

**MINUTES OF REGULAR MEETING OF
THE TOWNSHIP COMMITTEE HELD ON
WEDNESDAY, FEBRUARY 17, 2010, 8:00 P.M.**

CALL TO ORDER

The February 17, 2010 Regular Meeting was called to order by Mayor H. Scott Rosenbush, at 8:00 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 the Patriots' Path Council,
Boy Scouts of America, Troop 228.

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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 February 12, 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".

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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.

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**52-10 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-excepted matters, which are exceptions set forth in the said act, and upon which a public disclosure will be made as expeditiously as possible; said meeting to be held during a recess of this Regular Meeting at the Municipal Building, 50 Woodland Avenue.

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

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PRESENTATION - PATRIOTS' PATH COUNCIL - BOY SCOUTS OF AMERICA

James McCready, Cub Master, was present with four scouts from Troop 228: Ian McCreeedy, participation, Connor McCreeedy, community service performed projects, Zachary DeLuca, achievements, and Wilson Maya, awards and merit badges, and two leaders. The Mayor presented a proclamation:

**PROCLAMATION
BOY SCOUTS OF AMERICA
ONE HUNDREDTH ANNIVERSARY**

WHEREAS, we approach the 100th Anniversary of Scouting in America in 2010, the Scout Oath and Law continues to be a moral compass for families and communities. Scouting values serve as a foundation for our youth as they grow and develop in these challenging times, and

WHEREAS, for 100 years, Scouting has created a strong foundation of leadership, service, and community for millions of America's youth and guided America's youth on their journey to adulthood, and

WHEREAS, the Scouts will demonstrate the incredible impact a century of living the Scout Oath and Law has had on our communities. They will celebrate their legacy and commit themselves to inspire and prepare future generations to continue the legacy that began 100 years ago with the chance meeting of an American businessman lost in a London fog and an unknown Scout.

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APPROVAL OF MINUTES

NONE

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RESOLUTION

57-10 RESOLUTION AUTHORIZING THE CANCELLATION OF BALANCES REMAINING ON CERTAIN GENERAL CAPITAL DEDICATED PROJECTS

WHEREAS, certain Capital funded balances remain dedicated to General Capital projects now complete, and

WHEREAS, it is necessary to formally cancel said balances,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Morris, that the unexpended and dedicated balances of the General Capital appropriations that are funded, are to be cancelled to the General Capital Surplus Fund Balance, as listed below.

General Capital

<u>Ordinance Number</u>	<u>Description</u>	<u>Total Funded</u>	<u>Total Canceled</u>
Ordinance 16-08			
G-04-55-816-700	Road Improvement Turtle Rd & Old Glen	\$135,000.00	\$135,000.00

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RESOLUTION (CONTINUED)

57-10 RESOLUTION AUTHORIZING THE CANCELLATION OF BALANCES REMAINING ON CERTAIN GENERAL CAPITAL DEDICATED PROJECTS (CONTINUED)

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

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ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND ADOPTION

NONE

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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 March 3, 2010 regular meeting at 6:00 P.M.:

ORDINANCE #3-10 ORDINANCE APPROPRIATING \$135,000 AVAILABLE IN THE GENERAL CAPITAL SURPLUS FUND TO PROVIDE FOR VARIOUS IMPROVEMENTS REFERRED TO HEREIN AND BY THE TOWNSHIP OF MORRIS, IN THE COUNTY OF MORRIS, NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MORRIS, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. \$135,000 is available in the General Capital Surplus Fund and is hereby appropriated to provide for improvements to Burnham Road, improvements to Ginty Field running track and parking lot, and the Police Parking Lot, including all work and materials necessary therefore or incidental thereto.

Section 2. The capital budget of the Township of Morris is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 3. This ordinance shall take effect 10 days after publication hereof after final passage.

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

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ORDINANCE #4-10 AN ORDINANCE OF THE TOWNSHIP OF MORRIS ADDING A NEW CHAPTER 58A ENTITLED "AN ORDINANCE REGULATING PORTABLE STORAGE CONTAINERS"

BE IT HEREBY ORDAINED by the Township Committee of the Township of Morris that a new ordinance be adopted as follows:

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ORDINANCES - INTRODUCTION (CONTINUED)

ORDINANCE #4-10 AN ORDINANCE OF THE TOWNSHIP OF MORRIS ADDING A NEW CHAPTER 58A ENTITLED "AN ORDINANCE REGULATING PORTABLE STORAGE CONTAINERS" (CONTINUED)

58.2 Definitions

Unless otherwise indicated, the following terms used in this ordinance shall be deemed for the purpose of this ordinance to have the meaning hereinafter set forth:

A. Portable storage container: A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building material or merchandise.

B. Maximum dimensions: No portable storage container shall have dimensions greater than twenty feet (20') in length, eight feet (8') in width or height. Storage capacity shall be no greater than one thousand two hundred eighty (1280) cubic feet.

58.3 Residential Districts

A. There shall not be permitted more than one (1) portable storage container on a lot at any given time without the express permission of the Township.

B. No storage container can obstruct traffic vision when parked on residential property.

C. All portable storage containers in use on a lot shall be in a condition free from rust, peeling paint and other visible forms of deterioration.

D. During construction, a portable storage container may be used to store on site tools and materials to be used for an initial permit period of (90) ninety days. A permit may be extended for an additional period of (90) ninety days upon request. The portable storage container must be removed within thirty (30) days of completion or cessation of construction or the expiration of the construction permit.

E. The use of a storage device for purposes which are other than construction, such as moving, is permitted for not more than 30 days per dwelling unit.

58.4 Agricultural Districts

A. On lots on which the principal use is a bona fide agricultural activity, there shall be no restriction upon the use of portable storage containers in connection with such agricultural activity. On lots where the principal use is other than agricultural, residential requirements will apply.

58.5 Business, Commercial and Manufacturing Districts

A. Portable storage containers may be allowed pursuant to an approval granted by the Planning Board of the Township of Morris upon review of Minor Site Plan.

58.6 Permits

A. All portable storage containers in all districts shall be permitted only upon the issuance of a permit as herein provided.

B. The permits shall be issued by the Zoning Officer and shall be at a cost of twenty dollars (\$20) per lot on which one or more containers are to be located. Permits shall be displayed on the outside of the container in such manner as to be plainly visible from the street. Permit fees shall be paid one time per use.

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ORDINANCES - INTRODUCTION (CONTINUED)

ORDINANCE #4-10 AN ORDINANCE OF THE TOWNSHIP OF MORRIS ADDING A NEW CHAPTER 58A ENTITLED "AN ORDINANCE REGULATING PORTABLE STORAGE CONTAINERS" (CONTINUED)

C. The applicant shall submit a survey on which shall be drawn the proposed location of the portable storage container.

58.7 Penalties

A. Any person, firm, or corporation violating any provisions of this section shall be subject to the permit fee and penalties of up to \$100.00 per day for each day on which a violation continues to exist.

58.8 Existing Containers-Time For Compliance.

A. Any person, firm, or corporation with a storage container on property as of April 1, 2010 shall come into compliance within 30 days or be subject to the penalties herein provided.

SECTION TWO:

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION THREE:

This ordinance shall take effect from and after the date of its passage and publication as provided by law.

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

SUMMARY OF BIDS RECEIVED FEBRUARY 3, 2010

Township Administrator Fred J. Rossi reported that on February 3, 2010, 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>BID ITEM</u>	<u>AWARDED TO</u>	<u>TOTAL BID PRICES</u>
OTE:2010-1-1	Air Systems Maintenance, Inc.	\$ 78.00/hr. 8 AM-4:30 PM
HVAC Services	718 Jefferson Avenue	58.00/hr. " " Helper
	Kenilworth, NJ 07033	117.00/hr. Nights/Saturdays
		87.00/hr. " " Helper
		156.00/hr. Sundays/Holidays
		116.00/hr. " " Helper
		Markup on parts from supplier's list 15%
	Able Mechanical	\$ 91.50/hr. 8 AM-4:30 PM
	P.O. Box 69	65.00/hr. " " Helper
	Belford, NJ 07718	137.25/hr. Nights/Saturdays
		97.50/hr. " " Helper
		183.00/hr. Sundays/Holidays
		130.00/hr. " " Helper
		Markup on parts from supplier's list 15%

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SUMMARY OF BIDS RECEIVED FEBRUARY 3, 2010 (CONTINUED)

<u>BID ITEM</u>	<u>AWARDED TO</u>	<u>TOTAL BID PRICES</u>
HVAC (Continued)	Binsky & Snyder 281 Centennial Avenue Piscataway, NJ 08854	\$122.38/hr. 8 AM-4:30 PM 89.50/hr. " " Helper 180.13/hr. Nights/Saturdays 110.50/hr. " " Helper 238.15/hr. Sundays/Holidays 142.50/hr. " " Helper Markup on parts from supplier's list 10%
	Carrier Corporation 14-30 Madison Road Fairfield, NJ 07004	\$ 95.00/hr. 8 AM-4:30 PM 110.00/hr. " " Helper 142.50/hr. Nights/Saturdays 142.50/hr. " " Helper 142.50/hr. Sundays/Holidays 142.50/hr. " " Helper Markup on parts from supplier's list 20%
OTE: 2010-1-2 Due to technical error in bid rendering, bid is invalid. To be rebid. Janitorial Services		
OTE: 2010-1-3 Electrical Services	Tatbit Co. P.O. Box 310 Butler, NJ 07405	\$ 71.43/hr. 8 AM-4:30 PM 28.56/hr. " " Helper 107.14/hr. Evenings/Sat. 42.84/hr. " " Helper 142.86/hr. Sundays/Holidays 57.12/hr. " " Helper Markup on parts from supplier's list 0% Use of Man lift Truck 0%
Section II Traffic Signal Repairs/ Maintenance	Morris County Cooperative Pricing (Continue to use County) Contract #39	\$115.00/hr. Mon./Fri.+Helper 135.00/hr. Even./Sat./Sun./ Holidays Markup on parts from supplier's list 10% \$15.00/hr.Truck/Crane for Signal Knock-downs only \$15.00 Use of Man lift Truck
OTE: 2010-1-4 Plumbing Services	Burlew Mechanical, LLC 59 West Front Street, Suite 3 Keyport, NJ 07735	\$ 82.00/hr. Monday/Fridays 60.00/hr. " " Helper 123.00/hr. Even./Sats./Sundays 120.00/hr. " " Helper Markup on parts from supplier's list 20%
	Aero Plumbing & Heating P.O. Box 69 Belford, NJ 07718	\$ 85.00/hr. Monday/Fridays .00/hr. " " Helper 127.50/hr. Even./Sats./Sundays 170.00/hr. " " Helper Markup on parts from supplier's list 20%
	Binsky & Snyder 281 Centennial Avenue Piscataway, NJ 08854	\$ 92.50/hr. Monday/Fridays 71.50/hr. " " Helper 132.75/hr. Even./Sats./Sundays 91.50/hr. " " Helper Markup on parts from supplier's list 10%

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SUMMARY OF BIDS RECEIVED FEBRUARY 3, 2010 (CONTINUED)

<u>BID ITEM</u>	<u>AWARDED TO</u>	<u>TOTAL BID PRICES</u>
Plumbing (Continued)	Paul Cullen Morris Plains, NJ 07950	\$ 87.00/hr. Monday/Fridays 35.00/hr. " " Helper 130.00/hr. Even./Sats./Sundays 52.00/hr. " " Helper Markup on parts from supplier's list 20%
	Magic Touch Construction Co. Keyport, NJ 07735	\$ 91.75/hr. Monday/Fridays 47.50hr. " " Helper 137.62/hr. Even./Sats./Sundays 71.25/hr. " " Helper Markup on parts from supplier's list 10%
<u>OTE: 2010-1-5</u> <u>Grit Disposal</u> <u>Services</u>	Waste Management of Pennsylvania Inc. 444 Oxford Valley Road, Suite 220 Langhorne, PA 19047	\$57.50/ton _____
	Spectraserv Inc. 75 Jacobus Avenue Kearney, NJ 07032	\$785.00/ton
OTE: 2010-1-6 Sludge Hauling Service	SpectraServ, Inc. 75 Jacobus Avenue Kearney, NJ 07032	\$0.024/Gal. (2.4 Cents) total based on 4MG = \$96,000
	Accurate Waste Systems, Inc.	\$.0286/Gal
	R&D Trucking West Milford, NJ 07480	\$.028/Gal
	Russell Reid Keasby, NJ 08832	\$.0337/Gal.
	SpectraServ, Inc. 75 Jacobus Avenue Kearney, NJ 07032	\$.024/Gal.
	Aqua-Tex Transport, Inc.	\$.0421/Gal.
OTE: 2010-4 Janitorial Services	Maverick Building Services 718 Jefferson Avenue Kenilworth, NJ 07033	\$1,200/Mo. Municipal Building 12 Mo. 800/Mo. Police Headquarters 12 Mo. 400/Mo. Fire Headquarters 12 Mo. 300/Mo. Convent Train Station 40/Mo. Recreational Garage 1 Day, 12 Mo. 40/Mo. Ginty Field Restroom 8.5 Mo. 40/Mo. Frelinghuysen Field Restroom 7 Mo. 40/Mo. Collinsville Field Restroom 1.5 Mo. Shampooing Carpets-Variou Locations \$0.05 SF

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SUMMARY OF BIDS RECEIVED FEBRUARY 3, 2010 (CONTINUED)

<u>BID ITEM</u>	<u>AWARDED TO</u>	<u>TOTAL BID PRICES</u>
OTE:2010-4	Advance Building Maintenance Co.	\$59,900.00/Total .25/SF Rug shampooing
	Kee Clean Management Inc. 494 Bridgeport Avenue Shelton, CT 06484	\$39,433.20/Total .15/SF Rug shampooing
	Ocean Clean 41 Sunset Terrace	\$35,988.00/Total .0/SF Rug shampooing
	Oriental Pacific Co. Mahwah, NJ 07747	\$38,000.00/Total 0.18/SF Rug shampooing
	URU Corp. 197 South Main Street Wharton, NJ 07885	\$39,467.00/Total 0.25/SF Rug shampooing

Submitted, read in full, and placed on file in the Office of the Municipal Clerk, are letters of recommendation dated February 5, 2010 from Mark J. Howarth, Superintendent of W.P.C.U. (OTE: 2010-1-6 - Sludge Hauling Services); James R. Slate, Township Engineer dated February 9, 2010 (ENG-025-10) for all other bids respectively).

On motion duly made, seconded and unanimously carried (5-0) authorization was given for the award of the bids as recommended by the Township Engineer as specified in the appropriate resolutions set forth hereinafter.

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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:

53-10 AUTHORIZING REFUND OF MONIES DUE TO TAX OVERPAYMENTS (3- \$9,516.71) & SEWER OVERPAYMENTS (2- \$3,659.94)

WHEREAS, the Collector of Taxes has certified to the Township of Morris that certain payments be refunded, and

WHEREAS, the Governing Body has reviewed said certification and approved the same.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Morris, being the Governing Body thereof, that these monies be refunded, i.e.:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Reason</u>	<u>Amount</u>
<u>TAX</u>				
1601	12	Douglas Ratner & Linda Zubrin	Refund O/P 3 rd Qtr 2009	\$ 3,674.75
2102	21	Paul & Juliann Fredenzi	Refund O/P 4 th Qtr 2009	\$ 2,194.29
6904	14	Manoj & Dipti Trivedi	Refund O/P 4 th Qtr 2009	\$ 3,647.67
<u>SEWER</u>				
6705	1	C0022 Township of Morris-Current Acct	Refund 2 nd , 3 rd , 4 th 2010 to tax	\$ 2,822.87
7902	1	C4421 Jacqueline Hamilton	Refund O/P 4 th 2008-4 th 2010	\$ 837.07

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RESOLUTIONS (CONTINUED)

53-10 AUTHORIZING REFUND OF MONIES DUE TO TAX OVERPAYMENTS (3- \$9,516.71) & SEWER OVERPAYMENTS (2- \$3,659.94) (CONTINUED)

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

54-10 RE: EMERGENCY TEMPORARY APPROPRIATION BUDGET

WHEREAS, an emergent condition has arisen with respect to General Operating Purposes, Sewer Operating Purposes, Swimming Pool Operating Purposes, and Parking Enterprise Purposes and adequate provisions were not anticipated for in the 2010 temporary appropriations for the aforesaid purposes, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned, and

WHEREAS, the total emergency temporary resolution adopted in the year 2010 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$25,627,747.88

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.40A:4-20:

1. An emergency temporary appropriation budget be and the same is hereby made for all appropriations in the amount of \$25,627,747.88.
2. That said emergency temporary appropriation will be provided for in the 2010 budget.
3. That one certified copy of this resolution will be filed with the Director of the Division of Local Government Services.

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

55-10 AUTHORIZING AWARD OF CONTRACTS FOR SUPPLYING SERVICES FOR YEAR 2010 - AWARDED AS LISTED

WHEREAS, this Township has heretofore, in accordance with the Local Public Contracts Law of the State of New Jersey, received bids for the hereinafter entitled item:

SUPPLYING SERVICES

WHEREAS, after review and recommendation from the appropriate official, it appears that the lowest responsible bidders are as follows, and therefore, the contracts should be awarded to said contractors:

<u>BID ITEM</u>	<u>AWARDED TO</u>	<u>TOTAL BID PRICES</u>
OTE: 2010-1-1	Air Systems Maintenance, Inc.	\$78.00/Hr. 8:00 AM - 4:30 PM
HVAC Services	718 Jefferson Avenue Kenilworth, NJ 07033	58.00/Hr. " " Helper 117.50/Hr. Nights/Sat. 87.00/Hr. " " Helper 156.00/Hr. Sun./Holidays 116.00/Hr. " " Helper Cost of Parts - Markup 15%

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RESOLUTIONS (CONTINUED)

55-10 AUTHORIZING AWARD OF CONTRACTS FOR SUPPLYING SERVICES FOR YEAR 2010 - AWARDED AS LISTED (CONTINUED)

OTE: 2010-1-2- Janitorial Services	Bid Invalid - Technical Error	TO BE REBID
OTE: 2010-1-3-Elec- trical Services	Tatbit Co. P.O. Box 310 Butler, NJ 07405	\$71.43/Hr. 8:00 AM-4:30 PM 28.56/Hr. " " Helper 107.14/Hr. Evening/Sat. 42.84/Hr. " " Helper 142.86/Hr. Sun./Holidays 57.12/Hr. " " Helper Markup on Parts 0% 0.00 Use of Man lift Truck

GENERAL ELECTRICAL SERVICES - SECTION II TRAFFIC SIGNAL REPAIRS/MAINTENANCE

	Morris County Cooperative Pricing Council	\$115.00/Hr. Monday/Friday N/A Helper 135/Hr. Evenings/Saturdays Sundays/Holidays
OTE: 2007-1-4 Plumbing Services	Burlew Mechanical, LLC 59 West Front Street, Ste. 3 Keyport, NJ 07735	\$ 82.00/Hr. Monday/Friday 60.00/Hr. " " Helper 123.00/Hr. " Evenings/Sat./Sun. 120.00/Hr. " " Helper Markup on Parts 20%
OTE: 2010-1-5- Grit Disposal Services	Waste Management of Pennsylvania, Inc. 444 Oxford Valley Road, Ste. 220 Langhorne, Pa. 19047	\$57.50/Ton
OTE: 2010-1-6- Sludge Hauling Service	SpectraServ, Inc. 75 Jacobus Avenue Kearney, NJ 0732	\$0.024/Gal. (2.4 cents) Total based on 4MG \$96,000

WHEREAS, a Certificate showing Availability of Funds has been provided to the Township Clerk by the Chief Financial Officer of this Township, certifying that the funds for said contracts are available in the following line item appropriation, resolution or ordinance:

CURRENT, SEWER, SWIMMING POOL, PARKING, CAPITAL ACCOUNTS, TRUST ACCOUNTS

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

1. That the contracts for the above-entitled matters be and the same are hereby awarded in the sums as hereinbefore listed and the Mayor and Clerk of this Township be and are hereby authorized and directed to execute the contracts and or other necessary documents in order to effectuate the purpose of this resolution.
2. That the Certificates of Availability of Funds supplied by the Chief Financial Officer of this Township shall be attached to the original copy of this resolution and kept on file in the Office of the Municipal Clerk.

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RESOLUTIONS (CONTINUED)

**55-10 AUTHORIZING AWARD OF CONTRACTS FOR SUPPLYING SERVICES FOR YEAR 2010 -
AWARDED AS LISTED (CONTINUED)**

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

- - -

**56-10 RESOLUTION URGING THE NEW JERSEY STATE LEGISLATURE TO PASS LEGISLATION
CONTAINING SUBSTANTIAL REFORMS TO THE BINDING ARBITRATION PROCESS**

WHEREAS, the interest arbitration process was intended to fairly and adequately give all due consideration to the interest and welfare of the taxpaying public and support local government aims by arriving at award decisions that are equitable to all involved parties, including municipalities and Police and Fire Department personnel; and

WHEREAS, the New Jersey Employer-Employee Relations Act, adopted in 1968, was amended in 1977 to provide for interest arbitration as the statutorily imposed terminal step in the collective bargaining process for police and fire personnel as defined by the Act; and

WHEREAS, the Police and Fire Interest Arbitration Reform Act (L.1995, c. 425) was signed into law by Governor Christine Todd Whitman and became effective on January 10, 1996; and

WHEREAS, in 2005, the League of Municipalities' Arbitration Reform Committee suggested a number of Legislative reforms to the Interest Arbitration Process among the changes proposed by the Reform Committee were that: (1) the Arbitrator may not award salary increases in excess of the expenditure cap (N.J.S.A. 40A:4-45 et seq.); (2) the Arbitrator's Award may provide for salary increases limited to the budget cap imposed by the State of New Jersey and/or any lawful adjustment adopted by the public employer; and (3) the Arbitrator's award may provide for salary increases limited to the percentage established by the State or the lawful adjustment adopted by the public employer, as may be appropriate, on a department line basis; and

WHEREAS, in 2007 the Police and Fire Interest Arbitration statute was amended to add a new ninth factor of the 4% Tax Levy Cap which resulted in 4 of the 9 statutory factors in Interest Arbitration addresses the employer's fiscal situation; and

WHEREAS, municipalities are bound by strict fiscal controls embodied in the expenditure limit and tax levy caps and it is the norm rather than the exception for state approved arbitrators to award raises for police salaries at rates that exceed the annual caps; and

WHEREAS, binding arbitration awards in excess of the caps forces municipalities to cut other critically needed municipal services, in order to fund salary increases, compounded by pension increases, to police and fire personnel, and cost for police and fire services continue to spiral at an unacceptable rate; and

WHEREAS, the state approved interest binding arbitration process is inconsistent with the State cap laws and is unfair to municipalities attempting to control property taxes through fiscal responsibility; and

WHEREAS, interest arbitration should be reformed to provide that the cost of living and the employer's ability to pay should be given greater weight and the total costs of the arbitrator's award, including steps and cost of living (COLA) increases, should not, if possible, exceed the cost of living; and

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RESOLUTIONS (CONTINUED)

56-10 RESOLUTION URGING THE NEW JERSEY STATE LEGISLATURE TO PASS LEGISLATION CONTAINING SUBSTANTIAL REFORMS TO THE BINDING ARBITRATION PROCESS (CONTINUED)

WHEREAS, arbitrators should be required to evaluate and analyze the total cost of the salaries and benefits, including step increases, and must provide a detailed line item analysis and explanation of the costs in the award; and

WHEREAS, arbitrators must also evaluate and analyze the overall compensation received by the bargaining unit, including vacations, longevity, holidays, excused leave, medical and pension benefits; and

WHEREAS, arbitrators should be required to live in New Jersey and the process of selecting the arbitrators and the length of time the Arbitration process takes needs to be reviewed;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Morris in the County of Morris, State of New Jersey hereby urges the New Jersey State Legislature to immediately ensure through active exercise of oversight that the spirit and substance of N.J.S.A 34:13A-16, which is currently in force and establishes guidelines for a "reasonable determination of the issues," through consideration of 9 listed factor, is followed to a reasonable conclusion and, failing that, to pass legislation containing substantial reforms to the binding arbitration process; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to State Senator Anthony R. Bucco, Assemblymen Michael P. Carroll and Anthony Bucco, to Governor Chris Christie and to the New Jersey League of Municipalities.

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

- - -

57-10 RESOLUTION AUTHORIZING THE CANCELLATION OF BALANCES REMAINING ON CERTAIN GENERAL CAPITAL DEDICATED PROJECTS

WHEREAS, certain Capital funded balances remain dedicated to General Capital projects now complete, and

WHEREAS, it is necessary to formally cancel said balances,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Morris, that the unexpended and dedicated balances of the General Capital appropriations that are funded, are to be cancelled to the General Capital Surplus Fund Balance, as listed below.

General Capital

<u>Ordinance Number</u>	<u>Description</u>	<u>Total Funded</u>	<u>Total Canceled</u>
Ordinance 16-08			
G-04-55-816-700	Road Improvement Turtle Rd & Old Glen	\$135,000.00	\$135,000.00

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RESOLUTIONS (CONTINUED)

57-10 RESOLUTION AUTHORIZING THE CANCELLATION OF BALANCES REMAINING ON CERTAIN GENERAL CAPITAL DEDICATED PROJECTS (CONTINUED)

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

- - -

58-10 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

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

- - -

59-10 AUTHORIZING RETURN OF MONIES REMAINING IN DEVELOPER'S ESCROW ACCOUNT

WHEREAS, the following escrow account has completed the Board of Adjustment application process, and

WHEREAS, the Township Engineer has certified these escrow accounts may now be released.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee that the following escrow account be closed and the balance of all monies returned to the applicant.

Name	Balance	Escrow Account #
Christopher & Christine Volinsky	\$ 667.30	E-12-56-808-696

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RESOLUTIONS (CONTINUED)

57-10 RESOLUTION AUTHORIZING THE CANCELLATION OF BALANCES REMAINING ON CERTAIN GENERAL CAPITAL DEDICATED PROJECTS (CONTINUED)

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:

Mr. James O'Reilly, 50 Independence Way - Governor freeze in funds for state aid and the implication.

Mr. Jeff Grayzel, 1 Indian Head Road - status of speed limits being reduced. Thanked DPW in snow removal.

Mr. Lee Goldberg, 10 Arrowhead Road - glad to see the Scouts. Error in janitorial service bid - typo. Resolution #56-10 what was changed? Check with George - web site Planning Board instead of Board of Adjustment. Board of Adjustment - Christensen absent. Furloughs - anything being discussed; temporary budget? Bids Jets traffic study; Mt. Kemble open space updates.

Mr. Geoffrey Brook, 49 Spring Valley Road - thanked Mr. Goldberg for visit to Book Mobile; Colonial Coach serve library now Route 76 library stop. Will promote Colonial Coach stopping at Morristown/Morris Township Library. 1,000 patrons a day at library - 2 slides; 1 on Township/1 on Morristown for various events; April 20, 2010 will honor Marjorie Shavel - e-mail to follow - All are welcomed to attend.

Craig Goss, Fire Chief, 67 Frederick Place - thanked Lewis Windt for his assistance at a fire and his efforts in providing salt for freezing a working fire.

* * *

CONSENT CALENDAR

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

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

1. Granted permission to the College of Saint Elizabeth to use the municipal parking lot located at St. Thomas More Church for Commencement ceremonies in May: Baccalaureate Mass on Friday, May 14, 2010 from 4-10 P.M. with cars arriving at 5 P.M. and Commencement on Saturday, May 15, 2010 from 10-12 A.M. with cars arriving at 7 A.M., subject to the filing of a Certificate of Insurance with a Hold Harmless Clause naming the Township as an additional insured and approval of the Police Chief.
2. Granted permission to Morris County Golf Club to hold a fireworks display on their property on Saturday, July 3, 2010, subject to approval of the Fire Chief and the filing of a Certificate of Insurance with a Hold Harmless Clause naming the Township as an additional insured and informing the neighbors of the event.

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CONSENT CALENDAR (CONTINUED)

3. Approved Kenneth G. Higgins, 150 Western Avenue, Morristown as a volunteer fireman for the Township Fire Department (Hillside Fire Company).

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

NONE

* * *

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 - Condolences to Bob and Judy Nace on the passing of Mr. Nace's father. Dave Hansen saved \$15,000 on the grit hauling bid; Cub Scouts, 228 former pack, 2/8/10 spent with scouts, 100 lit candles in celebration of 100 years of Scouting, happy birthday; attended the 2/9/10 presentation of Teen Pride to the Town of Morristown for the Councils continued support of Teen Pride and that Teen Pride provides - to the schools of the Town and Morris Township; thanked DPW for the good job on snow and ice removal.

MR. SISLER - Condolences to Bob and Judy Nace on passing of his father; advised the public of the web site home energy assistance for moderate and low income families (fuel); Patriots Path Scouts congratulations, thanked the Morris Township Park and Recreation Department for their assistance in the trail projects; thanked DPW for making sure Morris Minute Men, Police and Fire, roads are safe in snow storms.

MR. SNYDER - Condolences to Bob Nace on father's passing; commended the Morris Township Police Department for the apprehension of the individual who on 2/4/10 were robbing a residence on Easley and thanked neighbors for calling police.

MR. CAFFREY - Thanked the Fire Department for a job well done on a fire on Sherwood Drive and noted that many volunteers assisted - thanked Chief; DPW did a great job on the snow removal; condolences to Bob and Judy Nace on the loss of his father.

MAYORAL COMMENTARY - MAYOR H. SCOTT ROSENBUSH - condolences to Nace family; spoke of Mr. Bob Nace was an Eagle Scout – announced that in lieu of flowers to make donations to Scouts in memory of Mr. Elwood Nace at Assumption Church; attended Boy Scout meeting - 5 Eagle Scouts awarded badges - great organization; thanked parents and volunteers their valuable time to the Scouts; submitted smart growth application; that a grant application re: Western Avenue Reservoir has also been submitted.

* * *

**TOWNSHIP COMMITTEE MEETING
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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:

JANUARY 2010
TAX COLLECTOR

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

APPROVAL OF CLAIMS FOR PAYMENT - LIST OF BILLS AND VOUCHERS

Minute Book Attachment #1 (MBA #1) dated February 17, 2010 \$11,748,075.51

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 \$11,748,075.51 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. CAFFREY YES MR. SISLER YES
MR. GOLDBERG YES MR. SNYDER YES
MAYOR ROSENBUSH YES

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CALL TO ORDER AND ADJOURNMENT

At 8:58 P.M. the February 17, 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 8:58 P.M., next to convene at the 6:00 P.M., March 3, 2010, Regular Meeting, in the Municipal Building, 50 Woodland Avenue, Township of Morris.

CATHLEEN AMELIO
TOWNSHIP CLERK

DATED: March 10, 2010