

**MINUTES OF REGULAR MEETING OF  
THE TOWNSHIP COMMITTEE HELD ON  
WEDNESDAY, FEBRUARY 3, 2010, 6:00 P.M.**

**CALL TO ORDER**

The February 3, 2010 Regular Meeting was called to order by Mayor H. Scott Rosenbush, 6:00 P.M., in the Municipal Building, 50 Woodland Avenue, Morris Township, New Jersey.

\* \* \*

**ATTENDANCES**

**ELECTED OFFICERS**

**GOVERNING BODY**

Mayor H. Scott Rosenbush  
Township Committee Member Daniel W. Caffrey  
Township Committee Member Ronald M. Goldberg  
Township Committee Member Bruce D. Sisler  
Township Committee Member Raymond L. Snyder

**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 H. Scott Rosenbush.

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

Mayor Rosenbush 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 January 29, 2010 to the official newspapers, Daily Record and Morris News Bee, and to the additional newspaper, Star Ledger, by mail at least 48 hours prior to the date of this meeting, and a copy of the Notice was posted on the Bulletin Board in the Municipal Building of the Township of Morris by the Township Clerk and a copy of the Notice was likewise filed in the Township Clerk's Office and copies of this Notice were mailed by certified mail to all persons who have requested individual notice, pursuant to N.J.S.A. 10:4-19, all of which Notices were given at least 48 hours prior to the date of this meeting, and I hereby hand to the Township Clerk, a copy of the Notice which was given as above set forth for appropriate retention in the Municipal Files".

\* \* \*

**SPEAKER'S TIME LIMITATION**

Mayor Rosenbush 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.

\* \* \*

**RESOLUTION**

**42-10 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.

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**RESOLUTION (CONTINUED)**

42-10 RE: AUTHORIZING THE CONDUCTING OF A "CLOSED MEETING" AS DEFINED IN THE OPEN PUBLIC MEETINGS ACT CONCERNING "LEGAL AND PERSONNEL MATTERS" (CONTINUED)

ROLL CALL: MR. CAFFREY YES MR. SISLER YES  
MR. GOLDBERG YES MR. SNYDER YES  
MAYOR ROSENBUSH YES

\* \* \*

**APPROVAL OF MINUTES**

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

DECEMBER 10, 2009 - SPECIAL MEETING  
DECEMBER 11, 2009 - SPECIAL MEETING  
DECEMBER 16, 2009 - REGULAR & CLOSED MEETING  
DECEMBER 30, 2009 - SPECIAL & CLOSED MEETING

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. CAFFREY YES MR. SNYDER YES  
MR. GOLDBERG YES MAYOR ROSENBUSH YES

\* \* \*

**PRESENTATION - TEEN PRIDE ORGANIZATION**

Present were Kathleen Hyland and John Barr, Vice Chair, Teen Pride, updated the activities of the group during 2009 - requested continuation of support for 2010.

Mr. Barr summarized the purpose of Teen Pride and their goals for the youths of Morris Plains, Morris Township, Morristown and the Morris School District, Morristown and Morris Township Planning Boards, Prosecutor's Office and the services they provide - major event in March in reference to gang activities.

Chris White, Teen Center Director - 10 years with Teen Pride, 6 days a week, 5 core programs (homework, computer, language, arts, discussion group, sports, expressions group, music, painting, field trips, partner with YMCA for swim program).

Jeff Mako, Counseling Program Director since 1994, on call 24/7, deals with substance abuse, divorce; situation at home, death, etc., provides support services at school or home, group sessions.

Nancy Bangiola, Morris School District - thanked the Township for years of support. Summarized success of programs and partnerships; explained the benefit of Teen Pride to the youth, school and community. Need current commitment of funds from the Township, wise investment, thanked the partnership.

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**PRESENTATION - TEEN PRIDE ORGANIZATION (CONTINUED)**

Walter Gage, Salvation Army Major - 30+ years with Salvation Army, partnership with Teen Pride and Salvation Army has been invaluable.

Kathleen Hyland, without the support of the Salvation Army, there would not be a Teen Pride; appreciate support and thanked the Township.

Ronald Goldberg, on board of Teen Pride for one year; Teen Pride compliments school district; all should be commended.

Mayor Rosenbush - thanked Teen Pride.

\* \* \*

**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 #1-10 AN ORDINANCE AMENDING CHAPTER 88 OF THE CODE OF THE TOWNSHIP OF MORRIS ENTITLED 'VEHICLES AND TRAFFIC', ARTICLE IIA, SECTION 88-2A.1 AND SCHEDULE II 'HANDICAPPED PARKING SPACES' (15 EMMETT AVENUE) (CONTINUED)

**BE IT ORDAINED** by the Township Committee of the Township of Morris, in the County of Morris and State of New Jersey, they being the governing body of said Township, as follows:

**SECTION ONE:** Chapter 88, Section 88-2A.1 and Schedule II 'Handicapped Parking Spaces' is amended as follows:

| <b>Name of Location</b> | <b>Location</b>   |
|-------------------------|---|
| 15 Emmett Avenue        | In front of the premises identified as 15 Emmett Avenue, beginning at a point 162 feet east of Cory Road to a point 184 feet east of Cory Road being a handicapped parking space 22 feet in length. |

**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.

**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.

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

ORDINANCE #1-10 AN ORDINANCE AMENDING CHAPTER 88 OF THE CODE OF THE TOWNSHIP OF MORRIS ENTITLED 'VEHICLES AND TRAFFIC', ARTICLE IIA, SECTION 88-2A.1 AND SCHEDULE II 'HANDICAPPED PARKING SPACES' (15 EMMETT AVENUE) (CONTINUED)

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

PUBLIC COMMENT  
NONE

COMMUNICATIONS OF RECORD  
NONE

ROLL CALL: MR. CAFFREY YES MR. SISLER YES  
MR. GOLDBERG YES MR. SNYDER YES  
MAYOR ROSENBUSH YES

- - -

ORDINANCE #2-10 ORDINANCE AMENDING CHAPTER 67 'POOL, MUNICIPAL: RULES AND REGULATIONS'

**BE IT HEREBY ORDAINED** by the Township Committee of the Township of Morris they being the governing body thereof as follows:

**SECTION ONE:** Chapter 67 of the ordinances of the Township of Morris is hereby amended in its entirety to read as follows:

§ 67-1. Definitions.

For the purpose of this ordinance, the terms used herein are defined as follows:

AGE - The individual's age on July 1 of each season.

AREA - The total area belonging to the Township of Morris.

NONRESIDENT - Any person or persons who do not dwell permanently or continually within the confines of the Township of Morris, New Jersey. [Added 2-9-72 by Ord. No. 6-72]

POOL APRON - The prepared concrete deck immediately surrounding the water surface of the various pools.

POOL AREA - The entire fenced area surrounding the pool.

POOL PATIO - The prepared concrete deck adjoining the refreshment area and the pool building.

RESIDENT - A person who dwells permanently or continually within the confines of the Township of Morris, New Jersey.

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

**ORDINANCE #2-10 ORDINANCE AMENDING CHAPTER 67 'POOL, MUNICIPAL: RULES AND  
REGULATIONS' (CONTINUED)**

§ 67-2. Membership.

- A. Membership is open to residents of the Township of Morris. Applications for membership from nonresidents will be accepted on a limited basis to be determined by the Township Committee, Township of Morris. Applications in excess of the maximum membership capacity of 4,000 memberships will be placed on a waiting list. As vacancies occur, the applications from Morris Township residents will be taken from the waiting list in the sequence in which they were received. Membership is valid for one season only and shall have no bearing on eligibility in any successive season. [Amended 2-9-1972 by Ord. No. 6-72; 2-16-2005 by Ord. No. 2-05]
- B. Types of membership: [Amended 2-9-1972 by Ord. No. 6-72; 2-13-1974 by Ord. No. 10-74; 1-23-1980 by Ord. No. 1-80; 2-23-1983 by Ord. No. 2-83; 2-17-1993 by Ord. No. 8-93; 12-6-2006 by Ord. No. 25-06]
- (1) Family membership, resident or nonresident: this membership includes a couple or widow or widower only and all children, natural or adopted, unmarried and living at home, including state ward children who are not yet twenty-three (23) years of age on July 1 of the membership year.
  - (2) Couple membership of two people, one of whom is an adult, resident or nonresident, who reside in the same dwelling. (Child, if any, who is not yet 23 years of age on 7/1 of the membership year).
  - (3) Baby-sitter or parent's helper, resident or nonresident, does not reside in the same household, but must be accompanied by the children for which they are responsible and which children must be members of a household membership.
  - (4) Individual membership, resident or nonresident, is available to any one individual 12 years of age or over. Children between the ages of 12 and 16 must successfully complete a swim pool proficiency test prior to obtaining an individual membership.
  - (5) Senior citizen individual membership, resident or nonresident, is available to any one individual who is of the age of 62 years or older on July 1 of the membership year, and such person must present proof of age at the time of application by either a photo static copy of his or her birth certificate or other proof satisfactory to the Township of Morris.

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

**ORDINANCE #2-10 ORDINANCE AMENDING CHAPTER 67 'POOL, MUNICIPAL: RULES AND  
REGULATIONS' (CONTINUED)**

- (6) Senior citizen couple membership, resident or nonresident, is available to any senior couples who are of the age of 62 years or older on July 1 of the membership year, and such persons must present proof of age at the time of application by either a photo static copy of his or her birth certificate or other proof satisfactory to the Township of Morris.
- (7) The Township of Morris reserves the right to request proof of residency.
- C. Servicemen who are residents of Morris Township and who are on leave or discharged during the period of January through Labor Day of the current pool season shall be given a pool membership free of charge, upon proof of leave or discharge at the time of application for this privilege. [Amended 2-16-2005 by Ord. No. 2-05; 4-5-2006 by Ord. No. 5-06]

§ 67-3. Use of pool.

- A. All members, upon proper identification card being presented to the pool office, shall be entitled to use either pool facility. [Amended 2-9-1972 by Ord. No. 6-72]
- B. Membership will be accomplished by submitting a complete application to the Parks and Recreation Department. Upon approval, an identification card will be issued. This card is nontransferable. [Amended 2-16-2005 by Ord. No. 2-05]
- C. Membership will be accomplished by submission, acceptance, and execution of a written application to the Department of Parks and Recreation:

Mail to:  
Township of Morris  
Parks & Recreation Department  
50 Woodland Avenue  
P.O. Box 7603  
Convent Station, New Jersey 07961-7603

Upon approval, an identification card will be issued. This card is nontransferable.

- D. Senior citizens who are 62 years of age or over, who are related to pool members, may receive free guest privileges to the pool area only, excluding swimming, and then only when accompanied by the pool member to whom they are related. [Added 4-14-1971 by Ord. No. 16-71; amended 1-23-1980 by Ord. No. 1-80; 4-5-2006 by Ord. No. 5-06]

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

**ORDINANCE #2-10 ORDINANCE AMENDING CHAPTER 67 'POOL, MUNICIPAL: RULES AND REGULATIONS' (CONTINUED)**

§ 67-4. Hours of operation.

The Township Committee of the Township of Morris shall, from time to time and as it sees fit, establish hours of operation of the municipal swimming pool by resolution of said Township Committee.

§ 67-5. Membership fees. (Last amended 12/08 by Ord. No. 42-08 )

A. Fees. [Amended 3-1-1995 by Ord. No. 4-95; 2-20-2002 by Ord. No. 1-02; 2-19-2003 by Ord. No. 3-03; 2-18-2004 by Ord. No. 2-04; 2-16-2005 by Ord. No. 2-05; 12-6-2006 by Ord. No. 25-06; 12-17-08 by Ord. No. 42-08]

| (1) Individual membership<br>(12 years and older):         | Rate Prior<br>to May 1 | Rate Beginning<br>May 1 | Rate Beginning<br>August 1 |
|--|------------------------|-------------------------|----------------------------|
| (a) Resident   | <b>\$ 155</b>          | <b>\$ 165</b>           | <b>\$ 110</b>              |
| (b) Nonresident:   | <b>\$ 295</b>          | <b>\$ 310</b>           | <b>\$ 220</b>              |
| (2) Couple membership (2 people, <b>1 Adult Minimum</b> ): |                        |                         |                            |
| (a) Resident:  | <b>\$ 235</b>          | <b>\$ 255</b>           | <b>\$ 175</b>              |
| (b) Nonresident:   | <b>\$ 375</b>          | <b>\$ 395</b>           | <b>\$ 280</b>              |
| (3) Baby-sitter/parent's helper:                           |                        |                         |                            |
| (a) Resident:  | <b>\$ 100</b>          | <b>\$ 100</b>           | <b>\$ 100</b>              |
| (b) Nonresident:   | <b>\$ 100</b>          | <b>\$ 100</b>           | <b>\$ 100</b>              |
| (4) Family membership:                                     |                        |                         |                            |
| (a) Resident family:                                       | <b>\$ 320</b>          | <b>\$ 340</b>           | <b>\$ 240</b>              |
| (b) Nonresident family:                                    | <b>\$ 475</b>          | <b>\$ 495</b>           | <b>\$ 355</b>              |
| (5) Senior citizen individual (62 years and older):        |                        |                         |                            |
| (a) Resident:  | <b>\$ 55</b>           | <b>\$ 60</b>            | <b>\$ 40</b>               |
| (b) Nonresident:   | <b>\$ 120</b>          | <b>\$ 140</b>           | <b>\$ 90</b>               |
| (6) Senior citizen couple (62 years and older):            |                        |                         |                            |
| (a) Resident:  | <b>\$ 95</b>           | <b>\$ 100</b>           | <b>\$ 70</b>               |
| (b) Nonresident:   | <b>\$ 200</b>          | <b>\$ 220</b>           | <b>\$ 150</b>              |

B. Membership fees shall be paid in full with the filing of the application for membership.

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

**ORDINANCE #2-10 ORDINANCE AMENDING CHAPTER 67 'POOL, MUNICIPAL: RULES AND REGULATIONS' (CONTINUED)**

- C. Guests will be permitted to members as follows: Each Family membership will receive four (4) free one (1) day guest privileges, each couple membership shall receive three free one (1) day guest privileges, and each individual membership will receive two (2) free one-day guest privileges, which guest privilege may be used at any time during the pool season. Thereafter, guests will be permitted to members by purchasing a daily guest pass at the pool at a charge of \$8 each per day on weekdays and \$10 each per day on weekends and holidays. However, all members may purchase books of 10 one-day guest privileges at the rate of \$70 for each book of (ten) 10 from the Parks and Recreation Department, which guest privileges may be used at any time during the current pool season and the following pool season. All guests, however, must be accompanied by the member at all times. Failure to accompany the member at all times may result in revocation of the membership without refund. Prior year members who renew their membership prior to May 1<sup>st</sup> of each year shall receive an additional four (4) one (1) day current season guest privileges for a Family membership or an additional two (2) one(1) day current season guest privileges for a Couple or an Individual membership. [Amended 2-18-2004 by Ord. No. 2-04; 4-5-2006 by Ord. No. 5-06; 12-6-2006 by Ord. No. 25-06; 12-17-08 by Ord. No.42-08]
- D. No fees are returnable for any reason after opening day of each season.
- E. Children's swim lessons may be offered at the discretion of the Township of Morris. If offered, said lessons shall be available to the children between the ages of 4 and 12, four (4) days a week for two (2) weeks at a cost of \$30 per child. [Added 6-7-1995 by Ord. No. 17-95; amended 2-16-2005 by Ord. No. 2-05; 12-6-2006 by Ord. No. 25-06]
- F. Swim team is offered to all children between ages 6 –17 at a cost of \$50 per child. [Added 12-6-2006 by Ord. No. 25-06]
- G. The Parks and Recreation Department of the Township of Morris is authorized to offer for sale, from time to time, coffee, bagels and other refreshments. All moneys are to be remitted to the Chief Financial Officer of the Township of Morris. [Added 6-7-1995 by Ord. No. 17-95]
- H. Camp Fees. The Township Committee of the Township of Morris may set by Resolution fees for pool admissions of participants and staff of private and not-for-profit summer camps located within the Township of Morris.
- I. Waiver or Reduction of Pool Membership Fees
- (1) Fees required under Section A. above shall be reduced by 50% for any Township resident receiving public assistance. For the purposes of this section, public assistance shall include participation in the following: Welfare assistance, subsidized housing, federal school lunch program, food stamps, or other bona fide forms of public assistance.

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

**ORDINANCE #2-10 ORDINANCE AMENDING CHAPTER 67 'POOL, MUNICIPAL: RULES AND  
REGULATIONS' (CONTINUED)**

(2) Pool Membership fees may be reduced or waived by the Director of Parks and Recreation for individuals residing in transitional housing located within the Township of Morris. Such reductions or waivers shall be requested in writing to the Director of the Department of Parks and Recreation and shall include the specific justification for the fee waiver or reduction request.

§ 67-6. Identification cards.

- A. All members will be issued identification cards which must be shown for admission to the pool area.
- B. Identification cards are not transferable.
- C. Lost cards must be reported immediately to the pool management, and the individual may secure temporary admission for one day only. [Amended 4-14-1971 by Ord. No. 16-71].
- D. New permanent identification cards may be secured at the Parks and Recreation Department at the hours posted by the Parks and Recreation Department. A fee of \$6 will be payable to the Township of Morris for the replacement card. [Amended 4-14-1971 by Ord. No. 16-71; 2-17-1993 by Ord. No. 8-93; 3-23-1994 by Ord. No. 4-94; 4-5-2006 by Ord. No. 5-06; 12-6-2006 by Ord. No. 25-06]
- E. [Repealed 4-14-1971 by Ord. No. 16-71]
- F. [Repealed 4-14-1971 by Ord. No. 16-71]
- G. Membership cards, permanent or temporary, are nontransferable. Anyone transferring and/or anyone who is the recipient of a transferred card, who is also a pool member, will have pool privileges revoked for the remainder of the season without refund.
- H. Persons defacing a card shall lose swimming privileges for seven days and shall be charged \$6 for a new card. A second offense shall cause revocation of pool privileges for the remainder of the season without refund. [Amended 2-16-2005 by Ord. No. 2-05; 12-6-2006 by Ord. No. 25-06]
- I. If membership is obtained by a fraudulent statement, the membership of the entire household shall be cancelled without refund. [Added 4-5-2006 by Ord. No. 5-06]

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

**ORDINANCE #2-10 ORDINANCE AMENDING CHAPTER 67 'POOL, MUNICIPAL: RULES AND  
REGULATIONS' (CONTINUED)**

§ 67-7. General rules and general prohibitions. [Added  
4-11-1973 by Ord. No. 11-73]

The Township Committee of the Township of Morris may from time to time adopt by resolution general rules and general prohibitions governing the municipal swimming pools in the Township of Morris and may amend the same from time to time by resolution, and said general rules and general prohibitions as may be so adopted by resolution of the Township Committee shall be enforced as set forth in

§ 67-9 Hereof, and the penalty as set forth in § 67-10 hereof shall apply.

§ 67-8. (Reserved)

§ 67-9. Enforcement of rules and regulations.

- A. Regulations shall be posted at the pool and strictly enforced.
- B. The Pool Manager, the Assistant Manager, or the Head Lifeguard in his/her absence may close or limit the swimming facilities, or establish such additional rules and regulations, whenever in his/her judgment such action is deemed necessary or desirable for the protection of health or safety of such persons entitled to use such facilities.
- C. Members of the Police Department of the Township of Morris, the Director of Parks and Recreation, the Pool Manager, the Assistant Manager and all lifeguards, when on duty at the swimming facilities, shall have authority to prohibit any action or conduct which they may consider to be dangerous, improper or immoral and any act or actions in violation of rules and regulations hereinbefore provided.

§ 67-10. Violations and penalties.

Any person or persons who shall violate these rules and regulations shall be subject to immediate ejection from the area by the official in charge thereof, and his membership subject to revocation or suspension by the Township; or, if a complaint shall be filed, any person or persons who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be subject to a fine or imprisonment, or both, in the discretion of the Magistrate imposing said fine or penalty, not exceeding \$200 or 30 days in jail.

§ 67-11. When effective.

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

**ORDINANCE #2-10 ORDINANCE AMENDING CHAPTER 67 'POOL, MUNICIPAL: RULES AND REGULATIONS' (CONTINUED)**

**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.

**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.

PUBLIC COMMENT  
NONE

COMMUNICATIONS OF RECORD  
NONE

ROLL CALL: MR. CAFFREY YES MR. SISLER YES  
MR. GOLDBERG YES MR. SNYDER YES  
MAYOR ROSENBUSH YES

\* \* \*

**ORDINANCES - INTRODUCTION**  
NONE

\* \* \*

**SUMMARY OF BIDS RECEIVED**  
NONE

\* \* \*

**RESOLUTIONS**

In the next matter of business the following resolutions were duly offered, seconded and adopted by the vote as indicated at the end of the text of the resolutions:

43-10 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MORRIS IN SUPPORT OF THE WESTERN AVENUE RESERVOIR PROJECT APPLICATION TO THE ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS (ANJEC) REQUESTING 2010 SMART GROWTH PLANNING GRANT FUNDING

WHEREAS, Western Avenue Reservoir (a.k.a. Jockey Hollow Reservoir) was constructed in the early 1900s as part of Southeast Morris County's water supply system; and

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**RESOLUTIONS (CONTINUED)**

43-10 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MORRIS IN SUPPORT OF THE WESTERN AVENUE RESERVOIR PROJECT APPLICATION TO THE ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS (ANJEC) REQUESTING 2010 SMART GROWTH PLANNING GRANT FUNDING (CONTINUED)

WHEREAS, as best as can be established, the reservoir's dam was breached in the early 1990s and the reservoir emptied; and

WHEREAS, since that time the reservoir basin has become progressively colonized by Phragmites and other invasive plant species to the point that it exists today as a largely dysfunctional wetland system; and

WHEREAS, this application is to request needed funding in the amount of \$15,000.00 for plans, specifications and permit application materials required to convert the remnants of the reservoir into a created wetland-type regional stormwater management system reducing the amount of flooding that occurs in both Morristown and Morris Township as well as stabilization of the presently severely eroded stream channel, improving water quality in the watershed and restoration of the ecological functionality of the reservoir basin and downstream environs.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Morris, in the County of Morris, New Jersey, hereby supports the aforementioned grant application to ANJEC in the amount requested.

ROLL CALL: MR. CAFFREY YES MR. SISLER YES  
MR. GOLDBERG YES MR. SNYDER YES  
MAYOR ROSENBUSH YES

- - -

44-10 RE: CONSENTING TO THE APPLICATION FOR WATER SERVICE OUTSIDE THE DISTRICT OF THE SOUTHEAST MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY

| <u>MUNICIPALITY</u> | <u>BLOCK</u> | <u>LOT</u> | <u>STREET</u> | <u>NAME</u>            |
|---------------------|--------------|------------|---------------|------------------------|
| Harding Township    | 22           | 4          | 4 Oxford Lane | David & Mary E. Lohuis |

WHEREAS, The Southeast Morris County Municipal Utilities Authority has received a request from the Township of Harding for water service for one single family residence - Block 22, Lot 4, 4 Oxford Lane, which is outside the District of the Authority, and

WHEREAS, the proposed extension requires the approval of the Authority's four creating municipalities, and

WHEREAS, the property in question fronts on or has reasonable access to the Authority's system and no "new extension" (as defined in the Service Contract between the Authority and its creating municipalities dated January 20, 1977) is required, and

WHEREAS, the Authority has determined and advised that the proposed service connection can be made without any adverse effect on the system and that no further extension of the system is foreseen as a result of providing service to this property, and

WHEREAS, the Authority has requested that the creating municipalities give consent to the proposed new extension.

BE IT RESOLVED that consent is hereby given to The Southeast Morris County Municipal Utilities Authority to provide water service to a single-family residence, i.e., Block 22, Lot 4, 4 Oxford Lane, Township of Harding.

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**RESOLUTIONS (CONTINUED)**

44-10 RE: CONSENTING TO THE APPLICATION FOR WATER SERVICE OUTSIDE THE DISTRICT OF THE SOUTHEAST MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY (CONTINUED)

| <u>MUNICIPALITY</u> | <u>BLOCK</u> | <u>LOT</u> | <u>STREET</u> | <u>NAME</u>            |
|---------------------|--------------|------------|---------------|------------------------|
| Harding Township    | 22           | 4          | 4 Oxford Lane | David & Mary E. Lohuis |

ROLL CALL: MR. CAFFREY YES MR. SISLER YES  
MR. GOLDBERG YES MR. SNYDER YES  
MAYOR ROSENBUSH YES

- - -

45-10 RE: IN SUPPORT OF ASSEMBLY BILL A1374 DEDESIGNATING A PORTION OF STATE HIGHWAY NO. 24 LOCATED WEST OF HANOVER AS A STATE HIGHWAY, EARMARKING LAND AVAILABLE FOR OTHER PURPOSES INCLUDING OPEN SPACE PRESERVATION

WHEREAS, the Township Committee of the Township of Morris supports Assembly Bill A1374, which bill dedesignates the portion of Route 24 located west of Hanover as a State highway. Route 24 under State jurisdiction connects I-287 and I-78. The dedesignation of the portion of what would be continuation of Route 24 under State jurisdiction will make the earmarked land available for other purposes, including open space preservation. The bill also repeals the statutes establishing Route 24 west of Phillipsburg.

BE IT FURTHER RESOLVED, that copies of this resolution be forward to State Senator Anthony R. Bucco, Assemblyman Michael P. Carroll, Assemblyman Anthony M. Bucco, New Jersey League of Municipalities, Governor Chris Christie of the State of New Jersey, and all adjoining municipalities.

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

1. The Mayor and Township Committee of the Township of Morris, on behalf of the residents, hereby supports Assembly Bill A1374.

ROLL CALL: MR. CAFFREY YES MR. SISLER YES  
MR. GOLDBERG YES MR. SNYDER YES  
MAYOR ROSENBUSH YES

- - -

46-10 AUTHORIZING AWARD OF A NONFAIR AND OPEN CONTRACT FOR REAL ESTATE APPRAISAL & CONSULTING SERVICES FOR TAX APPEALS TO APPRAISAL CONSULTANTS CORP., 293 EISENHOWER PARKWAY, LIVINGSTON, NJ 07039, NOT TO EXCEED \$10,000

WHEREAS, the Township of Morris has the need for professional real estate appraisal and consulting services related to the defense of tax appeals, as a nonfair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the practice of real estate appraisal is a licensed 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 anticipated term of this contract is until the tax appeals are completed or it is extended as approved by the Township Committee;

WHEREAS, Appraisal Consultants Corp. has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or

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**RESOLUTIONS (CONTINUED)**

46-10 AUTHORIZING AWARD OF A NONFAIR AND OPEN CONTRACT FOR REAL ESTATE APPRAISAL & CONSULTING SERVICES FOR TAX APPEALS TO APPRAISAL CONSULTANTS CORP., 293 EISENHOWER PARKWAY, LIVINGSTON, NJ 07039, NOT TO EXCEED \$10,000 (CONTINUED)

candidate committee in the Township of Morris in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

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

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 Appraisal Consultants Corp. for a total not to exceed \$10,000.

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

ROLL CALL: MR. CAFFREY YES MR. SISLER YES  
MR. GOLDBERG YES MR. SNYDER YES  
MAYOR ROSENBUSH YES

- - -

47-10 AUTHORIZING AWARD OF A NONFAIR AND OPEN CONTRACT FOR LEGAL COUNSEL FOR TAX APPEALS TO NOWELL AMOROSO KLEIN BIERMAN, P.A., 155 POLIFLY ROAD, HACKENSACK, NJ 07601., NOT TO EXCEED \$30,000

WHEREAS, the Township of Morris has the need for professional services of special legal counsel as it relates to the defense of tax appeals, as a nonfair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the practice of law is a recognized profession, regulated by law requiring extensive and specialized training and as such is an exception to the bidding requirements set forth in N.J.S.A. 40A:11-5 et.seq.; and

WHEREAS, the Township Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is until the tax appeals are completed or it is extended as approved by the Township Committee;

WHEREAS, Nowell Amoroso Klein Bierman, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that they have 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 them from making any reportable contributions through the term of the contract; and

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

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 Nowell Amoroso Klein Bierman, P.A. for a total not to exceed \$30,000.

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**RESOLUTIONS (CONTINUED)**

47-10 AUTHORIZING AWARD OF A NONFAIR AND OPEN CONTRACT FOR LEGAL COUNSEL FOR TAX APPEALS TO NOWELL AMOROSO KLEIN BIERMAN, P.A., 155 POLIFLY ROAD, HACKENSACK, NJ 07601., NOT TO EXCEED \$30,000 (CONTINUED)

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

ROLL CALL: MR. CAFFREY YES MR. SISLER YES  
MR. GOLDBERG YES MR. SNYDER YES  
MAYOR ROSENBUSH YES

- - -

48-10 AMENDING TOWNSHIP COMMITTEE MEETING DATES FOR 2010

RESOLVED that the Township Committee Meetings dates for the year 2010 be amended as follows:

APRIL 14 TO APRIL 21, 2010  
JULY 14 TO JULY 21, 2010  
OCTOBER 13 TO OCTOBER 20, 2010.

ROLL CALL: MR. CAFFREY YES MR. SISLER YES  
MR. GOLDBERG YES MR. SNYDER YES  
MAYOR ROSENBUSH YES

- - -

49-10 FEBRUARY 2010 - "BLACK HISTORY MONTH"

**WHEREAS**, the Mayor and Township Committee of the Township of Morris honors the heritage of African Americans and acknowledges their many contributions to our Nation; and

**WHEREAS**, Dr. Carter Godwin Woodson established Black History Week in February of 1926, choosing a month that marks the birthdays of two important men who greatly impacted the American black population, Abraham Lincoln and Frederick Douglass; and

**WHEREAS**, in the year 1976, the observance was expanded to Black History Month; and

**WHEREAS**, the month of February holds greater significance from the many milestones it contains; on February 23<sup>rd</sup>, 1868, the Civil Rights leader and co-founder of the National Association for the Advancement of Colored People (NAACP), W.E.B DuBois, was born; on February 3<sup>rd</sup>, 1870, the 15<sup>th</sup> Amendment, granting blacks the right to vote, was passed; on February 25<sup>th</sup>, 1870, the first black U.S Senator, Hiram R. Revels, took his oath of office; on February 12<sup>th</sup>, 1909, the NAACP was founded in New York City; on February 1<sup>st</sup>, 1960, a civil-rights movement milestone occurred when a courageous group of black college students began a sit-in at a segregated Woolworth's lunch counter in Greensboro, NC; and

**WHEREAS**, all of these events and historic visionary leaders such as Frederick Douglass, Thurgood Marshall and Martin Luther King, Jr., blazed a trail for freedom, equality and opportunity and symbolize why we celebrate Black History Month; and

**WHEREAS**, we also remember the life of Coretta Scott King, widow of Dr. Martin Luther King, Jr., who continued her husband's vision of racial peace and nonviolent social change throughout her life.

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

**49-10 FEBRUARY 2010 - "BLACK HISTORY MONTH" (CONTINUED)**

**NOW, THEREFORE, BE IT RESOLVED** the Mayor and Township Committee celebrates February 2010 as Black History Month to honor the many achievements and contributions made by African Americans to our economic, cultural, spiritual and political development.

ROLL CALL: MR. CAFFREY YES MR. SISLER YES  
MR. GOLDBERG YES MR. SNYDER YES  
MAYOR ROSENBUSH YES

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**50-10 AUTHORIZING AWARD OF A NONFAIR AND OPEN CONTRACT TO RICHARD F. SMITH, JR., SMITH SURVEYING, INC., 60 WASHINGTON STREET, MORRISTOWN, NJ 07960 FOR LAND SURVEYING SERVICES FOR MAINTENANCE OF TAX MAPS FOR THE YEAR 2010 – IN AN AMOUNT NOT TO EXCEED \$5,500**

WHEREAS, the Township of Morris has need for professional land surveying services as a nonfair 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 anticipated term of this contract is one year; and

WHEREAS, Richard F. Smith, Jr., Smith Surveying, Inc., 60 Washington Street, Morristown, New Jersey 07960 has submitted a proposal dated January 4, 2010 indicating they will provide the surveying services for \$5,500; and

WHEREAS, Richard Smith, Smith Surveying, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Richard Smith 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 them 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 Tax Assessor O/E.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Morris that a contract is hereby awarded the contract to Richard F. Smith, Jr., Smith Surveying, Inc., for professional land surveying services to the Township of Morris for a fee not to exceed \$5,500 and the Mayor and Township Clerk are authorized to execute same; and

**BE IT FURTHER RESOLVED** that the certificate of availability of funds is attached to this resolution and is filed in the Township Clerk's office; and

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

ROLL CALL: MR. CAFFREY YES MR. SISLER YES  
MR. GOLDBERG YES MR. SNYDER YES  
MAYOR ROSENBUSH YES

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

51-10 AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO ENTER INTO A SIGHT TRIANGLE EASEMENT BETWEEN CYNTHIA M. BILLINGS AND THE TOWNSHIP OF MORRIS FOR 1 FOX HOLLOW ROAD, BLOCK 8201, LOT 8

WHEREAS, Cynthia M. Billings, owner of 1 Fox Hollow Road and the Township of Morris hereby enter into a Sight Triangle Easement for a portion of said property as described on the Easement Agreement, Schedule A.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk are hereby authorized to execute the Sight Triangle Easement for Block 8201, Lot 8, known as 1 Fox Hollow Road, Morris Township.

ROLL CALL: MR. CAFFREY YES MR. SISLER YES  
MR. GOLDBERG YES MR. SNYDER YES  
MAYOR ROSENBUSH YES

\* \* \*

**PUBLIC COMMENT/INQUIRY**

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

Harvey Klein, Coordinator for OEM - MCARV Organization - radio volunteer; municipal support bus is coming around and in use; Morris County OEM - communications system for emergency phone calls - will call cells as well as land lines. Reminder OEM volunteers are selling roses at Hillside Firehouse.

\* \* \*

**CONSENT CALENDAR**

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

On resolution duly offered, seconded and adopted by the roll call as indicated (exceptions, if any, noted thusly\*), the Consent Calendar was adopted and thereby the Governing Body took the following actions:

1. Granted municipal consent to The Eric Johnson House Inc. to hang a Banner over Sussex Avenue near Streeter Pool, April 19-May 3, 2010, to advertise the New Jersey AIDS Walk on Sunday, May 2, 2010, subject to approval of the Police Chief and Superintendent of DPW, and subject to the filing of a Certificate of Insurance with a Hold Harmless Clause naming the Township as an additional insured as well as JCPL, Cablevision and Verizon and contingent upon approval of all insurance and final approval of the utilities coordinator.
2. Granted permission to Morris Educational Foundation to hold the 2nd Annual Colonial Challenge 5K Race on Sunday, October 3, 2010, beginning at 1:00 P.M. (with a setup time of 9:30 A.M., ending by 3:30 P.M., starting at Ginty Field, using Dwyer Lane, Fanok Road, Woodland Avenue, Kitchell Road, Spring Valley Road and South Street, subject to approval of the Police and Fire Chiefs, Health Officer and the Director of Parks & Recreation and subject to the filing of a Certificate of Insurance with a Hold Harmless Clause naming the Township as an additional insured.

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**CONSENT CALENDAR (CONTINUED)**

3. Granted permission to Interfaith Food Pantry and The Literacy Volunteers of Morris County to hold a 5K Run and 1 Mile Walk on Thanksgiving morning, November 25, 2010 (rain or shine) at 8:30 A.M. at Ginty Field Complex at Woodland Avenue & Dwyer Lane, subject to approval of the Police and Fire Chiefs, Health Officer and the Director of Parks & Recreation and subject to the filing of a Certificate of Insurance with a Hold Harmless Clause naming the Township as an additional insured.
4. Granted permission to the Hounds and Harriers Run to hold their annual race on October 9, 2010 at 10:00 A.M., and granted permission to use the Ginty Pool parking lot for overflow parking, subject to approval of the Police and Fire Chiefs, Health Officer and the Director of Parks & Recreation and subject to the filing of a Certificate of Insurance with a Hold Harmless Clause naming the Township as an additional insured.
5. Approved John Watson III, J & J Taxi, for a license for a Vehicle For Hire License for 2010.

ROLL CALL: MR. CAFFREY YES MR. SISLER YES  
MR. GOLDBERG YES MR. SNYDER YES  
MAYOR ROSENBUSH 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. Memo dated January 18, 2010 from Audrey J. Adams, Tax Collector certifying that she advertised delinquent properties in connection with a Tax Sale held on December 18, 2009 and in addition to the two advertisements, she mailed notices on November 20 and November 27, 2009 and posted notices at the Township Hall Public Notice Board, Township Fire and Police Departments, Butterworth Sewage Treatment Facility and Township Department of Public Works Office.

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**TOWNSHIP COMMITTEE MEETING**  
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**TOWNSHIP COMMITTEE MEMBERS COMMENTS/QUESTIONS**

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

MR. GOLDBERG - DPW crews responded to several snow and ice events the latest of which was today. The drivers who plow and spread the salt are adding that work to their normal day and making the roads drivable while the rest of us are sleeping. I know that Morris Township residents do not take for granted that our employees respond to the call up and work until the job is done. Extended a thank you for the entire community.

Accepted the invitation of our Morristown/Morris Township Public Library Board and visited and toured the new book mobile. Maria S. Norton, Assistant Library Director, and Ms. Simms, a double asset as driver and librarian proudly explained the program. Very pleased with what I saw and learned, and urge the public to think of ways that a regular book mobile visit could enrich the institutions that serve our children. Currently, the mobile visits schools, day cares, and supervised summer recreation programs.

MR. SISLER - Progressive Home Energy Assistance Program is available (NJ share program and line heat) \$700 for fuel and \$300 for electric if qualified - Senator Bucco's office can assist; toured Morris Minute Men - 2900 responded calls; Prosecutor's office joined in the Black History Month events.

MR. SNYDER - Attended National Organization of Black Officers - recognition of Black History Month - Harvey Jackson, Morristown Police Department was recognized for his contribution.

MR. CAFFREY - Attended Prosecutor presentation "Intelligence Lead Policing" - sharing of information between Police Departments' programs - commended Prosecutor's office. DPW doing a great job. Keep cars off streets during snow storms; OEM and Minute Men doing a great job.

**MAYORAL COMMENTARY - MAYOR H. SCOTT ROSENBUSH**

Highlight Assembly Bill Dedesignated Route 24 and purpose of bill - Bucco and Card both sponsors. Met with United Charter School - looking to move to a facility in Morris Township; Budget - no guidance from State in reference to State Aid for 2010, not clear what the Township should expect - Mr. Rossi was directed him to speak to Department Heads in reference to plan "B; without state aid how would they run their departments; to review their needs and to prioritize. Purchase OEM roses at Hillside Firehouse.

**CONSIDERATION OF MONTHLY REPORTS** \* \* \* NONE  
\* \* \*

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**APPROVAL OF CLAIMS FOR PAYMENT - LIST OF BILLS AND VOUCHERS** NONE  
\* \* \*

**CALL TO ORDER AND ADJOURNMENT**

At 8:54 P.M. the February 3, 2010 Regular Meeting was called to order and with no further business to be considered, on motion duly made, seconded and unanimously (5-0) adopted, the meeting was adjourned at 8:56 P.M., next to convene at the 6:00 P.M., February 17, 2010, Regular Meeting, in the Municipal Building, 50 Woodland Avenue, Township of Morris.

\_\_\_\_\_  
CATHLEEN AMELIO  
TOWNSHIP CLERK

DATED: MARCH 8, 2010