

**MINUTES OF SPECIAL MEETING OF  
THE TOWNSHIP COMMITTEE HELD ON  
WEDNESDAY, DECEMBER 30, 2009, 8:30 A.M.**

**CALL TO ORDER**

The December 30, 2009 Special Meeting was called to order by Mayor H. Scott Rosenbush at 8:30 A.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 Jeffrey R. Grayzel (by phone)  
Township Committee Member Raymond L. Snyder

**APPOINTED OFFICERS**

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 December 23, 2009 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.

\* \* \*

**ORDINANCES - PUBLIC HEARING, FINAL CONSIDERATION AND ADOPTION**

The Township Clerk advised that this 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.

ORDINANCE #31-09 - AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MORRIS, ENTITLED "PUBLIC CONTRACTING"

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

**SECTION ONE:**

Intent and Purpose

Pursuant to P.L.2005, c.271, a municipality is authorized to adopt by ordinance measures limiting the awarding of public contracts to business entities that have made political contributions and limiting the contributions that the holders of a contract can make during the term of a contract and in the interest of good government, the Governing Body desires to establish a policy that will avoid the perception of improper influence in local elections.

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

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

ORDINANCE #31-09 AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MORRIS,  
ENTITLED "PUBLIC CONTRACTING" (CONTINUED)

**Prohibition on Awarding Public Contracts to Certain Contributors**

- (a) To the extent that it is not inconsistent with state or federal law, the Township of Morris and any of its purchasing agents or departments or instrumentalities of the municipality thereof, as the case may be, shall not enter into any agreement or otherwise contract to procure services from any professional business entity, including those awarded pursuant to any process including a fair and open process, if such professional business entity has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to (i) a campaign committee of any municipal candidate or holder of public office having ultimate responsibility for the award of a contract, or (ii) to any Township of Morris or Morris County party committee, or (iii) to any political action committee (PAC) that regularly engages in the support of municipal or county elections and/or municipal or county parties, in excess of the thresholds specified in subsection (d) within one calendar year immediately preceding the date of the contract or agreement.
- (b) No professional business entity or vendor who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement (including non-emergency contracts awarded by 40A:11 *et seq* or the "Fair and Open" Process pursuant to 19:44A-20 *et seq*) with the Municipality or any departments thereof, for the rendition of professional services, or goods and services, as the case may be, shall knowingly solicit or make any contribution of money, pledge of contribution, including in-kind contributions, to: (i) any municipal candidate or holder of public office having ultimate responsibility for the award of a contract, or (ii) to any Township of Morris or Morris County party committee, or (iii) to any PAC that regularly engages in the support of municipal or county elections and/or municipal or county parties, between the time of first communication between that professional business entity or vendor and the municipality regarding a specific professional services agreement or goods and services agreement, as the case may be, and the later of the termination of negotiations or rejection of any proposal, or the completion of the contract or agreement.
- (c) For purposes of this ordinance, a "professional business entity" and a "vendor" seeking a public contract mean an individual including the individual's spouse, if any, and any child living at home; person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a business entity and vendor includes all principals who own 10% or more of the equity in the corporation or business trust, partners, and officers [in the aggregate] employed by the entity or vendor, as well as any subsidiaries directly controlled by the business entity or vendor.
- (d) Any individual meeting the definition of "professional business entity" or "vendor" under this section may annually contribute a maximum of \$300 each for any purpose to any candidate, for governing body, or \$300 to the Township of Morris party or \$500 to the Morris County party committee or to a PAC referenced in this ordinance, without violating subsection (a) of this section. However, any group of individuals meeting the definition of "professional business entity" or "vendor" under this section, including such principals, partners, and officers of the entity or vendor in the aggregate, may not annually contribute for any purpose in excess of \$2,500 to all Township of Morris candidates and officeholders with ultimate responsibility for the award of the contract, and all Township of Morris or Morris County political parties and PACs referenced in this ordinance combined, without violating subsection (a) of this section.
- (e) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:
  - (1) The Township of Morris Governing body, if the contract requires approval or appropriation from the Governing body.
  - (2) The Mayor of the Township of Morris, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.

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

ORDINANCE #31-09 AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MORRIS,  
ENTITLED "PUBLIC CONTRACTING" (CONTINUED)

**Contributions Made Prior to the Effective Date**

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity or vendor to any Township of Morris candidate for Governing Body, or Township of Morris or Morris County party committee or PAC referenced in this ordinance shall be deemed a violation of this ordinance, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity or vendor prior to the effective date of this ordinance.

**Contribution Statement by Professional Business Entity**

- (a) Prior to awarding any contract or agreement to procure services with any professional business entity and any contract or agreement to procure goods and services from a vendor, the Township of Morris or its purchasing agents and departments, as the case may be, shall receive a sworn statement from the professional business entity or vendor, made under penalty of perjury, that the bidder or offer or has not made a contribution in violation of Section 1 of this ordinance.
- (b) The professional business entity and vendor shall have a continuing duty to report any violations of this ordinance that may occur during the negotiation, proposal process or duration of a contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with the Township of Morris, or prior to the provision of services or goods, as the case may be, and shall be in addition to any other certifications that may be required by any other provision of law.

**Return of Excess Contributions**

A professional business entity, vendor, or municipal candidate or officeholder, or Township of Morris or Morris County party committee or PAC referenced in this ordinance, may cure a violation of Section 1 of this Ordinance, if, within 30 days after the general election, the professional business entity or vendor notifies the municipality in writing and seeks and receives reimbursement of the contribution from the relevant municipal candidate or officeholder, Township of Morris or Morris County political party or PAC referenced in this ordinance.

**Exemptions**

- (a) The contribution limitations prior to entering into a contract in Section 1(a) do not apply to contracts which are required by law to be awarded to the lowest bidder.

**Penalty**

- (a) It shall be a breach of the terms of the Township of Morris professional service agreement or agreement for goods or services for a business entity to: (i) make or solicit a contribution in violation of this ordinance; (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee of any candidate or holder of the public office of Township of Morris; (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of this ordinance; (vi) fund contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engage in any exchange of contributions to circumvent the intent of this ordinance; or (viii) directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this ordinance.
- (b) Furthermore, any professional business entity who violates (a) ii-viii shall be disqualified from eligibility for future Township of Morris contracts for a period of four calendar years from the date of the violation.

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

ORDINANCE #31-09 AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MORRIS,  
ENTITLED "PUBLIC CONTRACTING" (CONTINUED)

**Severability**

- (a) If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

**SECTION TWO**

If any provision of this ordinance is declared to be invalid by a court of competent jurisdiction, this declaration shall not affect the remainder of the 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 as provided by law.

PUBLIC COMMENT (Supports Ordinance)

David Gruol, 164 Western Avenue;  
Joseph Attamanti, 52 Fairmount Avenue;  
Lynn Siebert, 178 Hillcrest Avenue;  
David Anolick, 5 Netherton Terrace;  
Theresa Hudzina, 4438 Piedmont Court;  
Jacob Varsano, 223 Mendham Road.

COMMUNICATIONS OF RECORD

NONE

**TOWNSHIP COMMITTEE COMMENTS**

Mr. Goldberg - ordinance deals with specifics. Breeches of conduct - summarized the differences of what is currently being practice and how this ordinance would tighten up purchasing practices.

Mr. Grayzel – if there is conflicting language (Caffrey) it should be discussed and/or receive a legal opinion; would require additional language on the purchase orders; there will be more cost to taxpayer if this Ordinance is not approved - no increased burden.

Mr. Snyder - discussed this ordinance with purchasing agent and CFO – was advised that it will cost the Township money; not complete and would like to continue to work on it. More can be done to make this as perfect as it could be.

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

ORDINANCE #31-09 AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MORRIS,  
ENTITLED "PUBLIC CONTRACTING" (CONTINUED)

**TOWNSHIP COMMITTEE COMMENTS (CONTINUED)**

Mr. Caffrey - ordinance circulating since September, had requested a comparison from Mr. Grayzel - information received in December. Mr. Grayzel has not made his case; a solution looking for a problem; campaign reform is controlled by State Law; this ordinance for contracting is an election reform matter and the Township does not have legal authority in election reform.

After discussion the following amendment was offered:

AMENDMENT - Section #1(b) no professional "in excess \$3,500 - Section #!(a) 3,500 in the Aggregate. MOVED AND SECONDED. Comment on amendment - Mayor Rosenbush - More of a burden. Mr. Snyder NO on amendment, all others YES.

**MAYOR ROSENBUSH REOPENED PUBLIC COMMENT**

Lee Goldberg, 10 Arrowhead Road - supports amendment;  
Theresa Hudzina, 4438 Piedmont Court - automated purchase orders upgrade, supports this amendment.

Mr. Budd - 80 Overlook Road - in favor of ordinance;  
Jeff Freeman - Bromleigh Way - in favor of ordinance;  
Jacob Varano - 223 Mendham Road - encouraged vote in favor;  
J. Henshaw - Overlook Road - in favor;  
David Anolick - 5 Netherton - in favor;  
Mr. Seindell - Normandy Parkway - in favor.

Mayor Rosenbush - believes that the proposed ordinance was intended to address Campaign Finance Reform. However since this is not in the purview of the Township, it has been done in the guise of Public Contract Reform. Because of the limitation of local authority various campaign finance issues were not dealt with in this ordinance. For example special interests would be allowed to continue to make campaign contributions while vendors to the Township would be barred. These special interests include labor unions, County Committee (political) organizations and State Political Leadership. These are not hypothetical as all have made donations to local campaigns in the very recent past (and they are legal under current Campaign Finance laws).

The most often stated reason provided to us by the public in support of this ordinance was 'perception' - as if looks are more important than substance. I agree with the public that reform of campaign financing is needed and appropriate. That's the substance/issue at hand. However it needs to be done in a comprehensive fashion at the state level and not disguised as Public Contracting Reform. As a result I voted against the proposed ordinance. I hope that Governor Christie will make Campaign Finance Reform one of his priorities for all of New Jersey and I look forward to supporting this effort.

ROLL CALL: MR. CAFFREY NO MR. GRAYZEL YES  
MR. GOLDBERG YES MR. SNYDER NO  
MAYOR ROSENBUSH NO

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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 resolution:

**228-09 IN RECOGNITION AND OF CONGRATULATIONS**

WHEREAS, ALEXANDER WILLIAM MURRAY of Morris Township, has achieved the distinguished status of EAGLE SCOUT in Troop 228, Patriots' Path Council, and

WHEREAS, Alex has worked diligently during his scouting years to complete his required badge work, and

WHEREAS, Alex, as Senior Patrol Leader, led his scout troop to honor status at summer camp for three consecutive terms, and

WHEREAS, Alex's Eagle Scout project consisted of his overseeing his troop to design, construct and implement the installation of new bird houses at Foote's pond, and

WHEREAS, Alex holds the distinction as the only student of his graduating class from Morristown High School having perfect attendance the entire four years, and

WHEREAS, Alex is a credit to his family, Troop 228 and the entire community.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Members of the Township Committee, on behalf of the citizens of the municipality, by individual hand and seal, recognize and extend congratulations and best wishes to

*Alexander William Murray*

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

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**229-09 GARDEN STATE MUNICIPAL JOINT INSURANCE FUND JOINT TRUST AGREEMENT AND RESOLUTION TO JOIN**

WHEREAS, a number of local governmental units in the State of New Jersey have joined together to form a Joint Insurance Fund as permitted by the Chapter 372 Laws of 1983 (40A:10-36); and

WHEREAS, the statutes and regulations governing the creation and operation of a Joint Insurance Fund contain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a Fund; and

WHEREAS, the Governing Body of the Township of Morris has determined that membership in the Garden State Municipal Joint Insurance Fund (hereinafter referred to as the "Fund") is in the best interests of itself and its citizens; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Morris (hereinafter referred to as the "Municipality") does hereby resolve and agree to become a member of the Fund for a period not to exceed three (3) years beginning January 1, 2010 for the purpose of establishing the following types of coverage:

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**RESOLUTIONS (CONTINUED)**

229-09 GARDEN STATE MUNICIPAL JOINT INSURANCE FUND JOINT TRUST AGREEMENT AND RESOLUTION TO JOIN (CONTINUED)

- Workers' Compensation and Employer's Liability;
- General Liability including law enforcement and public officials liability;
- Motor vehicle liability;
- Property damage (buildings, contents, equipment, and motor vehicle);

BE IT FURTHER RESOLVED, that the Municipality has never defaulted on claims and has not been canceled for nonpayment of insurance premiums for a period of at least two years prior to the adoption of this Resolution; and

BE IT FURTHER RESOLVED, that the Mayor and the Municipal Clerk are authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the Fund and to deliver same to the Executive Director of the Fund with the express reservation that said document shall become effective only upon approval by the New Jersey Department of Insurance and the Department of Community Affairs.

PUBLIC COMMENT

Mr. Davidson, 39 West Lake Blvd. - process.

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

- - -

230-09 RE: AUTHORIZING THE CONDUCTING OF A "CLOSED MEETING" AS DEFINED IN THE OPEN PUBLIC MEETINGS ACT CONCERNING "LEGAL AND PERSONNEL MATTERS"

WHEREAS, this meeting is a duly and properly called meeting of the Township Committee of the Township of Morris and adequate notice has been given as required by the "Open Public Meetings Act", and

WHEREAS, it is now necessary that this Governing Body consider matters involving "Legal and Personnel Matters", exceptions in the "Open Public Meetings Act", and which this Governing Body determines should be discussed at a "Closed Meeting".

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

That this body shall conduct a "Closed Meeting" concerning the above-expected matters, which are exceptions set forth in the said act, and upon which a public disclosure will be made as expeditiously as possible; said meeting to be held during a recess of this Regular Meeting at the Municipal Building, 50 Woodland Avenue.

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

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**CALL TO ORDER AND ADJOURNMENT**

At 10:13 A.M. the December 30, 2009 Special 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 10:15 A.M., next to convene at the 7:00 P.M., Organization Meeting, January 6, 2010, in the Municipal Building, 50 Woodland Avenue, Township of Morris.

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CATHLEEN AMELIO  
TOWNSHIP CLERK

DATED: JANUARY 27, 2010