township Clerk are hereby authorized and directed to execute an easement agreement granting Jersey Central Power and Light an easement over a portion of the township owned property known as the Collinsville Firehouse, Block 9805, Lot 1 (formerly Block 450, Lot 4), 77 Whippany Road for the purpose of providing electrical power to a communications tower. Said easement shall not exceed twenty (20) feet in width and the location of same shall be approved by the Township Engineer based upon a plan to be submitted by the Jersey Central Power and Light Company.

SECTION TWO: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portion of this ordinance.

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

ORDINANCE NO. 31-08 (CONTINUED)

SECTION THREE: all ordinances of the Township of Morris which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION FOUR: this ordinance shall take effect upon final passage and publication thereof as provided by law.

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 October 15, 2008 meeting at 8:00 P.M.:

ORDINANCE NO. 33-08 - AN ORDINANCE AMENDING CHAPTER 88 OF THE CODE OF THE TOWNSHIP OF MORRIS, ENTITLED, "VEHICLES AND TRAFFIC," ARTICLE II, SECTION 88-2.11 "PARKING LIMITED ON CERTAIN STREETS, EXCEPT SUNDAYS AND HOLIDAYS" AND SCHEDULE IX "TIME LIMIT PARKING, EXCEPT SUNDAYS AND HOLIDAYS"

BE IT HEREBY ORDAINED by the Township Committee of the Township of Morris, they being the governing body thereof that the Code of the Township of Morris is hereby amended as follows:

SECTION ONE: The following article, section and schedule as designated in Chapter 88 of the Code of the Township of Morris are hereby amended as set forth below.

1. Article II, Section 88-2.1, Schedule IX: Time Limit Parking, Except Sundays and Holidays

<u>Name of Street</u>	<u>Side</u>	<u>Time Limit</u>	<u>Hours</u>	<u>Location</u>
Bishop Court	Both	2 Hours	6:00 AM – 6:00 PM	Entire length
Canfield Road	Both	2 Hours	6:00 AM – 6:00 PM	East end for 550 feet from Madison Avenue

SECTION TWO: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**TOWNSHIP COMMITTEE MEETING
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SEPTEMBER 17, 2008 PAGE 15**

ORDINANCES – INTRODUCTION – (CONTINUED)

ORDINANCE NO. 33-08 – (CONTINUED)

SECTION THREE: All Ordinances of the Township of Morris which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION FOUR: This Ordinance shall take effect upon final passage and publication thereof, as provided for by law.

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

* * *

SUMMARY OF BIDS RECEIVED SEPTEMBER 3, 2008

Township Administrator Fred J. Rossi reported that on September 3, 2008, 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: 2008-10, Contract 54, Aeration Tank Mixers & Appurtenances	Pumping Services, Inc. 201 Lincoln Blvd. Middlesex, NJ 08846	\$121,331.00

Submitted, read in full, and placed on file in the Office of the Municipal Clerk, is a letter from the Township Engineer dated September 9, 2008 (ENG- 257 -08)

On motion duly made, seconded and unanimously carried (5-0) authorization was given for the rejection of the bid received 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:

RESOLUTION NO.151-08

AUTHORIZING THE CONTINUATION OF A SECTION 125 PLAN - OFFERING FULLTIME EMPLOYEES A CASH INCENTIVE TO WAIVE HEALTH CARE COVERAGE IF COVERED BY SPOUSE'S INSURANCE PLAN

WHEREAS, the Township of Morris wishes to continue a Section 125 Voluntary Benefit Program for fulltime employees; and

**TOWNSHIP COMMITTEE MEETING
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RESOLUTIONS (CONTINUED)

RESOLUTION NO.151-08 - CONTINUED

WHEREAS, pursuant to Chapter 259, PL 1995, the Township of Morris can offer employees a cash incentive to waive health care coverage; and

WHEREAS, the Township of Morris wishes to offer those fulltime employees who receive health care benefits as a dependent from a spouse's insurance plan to waive coverage and receive a yearly cash incentive; and

WHEREAS, the amount of the cash incentive per twelve (12) month period shall be \$5,500 for those who have family coverage, \$5,000 for those who have husband and wife coverage, and \$2,000. for those who have single coverage, effective November 1, 2008; and

WHEREAS, payment to those covered fulltime employees shall be biannually in May and November.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Morris that:

1. The continuation of a Section 125 Plan is hereby approved by the Township Committee.
2. The following benefits are hereby offered to fulltime employees at no cost to the Township:
 - A. Disability Insurance - AFLAC
 - B. Flexible Spending Account – AFLAC
 - C. Universal Life Insurance - Columbian Mutual Life Insurance Companies
 - D. Supplemental Dental - AFLAC
 - E. Vision – Eye Med
 - F. Cancer Insurance – AFLAC
 - G. Hospital Indemnity - AFLAC

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

* * *

RESOLUTION NO. 152-08

2008/2009 ALCOHOLIC BEVERAGE LICENSE RENEWAL

BE IT RESOLVED by the Township Committee of the Township of Morris, Morris County, New Jersey, that the following application for a Plenary Retail Consumption Licenses, for the respective premises hereinafter designated for the 2008/2009 license year commencing July 1, 2008 and ending June 30, 2009 be and the same is hereby granted, the fees having been paid and the applicant having complied with all of the requirements of the statutes and the rules and regulations of the Division of Alcoholic Beverage Control, Special Ruling procedures and ruling from the Attorney General of the State of New Jersey and the ordinances of the Township of Morris:

**TOWNSHIP COMMITTEE MEETING
REGULAR MEETING
SEPTEMBER 17, 2008 PAGE 17**

RESOLUTIONS (CONTINUED)

RESOLUTION NO.152-08 – CONTINUED

<u>NAME OF LICENSEE NUMBER</u>	<u>PREMISES</u>	<u>FEE</u>
Island Hospitality Management 1422-36-013-001 T/A Westin Morristown	2 Whippany Road Morris Township, N.J. (P.O. Morristown, N.J.) (Block 10001, Lot 6, F/K/A Block 460, Lot 19)	\$2,000

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

* * *

RESOLUTION NO. 153-08

AUTHORIZING FINAL CHANGE ORDER DECREASING THE CONTRACT AWARD AMOUNT FROM \$172,554.00 TO \$171,106.50- OTE: 2008-05 – FIRE DEPARTMENT GENERATORS - AWARDED TO VIENNA ELECTRIC, 36 MENDHAM AVENUE, MORRISTOWN, NEW JERSEY 07960- IN AN AMOUNT NOT TO EXCEED \$171,106.50

WHEREAS, a contract was awarded by the Township Committee at a meeting held on July 18, 2008 to Vienna Electric., Inc., 36 Mendham Avenue, Morristown NJ 07960, 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:

G-04-55-721-070, G-04-55-712-071 and G-04-55-806-070 in the amount of \$171,106.50

WHEREAS, the Engineering Department in a memo dated September 15, 2008 states that a Maintenance Bond in the amount of five (5) percent of the final contract or \$8,555.32 shall be retained and recommends final payment to Vienna Electric in the amount of \$162,551.18

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:

Final Change Order - Increase and/or Decrease Items:

As part of the contract, Vienna Electric was required to provide one (1) full tank of No. 2 diesel fuel for each of the generators. Upon installation of the generators, the contractor requested that the Township provide the first full tank of fuel for each and deduct the cost from the contract. The Engineering Department agreed to this request and the adjustment to the contract results in a change order decrease to the following:

Mount Kemble Fire Department: 125 gal x #3.86 per gallon = \$482.50

**TOWNSHIP COMMITTEE MEETING
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RESOLUTIONS (CONTINUED)

RESOLUTION NO. 153-08 CONTINUED

Collinsville Fire Department: 125 gal x #3.86 per gallon = \$482.50
Fairchild Fire Department: 125 gal x #3.86 per gallon = \$482.50
Total \$1,447.50

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

* * *

RESOLUTION NO. 154-08

AUTHORIZING REFUND OF MONIES DUE TO TAX OVERPAYMENTS (2- \$104.14)

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 Lot</u>	<u>Name</u>	<u>Reason</u>	<u>Amount</u>
<u>TAX</u>			
3002 2	Estate of J. Merlo	Refund O/P 3 rd Qtr 2008	\$ 73.59
1501 1 C0903	Ned Ward	Refund O/P 3 rd Qtr 2008	\$ 30.55

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

* * *

RESOLUTION NO. 155-08

**RESOLUTION REJECTING ALL BIDS RECEIVED FOR OTE: 2008-10 CONTRACT #54
PROCUREMENT SPECIFICATIONS FOR SEWAGE TREATMENT PLANT, AERATION TANK
MIXERS AND APPURTENANCES**

WHEREAS, on September 3, 2008 one (1) bid was received for Bid OTE: 2008-10 procurement specifications for sewage treatment plant, aeration tank mixers and appurtenances which bid was reviewed by James Slate, Township Engineer, and

THEREFORE, in a memo dated September 9, 2008 from Mr. James Slate, Township Engineer stating that there are insufficient funds for the project and upon his recommendation to reject and will be re-bid with reduced quantities at a future date.

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

**TOWNSHIP COMMITTEE MEETING
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RESOLUTIONS (CONTINUED)

RESOLUTION NO. 156-08

AUTHORIZING AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL LAND SURVEYING SERVICES TO SMITH SURVEYING, INC. COURTHOUSE PLAZA, 60 WASHINGTON STREET, SUITE 203, MORRISTOWN, NJ 07960 NOT TO EXCEED \$6,050

WHEREAS, the Township of Morris has the need for the professional services of land surveying as it relates to staking out the Township property line between recreational facilities and various properties in the area, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the practice of land surveying 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 Engineer per memorandum dated September 12, 2008 recommends the award of professional surveying services to this firm; and

WHEREAS, Smith Surveying, Inc. has submitted two proposals dated June 19, 2008 for surveying work at the following locations under the terms of the agreement:

Tax lots 11-20 and lot 21 in Block 207, West Hanover Avenue -Fee \$4800
Tax lots Lot 1, Block 703 and Lots 1 and 2 in Block 702 - Fee \$1250

WHEREAS, the Township Administrator has determined and certified in writing that the value of the services will be \$6,050; and

WHEREAS, Smith Surveying, Inc has submitted a Business Entity Disclosure Certification which certifies that Smith Surveying, Inc has not made any reportable contributions to a political or candidate committee in the Township of Morris in the previous one year, and that the contract will prohibit Smith Surveying, Inc from making any reportable contributions through the term of the contract and certification shall be on file in the Office of the Township Clerk; and

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

WHEREAS, the Chief Financial Officer of the Township of Morris has filed a Certificate of Availability of Funds indicating funds are available in account 8-01-20-165-329 for this contract.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of Township of Morris authorizes the Mayor and Township Clerk to enter into a contract with Smith Surveying, Inc. for a total not to exceed \$6,050.

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

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

* * *

**TOWNSHIP COMMITTEE MEETING
REGULAR MEETING
SEPTEMBER 17, 2008 PAGE 20**

RESOLUTIONS (CONTINUED)

RESOLUTION NO. 157-08

AUTHORIZING AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES TO CREW ENGINEERS, INC. 1250 ROUTE 23 NORTH, BUTLER, NJ 07405 NOT TO EXCEED \$76,700

WHEREAS, the Township of Morris has the need for professional engineering services as related to the design and construction of the provision of sanitary sewer service to the Egbert Hill Road area, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the practice of engineering design for said services 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, Crew Engineers, Inc. has submitted a proposal dated August 15, 2008 for said services; and

WHEREAS, the Township Engineer per memorandum dated September 12, 2008 recommends the award of professional engineering services to this firm; and

WHEREAS, Crew Engineers, Inc has submitted a Business Entity Disclosure Certification which certifies that Crew Engineers, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Morris in the previous one year, and that the contract will prohibit Crew Engineers, Inc. from making any reportable contributions through the term of the contract, and certification shall be on file in the Office of the Township Clerk; and

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

WHEREAS, the Township Administrator has determined and certified in writing that the value of the services will be \$76,700; and

WHEREAS, the Chief Financial Officer of the Township of Morris has filed a Certificate of Availability of Funds indicating funds are available in account S-06-55-512-001 for this contract.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of Township of Morris authorizes the Mayor and Township Clerk to enter into a contract with Crew Engineers, Inc. for a total not to exceed \$76,700.

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

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

* * *

**TOWNSHIP COMMITTEE MEETING
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RESOLUTION NO. 158-08

AUTHORIZING AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL LAND SURVEYING SERVICES TO VAN CLEEF ENGINEERING ASSOCIATES, 299 CHERRY HILL ROAD, SUITE 102, PARSIPPANY, NJ 07054 NOT TO EXCEED \$15,800

WHEREAS, the Township of Morris has the need for the professional services of land surveying as it relates to the design and construction of roadway and drainage improvements for Armstrong, Turtle, and Old Glen Roads as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the practice of land surveying 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 Engineer per memorandum dated September 12, 2008 recommends the award of professional surveying services to this firm; and

WHEREAS, Van Cleef Engineering Associates submitted a proposal dated September 8, 2008 for land surveying services at the following locations under the terms of the agreement:

Armstrong Road - Fee \$ 4,300
Turtle and Old Glen Roads - Fee \$11,500

WHEREAS, the Township Administrator has determined and certified in writing that the value of the services will be \$15,800; and

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

WHEREAS, the Chief Financial Officer of the Township of Morris has filed a Certificate of Availability of Funds indicating funds are available for Armstrong Road in accounts G-04-55-620-803 and for Turtle and Old Glen Roads, S-06-55-817-700 for this contract.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of Township of Morris authorizes the Mayor and Township Clerk to enter into a contract with Van Cleef Engineering Associates for a total NTE \$15,800.

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

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

* * *

RESOLUTION NO. 159-08

RE: AUTHORIZING THE CONDUCTING OF A "CLOSED MEETING" AS DEFINED IN THE OPEN PUBLIC MEETINGS ACT CONCERNING "LEGAL AND PERSONNEL MATTERS"

**TOWNSHIP COMMITTEE MEETING
REGULAR MEETING
SEPTEMBER 17, 2008 PAGE 22**

RESOLUTIONS (CONTINUED)

RESOLUTION NO. 159-08 (CONTINUED)

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. GOLDBERG YES MR. ROSENBUSH YES
MR. GRAYZEL YES MR. WATSON YES
MAYOR NACE YES

- - -

RESOLUTION NO.160-08

AUTHORIZING SETTLEMENT OF ONE CORY ROAD ASSOCIATES VS. TOWNSHIP OF MORRIS, BLOCK 10401/LOT 2

WHEREAS, the Township Assessor, tax appeal expert and consulting tax attorney have recommended that the Township Committee of the Township of Morris enter into a settlement for the below-referenced case for the years 2006, 2007 and 2008.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Township's consulting tax attorney is authorized to execute a Stipulation of Settlement with the taxpayer as follows:

1. Block 10001, Lot 4 – It is agreed that the appeal for the 2006 tax year will be withdrawn. It is further agreed that the assessment will be reduced from \$10,000,000 to \$9,000,000 for the 2007 and 2008 tax years.

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

* * *

**TOWNSHIP COMMITTEE MEETING
REGULAR MEETING
SEPTEMBER 17, 2008 PAGE 23**

RESOLUTIONS (CONTINUED)

RESOLUTION NO. 161-08

AUTHORIZING AWARD OF AN INCREASE OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$2,000.00 TO COFFEY AND ASSOCIATES, COUNSELLORS AT LAW, 465 SOUTH STREET, MORRISTOWN, NJ 07960 FOR SPECIAL LEGAL COUNSEL IN REGARD TO PARTICIPATION IN THE JOINT DEFENSE GROUP IN WHICH AN ASSESSMENT FOR LEGAL COUNSEL IN REFERENCE TO THE COMBE LANDFILL SOUTH LITIGATION IN AN AMOUNT NOT TO EXCEED \$17,000.00

WHEREAS, the Township of Morris has need to retain professional services for special legal counsel for the Township of Morris 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 Coffey and Associates, Counselors at Law, 465 South Street, Morristown, NJ 07960 at a meeting held on May 21, 2008, and

WHEREAS, the Township Committee awarded said contract in an amount not to exceed \$15,000.00, 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 funds are available in Legal O.E.

NOW THEREFORE BE IT HEREBY RESOLVED, by the Township Committee of the Township of Morris, they being the governing body thereof as follows:

1. A contract for special legal services in regard to Combe Landfill South litigation is hereby awarded to Coffey and Associates, 465 South Street, Morristown, New Jersey for special legal counsel in an additional amount of \$2,000.00, for a total not to exceed \$17,000.00.

BE IT FURTHER RESOLVED that this resolution be placed on file with Resolution Number 95-08 dated May 21, 2008.

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

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES
MR. GRAYZEL YES MR. WATSON 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. Linda Murphy 11 Harter Road
Stated that she is a volunteer in various organizations in Morris Township and is a member of the Morris Township Planning Board and as such objected to Mr. Grayzel's comment in reference to Ordinance 26-08 and was deeply offended.

**TOWNSHIP COMMITTEE MEETING
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PUBLIC COMMENT/INQUIRY – CONTINUED

Mr. Jackson Shepard 540 Jockey Hollow Road

Has reversed his position and is no longer in favor of the proposed public water service/fire hydrants due to the possibility of further development and/or sprawl; recommended the purchase of a tanker truck or a cistern.

Mr. Lee Goldberg

10 Arrowhead Road

Traffic Study – Exxon property development, Florham Park
Pitney Place – Parking

The possibility of temporary lighting on Township Recreation fields

* * *

CONSENT CALENDAR

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

1. Granted permission to On Your Mark Productions to stage the MS Solution 5K Run on November 2, 2008, starting at 9:30 A.M. using local roads, concluding by 10:30 A.M., subject to approval of the Police and Fire Chiefs and the Director of Parks and Recreation, and subject to the filing of a Certificate of Insurance naming the Township as an additional insured, with a Hold Harmless Clause.
2. Granted permission to the Melanoma Research Foundation to hang a banner over Woodland Avenue September 15 through September 22, 2008 for a 5K run/2 mile walk on September 21, 2008, beginning at 7:30 A.M. and concluding by 11:30 A.M., subject to approval of the Police Chief and Superintendent of the DPW, and the filing of a Certificate of Insurance naming the Township as an additional insured.
3. Granted permission to residents of Ellsworth Avenue to hold a block party in the cul-de-sac of Ellsworth Avenue on 9/6/08 (rain date 9/7/08) from 2:30 PM to 7:00 PM.
4. Accepted the resignation of John De Zao as a full time Communications Officer and approved him as a part-time Communications Officer on a per diem basis.
5. Approved, in accordance with a memo from Chief Timothy Quinn, the probationary appointment of Andrew B. Moore, as a communications officer.
6. Granted permission to Jersey United Soccer for installation of temporary lighting at the Morristown Beard School. The lighting shall be used Monday through Friday 6:00 p.m. to 8:00 p.m. from October 1, 2008 through December 1, 2008. Neighbors on Whippany Road, Sylvan Way, and Woodcrest Drive shall be notified in writing by Jersey United Soccer.
7. Approved in accordance with the memo dated September 15, 2008 from Craig R. Goss, Fire Chief for the resignation of Brian Daley as a firefighter from the rolls of the Fairchild Fire Department.

**TOWNSHIP COMMITTEE MEETING
REGULAR MEETING
SEPTEMBER 17, 2008 PAGE 25**

CONSENT CALENDAR - CONTINUED

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:

ROLL CALL: MR. GOLDBERG YES MR. ROSENBUSH YES
MR. GRAYZEL 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. Landlord Registration Statement for 26 Highland Avenue, Block 10303, Lot 20, owner: Celeste Burton a/k/a Celeste Brooks.
2. Landlord Registration Statement for 62 Gaston Road, Lot 3302, Lot 2, owner: Giovanni & Simone Levato

* * *

TOWNSHIP COMMITTEE MEMBERS COMMENTS/QUESTIONS

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

MR. GOLDBERG Invited the public to visit the Speedwell sidewalk project, which is now completed; Thank the Beautification Committee for all their input into the sidewalk project; commended Mr. Grayzel on his attempt in delaying the approval of Ordinance 29-08 and voted yes on the application before the Morris Township Planning Board.

MR. GRAYZEL Thanked Mr. Goldberg for his comments; comments from Mr. Rosenbush were not appreciated; Recreation Programs are doing well and thanked the Parks and Recreation Director for a job well done; Sunday, September 21, 2008 Melanoma will be holding a 5K run and urged all who could to participate and/or support.

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

MR. ROSENBUSH Represented the Township Committee at the Normandy Park Olympic event; met with the leadership of the Morris Township Fire Department and the FMBA Union membership; eight (8) other members of the Township Planning Board that should also be commended for their efforts; Mr. Grayzel comments were not welcomed.

MR. WATSON NONE

MAYORAL COMMENTARY - MAYOR ROBERT E. NACE NONE

* * *

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:

AUGUST 2008
TAX COLLECTOR

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

* * *

APPROVAL OF CLAIMS FOR PAYMENT - LIST OF BILLS AND VOUCHERS

Minute Book Attachment #1 (MBA #1) dated September 17, 2008 \$7,310,371.96

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

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

* * *

**TOWNSHIP COMMITTEE MEETING
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JOCKEY HOLLOW – PROPOSED FIRE HYDRANT WATER LINES

At this time Mayor Robert E. Nace addressed the issue of a proposed waterline installation in Jockey Hollow (NOTE: Mr. H. Scott Rosenbush recused himself and left the dais). Mr. Nace stated that the Municipal Water Authority would contribute \$70,000. to the project. The Mayor indicated that the Township would be willing to match the Authorities contribution. Concerns have been raised in reference to the timing of the making of whether or not to move forward by the residents deciding if they approve of the installation. Mr. Rosenbush was advised that he would need 2/3 signatures of the effected residents in order for the Township to approve the water improvement.

Mayor Nace stated that Delbarton School would be willing to install the water-line as they are working on a current project on the property. Delbarton had planned a cistern, but have changed their plans to accommodate the area residents with a water-line for fire hydrants in the area.

As presented to the Committee by Mr. H. Scott Rosenbush, 5 Bettin Drive on August 20, 2008 the reason for the need for this water-line and stated that Jockey Hollow Road neighborhood does not have public water service or fire hydrants. A recent fire in the neighborhood and the difficulty of the Township Fire Departments to reach the location has raised concerns in reference to public safety.

Mr. Rosenbush submitted "Petitions" from the following residents who are in favor of the proposed water-line:

M. Dian Freeman/Steven J. Freeman	10 Brigade Hill Road
Robert L. Wallace	554 Jockey Hollow Road
Joe Altier	530 Jockey Hollow Road
Debbie/J. Scott Keplart	2 Bettin Drive
Sally and Philip Franzel	3 Brigade Hill Road
Cindy Zimmerman/H. Scott Rosenbush	5 Bettin Drive
Robert Corman	6 Brigade Hill Road
Carl Hess	529 Jockey Hollow Road
Sharon Remlinger	9 Brigade Hill Road

The Committee stated that they would like more information from the Fire Chief in reference to alternatives to hydrants.

Mr. Rosenbush was advised that he needs 2/3rd of the neighbors to sign the petition and that the Mayor is in favor of sharing the cost with the water authority.

**TOWNSHIP COMMITTEE MEETING
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**RECESSED MEETING FOR PURPOSE OF CONDUCTING “CLOSED MEETING”
CONCERNING “LEGAL AND PERSONNEL MATTERS”**

The Governing Body recessed at 10:12 P.M., the September 17, 2008 Regular Meeting in order to conduct a “Closed Meeting” concerning “Legal and Personnel Matters”, as authorized this date.

- - -

CALL TO ORDER AND ADJOURNMENT

At 10:43 P.M. the September 17, 2008 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 10:45 P.M., next to convene at the 8:00 P.M., October 15, 2008, Regular Meeting, in the Municipal Building, 50 Woodland Avenue, Township of Morris.

CATHLEEN AMELIO
TOWNSHIP CLERK

DATED – September 19, 2008