

MINUTES OF REGULAR MEETING OF
THE TOWNSHIP COMMITTEE HELD ON
WEDNESDAY, MARCH 20, 2019
7:00 P.M. REGULAR MINUTES
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CALL TO ORDER

The March 20, 2019 Regular Meeting was called to order by Mayor Jeffrey Grayzel at 7:01 PM in the Municipal Building, 50 Woodland Avenue, Morris Township, New Jersey.

ATTENDANCE

ELECTED OFFICERS

GOVERNING BODY

Mayor Jeffrey Grayzel
Township Committee Member John Arvanites
Township Committee Member Mark Gyorfy
Township Committee Member Peter V. Mancuso
Deputy Mayor Catherine Wilson

APPOINTED OFFICERS

Timothy F. Quinn, Township Administrator
John M. Mills, III, Township Attorney
Cathleen Amelio, Township Clerk

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PRESIDING OFFICER'S STATEMENT OF DISCUSSION ITEMS

Mr. John Mills, III, Attorney announced that in accordance with the resolution adopted this date authorizing the conducting of this "Closed Meeting"; discussion would be limited to "Legal and Personnel Matters".

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

Mayor Grayzel 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 March 15, 2019 to the official newspaper, Daily Record, and to the additional newspaper, Star Ledger by email 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. 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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PLEDGE OF ALLEGIANCE

Mayor Jeffrey Grayzel led the Pledge of Allegiance.

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APPROVAL OF MINUTES

At this time, the Township Clerk presented for approval the following minutes: February 20, 2019 Regular/Closed Meetings.

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. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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POLICE – AWARDS AND SWEARING-IN

Police Chief Mark DiCarlo presented the following:

AWARD PRESENTATIONS- LIFE SAVING

Presented to Patrolman James Lezak- On Saturday, October 10, 2018, Patrolman Lezak responded to a medical emergency where a female Victim was reported to be unconscious. The female was suffering an opiate overdose. Patrolman Lezak performed life saving measures, which included the administering of Narcan and CPR and thanked him for his outstanding performance of duty and dedicated service to the citizens of the Township of Morris.

SWEARING-IN

Patrolman Mohamed Nassar, Badge Number 164, grew up in Jersey City, NJ and graduated from Dickinson High School, Class of 2004. While attending Dickinson High School, Mohamed played football and basketball. In 2003, he was recognized as the basketball MVP for his outstanding performance against Marist High School. Because of this he was recognized by multiple division one universities such as Seton Hall, Rutgers, and Florida State. In 2008, he was invited to try out for the New York Giants. Unfortunately, Mohamed later suffered an injury that prevented him from playing professional football.

Inspired by his mother and aunt, Mohamed knew he wanted a career where he would be viewed as a role model and would be able to provide guidance to those in need. He attended Kean University and graduated with a Bachelor's Degree in Psychology and a minor in Physical Education. Shortly after he was hired to work for the Newark Board of Education. For 8 years, Mohamed was the physical education teacher for Rafael Hernandez Elementary School and one of the basketball coaches where he helped lead the girls' basketball team to 3 conference championships and 2 state championships. Sadly, the school was closed down as a result of budget cuts. This setback however did not stop Mohamed from continuing to inspire and help others.

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POLICE – AWARDS AND SWEARING-IN (CONTINUED)

SWEARING-IN (CONTINUED)

Patrolman Mohamed Nassar, Badge Number 164(continued) relocated to Roxbury, NJ, where he became a volunteer fire fighter with Flanders Fire Company. During this time he was greatly inspired to pursue his goals to follow a career where he would have a positive impact in people's lives.

Mohamed applied with the Newark Police Department and was accepted to join the brothers in blue. He was a part of the first Newark Police class to attend the Morris County Police Academy where he graduated in 2016. During his time in Newark, Mohamed became greatly involved in community policing. He made an effort to ensure the residents felt a sense of ease when he was present. He was also a part of the Gun and Narcotic Unit where he was able to successfully apprehend multiple criminals off the street. Mohamed was awarded with numerous command citations for his excellence in street crimes. In 2018, he was the 1st Precinct "captain's car" and was Awarded Officer of the Year by his Commanding officer.

Today, Mohamed has sworn to bring his experience and skills to the Township of Morris, which he assures he will perform to the best of his abilities and will keep our community safe.

Mohamed is fluent in Arabic, he is a licensed real-estate agent and enjoys exercising.

Mohamed was joined by his girlfriend, Wendy and his step-son Jaidyn.

Mr. John Mills swore in Officer Nassar with the assistance of his step-son Jaidyn.

Patrolman Christopher Sages, Badge Number 163 - Christopher Sages grew up in Hanover Township. He graduated from Seton Hall Prep in 2010.

While attending Seton Hall Prep, Chris played four years of varsity football, and was recognized during his senior year for outstanding achievement by a student athlete both on and off the field, and was presented with the Brian Piccolo award. His nomination for this award came after he sustained an injury the third week of his senior year season, and not wanting to give up on his teammates, decided to delay his surgery until the end of the season, allowing him to help his team advance to the playoffs.

After high school, Chris attended County College of Morris where he earned his Associate's degree in Criminal Justice. He continued his education at Kean University where he earned his Bachelor's degree in Criminal Justice. Chris went on to complete the Bergen County Public Safety Training Academy, where he graduated with the 120th Basic Police Class in 2018.

Chris has been a long time participant in charity events that provide funds to the Special Olympics. He has volunteered for large events like the Polar Bear Plunge, where this past February his team raised \$42,500. Chris also participates in the Snow Bowl Flag Football Tournament.

Law enforcement runs in Chris' family as his older brother Patrick Jr. is a New Jersey State Trooper and his father Patrick is an attorney. Chris enjoys spending time with his family especially summers spent together down the shore.

Officer Sages was joined by his mother, Diane, brother, Patrick Jr., sister, Brittni, brother-in-law Tim, niece, Mia, nephew Timmy Jr, his uncle Ron, his aunt Bernadette and his very close friends. Chris' father is proudly looking down on him this evening with a big smile on his face.

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SWEARING-IN (CONTINUED)

Patrolman Christopher Sages, Badge Number 163(continued)

Mr. John Mills swore in Officer Sages with the assistance of his mother Diane.

Patrolman Paul Luna, Badge Number 166 - Paul Luna was born in San Antonio, Texas and moved to Flint, Michigan when he was two years old. He graduated from Carman Ainsworth High School in 2013.

While attending Carman Ainsworth High School, Paul enjoyed Mixed Martial Arts and trained in kickboxing, Brazilian Jiu Jitsu, and wrestling.

Immediately after high school, Paul enlisted in the United States Marine Corps. September of 2013, he was sent to MCRD San Diego for boot camp. Upon graduation, Paul went through Marine Combat Training and then became a Motor Vehicle Operator. Paul was stationed in 29 Palms, California with MWSS-374. While in the Marine Corps, Paul was promoted to Corporal where he was directly in charge of ten junior Marines. He became a green belt in Marine Corps Martial Arts and completed two advanced courses for his MOS as a Wrecker Operator and Semi-Trailer Refueler Operator. Paul was the recipient of the Good Conduct Award and the Gung Ho Award.

After four years, Paul was Honorably Discharged and moved to New Jersey where he completed the Essex County Public Safety Academy. In August 2018, he graduated with the SLEO II 18-1 Class as the Executive Officer. After graduation, Paul was a SLEO II with the Orange Police Department. Paul is scheduled to complete his police training at the Monmouth Police Academy in June, 2019.

During Paul's free time, he likes to spend time with his family, watch movies, lift weights, and listen to music.

Paul currently lives in Fair Lawn with his beautiful girlfriend Brittany and are awaiting the arrival of their baby boy Roman.

Mr. John Mills swore in Officer Sages with the assistance of his girlfriend Brittany.

Committeeman Mancuso – Stated that these Officers are the reason why the Township of is the best place to live and that the Morris Township Police Force is the greatest in Morris County.

Mayor Grayzel stated that Morris Township is a great place to live. At last month's meeting I stated that there are many things that go into making it such a great place, and one element is the quality of our police officers. We take out policing seriously in Morris Township, but we also take care to get to know our own residents and treat them respectfully.

The Police Committee, consisting of myself and Peter Mancuso, interviewed all three of the new officers. Not only did they have the training to be good police officers, but each also had the right personality that was a good fit for our town. As you begin your new jobs, please make an effort to personally meet and greet the residents of our town. Good luck to all of you.

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ORDINANCE – 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 a regular meeting to be held on April 17, 2019 at 7:00 P.M. unless otherwise indicated:

ORDINANCE NO. 07-19 RE: ACCEPTING DEED OF EASEMENT LOT 13.01, BLOCK 6005, 8 OLD HARTER ROAD – GRANTEE: TODD PIERRO

WHEREAS, the Township of Morris (the “Township”) has need to secure a permanent utility easement and to extend a sanitary sewer easement; and

WHEREAS, the grantee, Todd Pierro has agreed to convey to the Township a permanent easement for utilities and sanitary sewer extension over, upon and under a portion of the above premises; and

WHEREAS, a proposed form of deed of easement has been generated to memorialize the agreement between the parties; and

WHEREAS, Morris Township has agreed to pay consideration of ten thousand (\$10,000.00) dollars and to perform certain other services.

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

SECTION ONE: The Township of Morris does hereby ordain to accept the Deed of Easement conveying the described easement rights to Morris Township. The Mayor and Clerk are hereby authorized to countersign the Deed. The Deed shall be recorded in the office of The County Clerk and a copy of this ordinance shall be lodged with the County of Morris in accordance with law.

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

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

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

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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ORDINANCE – INTRODUCTION(CONTINUED)

**ORDINANCE NO. 08 -19 RE: MODIFYING AND AMENDING CHAPTER 9 SECTIONS 39-46 -
ENTITLED “ECONOMIC DEVELOPMENT ADVISORY COMMITTEE”**

WHEREAS, the Township of Morris (the “Township”) has need to modify and amend certain portions of the Economic Development Advisory Committee ordinance;

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

SECTION ONE: The Township of Morris does hereby ordain to modify and amend the following sections of Chapter 9 of the Revised General Ordinances of the Township of Morris:

§ 9-39 Purpose; creation.

- A. In order to foster the economic development needs of the Township of Morris, stimulate economic growth, both in terms of new economic development and the retention of existing commercial businesses and industries, the Township Committee hereby establishes the Morris Township Economic Development Advisory Committee, hereinafter referred as the "EDAC." The EDAC shall be advisory in nature and provide the Township Committee, the Planning Board, the Board of Adjustment, and other municipal advisory bodies, departments and officials as appropriate with recommendations in addressing the economic development needs of the Township. The EDAC shall serve as a liaison between the Township's government and businesses as well as reaching out to prospective commercial businesses and industries seeking to become a member of the Morris Township corporate community.

§ 9-40 Membership; qualifications; terms of office; vacancies.

- B. Membership composition. The regular members of the EDAC shall represent a cross section of the corporate, commercial and industrial business community, including representation from the Morris Area Chamber of Commerce. In furtherance of EDAC's role as a liaison to Township businesses, EDAC members may communicate to EDAC the views of their clients or other business contacts with respect to matters being considered by EDAC, so long as (1) whenever a member of EDAC expresses a view on such a matter on behalf of a third party, such member shall disclose that fact and the identity of such third party; (2) no member of EDAC shall accept compensation from any third party for time spent serving on EDAC or for advocating for a position on behalf of such third party in his/her capacity as an EDAC member; and (3) if EDAC is requested to make a recommendation with respect to any site plan, variance, redevelopment or tax-abatement application or similar applicant-specific matter, and an EDAC member has a personal or business interest in such application or matter, such member shall recuse him/herself from voting on such recommendation.

§ 9-41 Duties and responsibilities.

- A. Duties and responsibilities shall include but not be limited to:

Monitoring the current state of the Township's economy and exploring ways to (i) stimulate economic growth and development and (ii) enhance municipal revenue without increasing the tax burden on Township residents.

- C. Working in creating, maintaining and implementing a positive business climate that fosters a strong economic community by developing a strategic plan, consistent with the Township's Master Plan (or recommending changes to the Master Plan if appropriate), which will result in business growth, the creation of more local jobs and provide new municipal tax revenue sources with minimal impact on municipal services.

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ORDINANCE – INTRODUCTION(CONTINUED)

ORDINANCE NO. 08 -19 RE: MODIFYING AND AMENDING CHAPTER 9 SECTIONS 39-46 - ENTITLED “ECONOMIC DEVELOPMENT ADVISORY COMMITTEE”

E. Consulting and communicating with the Township Committee, the Planning Board, the Board of Adjustment, and other municipal advisory bodies, departments and officials as appropriate concerning land use issues that may have an impact upon development in the Township as it affects economic growth issues and consumer convenience. This may also include recommendations concerning changes to land use and zoning regulations that could impact economic growth, provided that EDAC shall not consider particular site plan, variance, redevelopment or tax-abatement applications or similar applicant-specific matters unless specifically requested to do so by the Township Committee, Planning Board or Board of Adjustment.

§ 9-42 Limitation of duties.

Other than the duties and responsibilities enumerated above, the EDAC shall not have the power to enter into contracts, create debt or take property by condemnation or eminent domain.

§ 9-43 Officers; quorum; meetings.

D. Organization. The EDAC shall meet in January of each year (or as soon as possible thereafter) to organize or reorganize and, at that time, determine when it shall meet and how often. In accordance with the Open Public Meetings Act, the EDAC shall publish a notice of meetings in a local newspaper, post the same on the Township website, post the same on the Township's official bulletin board and file such notice with the Municipal Clerk. The annual notice shall contain the dates, times and locations of each meeting to be held during the forthcoming year;

BE IT FURTHER ORDAINED that all appointees shall be continued in their respective appointments for the balance of their terms;

BE IT FURTHER ORDAINED that in all other respects Chapter 9 sections 39 through 46 shall continue in full force and effect except as modified herein.

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

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

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

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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ORDINANCE – INTRODUCTION(CONTINUED)

ORDINANCE NO. 09-19 AN ORDINANCE AMENDING CHAPTER 88 ENTITLED, "VEHICLES AND TRAFFIC" ARTICLE II, SECTION 88-2.7 AND SCHEDULE VI "NO PARKING SNOW-COVERED ROADWAY" LINDSLEY DRIVE – BOTH SIDES - ENTIRE LENGTH

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

SECTION ONE: Be it hereby ordained by the Township Committee of the Township of Morris that the following sections and schedules as designated in Chapter 88 of the Code of the Township of Morris are hereby amended to include, as set forth below.

1. Schedule VI: No Parking: Snow-Covered Roadway:

<u>Name of Location</u>	<u>Side</u>	<u>Location</u>
Lindsley Drive	Both	Entire Length

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

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

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

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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ORDINANCE NO. 10-19 RE: ORDINANCE APPROPRIATING \$25,000 AVAILABLE IN THE GENERAL CAPITAL FUND TO PROVIDE FOR THE REPLACEMENT OF HVAC SYSTEM AT THE MT. KEMBLE FIRE STATION HEREIN AND BY THE TOWNSHIP OF MORRIS

WHEREAS, the Township of Morris (the "Township") has need to appropriate funds from the General Capital Fund for certain repairs;

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

SECTION ONE: Be it ordained by the Township Committee of the Township of Morris (not less than two-thirds of all members thereof affirmatively concurring) as follows:

- A. \$25,000 is available in the General Capital Fund of the Township of Morris, a municipal corporation of the State of New Jersey (the "Township") and is hereby appropriated to provide for the replacement of HVAC system at the Mt. Kemble Fire Station.

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ORDINANCE – INTRODUCTION(CONTINUED)

ORDINANCE NO. 10-19 RE: ORDINANCE APPROPRIATING \$25,000 AVAILABLE IN THE GENERAL CAPITAL FUND TO PROVIDE FOR THE REPLACEMENT OF HVAC SYSTEM AT THE MT. KEMBLE FIRE STATION HEREIN AND BY THE TOWNSHIP OF MORRIS (CONTINUED)

B. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency hereof.

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

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

SECTION FOUR: This ordinance shall take effect 10 days after publication hereof after final passage thereof as provided by law.

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	ABSTAIN
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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ORDINANCE NO. 11-19-CALENDAR YEAR 2019-ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK- (N.J.S.A. 40A:4 45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing Body of the Township of Morris, in the County of Morris, finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Governing Body for said year, amounting final appropriations otherwise advisable and necessary; and, hereby determines that a 3.5% increase in the to \$263,554.39 in excess of the in the Government Cap Law, is advisable and necessary; and,

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Morris, in the County of Morris, a majority of the full authorized of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Township of Morris shall, in accordance

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ORDINANCE – INTRODUCTION(CONTINUED)

ORDINANCE NO. 11-19-CALENDAR YEAR 2019-ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK- (N.J.S.A. 40A:4 45.14) (CONTINUED)

with this ordinance and N.J.S.A. 40: 45.14, be increased by 3.5%, amounting to \$922,440.37 and that the CY 2019 municipal budget for the Township of Morris be approved and adopt accordance with ordinance; and,

BE IF FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, with the that a Director certified copy of this ordinance as of the Division of Local Government Services within 5 days of introduction; and,

BE IF FURTHER ORDAINED that a certified copy adoption, with the recorded vote included thereon be within 5 days after such adoption of this ordinance upon filed with said Director within 5 days after such adoption.

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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ORDINANCE NO. 12-19AN ORDINANCE OF THE TOWNSHIP OF MORRIS, COUNTY OF MORRIS, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 95 ENTITLED ZONING BY REPEALING AND REPLACING ARTICLE XII ENTITLED “SMALL CELL EQUIPMENT, WIRELESS CABINETS AND WIRELESS POLES IN THE MUNICIPAL RIGHT OF WAY” WITH NEW ARTICLE XII ENTITLED “RESERVED” AND REVISING SECTION 89(A)(IX) OF ARTICLE XIII ENTITLED “COLLOCATION ONTO EXISTING TOWERS AND BASE STATIONS.”

WHEREAS, on March 28, 2018, the Township Committee of the Township of Morris (“Township”) adopted Ordinance 09-18 entitled “An Ordinance of the Township of Morris, County of Morris, New Jersey Amending and Supplementing Chapter 95 Entitled “Zoning” by Adding New Article CII Entitled “Small Cell Equipment, Wireless Cabinets and Wireless Poles in the Municipal Right-of-Way” (the “Ordinance”); and

WHEREAS, the purpose of the Ordinance was to regulate the deployment of small wireless facilities in the municipal right-of-way; and

WHEREAS, such regulation was necessary given the applications before the Township from certain wireless carriers wishing to have access to the municipal right-of-way; and

WHEREAS, on September 26, 2018 the Federal Communications Commission (the “FCC”) adopted a declaratory ruling, report and order entitled “FCC removes barriers to wireless infrastructure deployment by clarifying the scope of Sections 254 and 332 and establishing shot clocks for small wireless facilities.” Docket No. 17-79, 17-84, 33 FCC Rcd 9088 (14); and

WHEREAS, the said report and order imposes substantive and procedural limitations on municipalities in the way in which same can regulate small wireless facilities; and

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ORDINANCE – INTRODUCTION(CONTINUED)

ORDINANCE NO. 12-19 AN ORDINANCE OF THE TOWNSHIP OF MORRIS, COUNTY OF MORRIS, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 95 ENTITLED ZONING BY REPEALING AND REPLACING ARTICLE XII ENTITLED “SMALL CELL EQUIPMENT, WIRELESS CABINETS AND WIRELESS POLES IN THE MUNICIPAL RIGHT OF WAY” WITH NEW ARTICLE XII ENTITLED “RESERVED” AND REVISING SECTION 89(A)(IX) OF ARTICLE XIII ENTITLED “COLLOCATION ONTO EXISTING TOWERS AND BASE STATIONS.”(CONTINUED)

WHEREAS, the Township has crafted amendments to its code that protect the municipal Right-of-Way in ways that comply with the FCC’s recent report and order; and

WHEREAS, it is necessary to revise the changes made to the Township code by way of Ordinance 09-18 in conjunction with these other amendments.

FOR THE FOREGOING REASONS, it is hereby ordained by the Township Committee of the Township of Morris, in the County of Morris and State of New Jersey as follows:

Section 1 Chapter 95 “Zoning” is hereby amended and supplemented by repealing and replacing Article XII entitled “Small Cell Equipment and Wireless Poles in the Municipal Right-of-Way” in its entirety with new Article XII entitled “Reserved.”

Section 2 Chapter 95 “Zoning” is hereby amended and supplemented through the revision of Section 89(A)(ix) of Article XIII entitled “Collocation onto Existing Towers and Base Stations” as follows:

ix. Tower.

Any structure built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. [This term includes Wireless Poles in the Municipal Right-of-Way.]

Section 3. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. A copy of this Ordinance shall be forwarded, after introduction, to the Morris Township Planning Board for a Master Plan consistency review in accordance with N.J.S.A. 40:55D-64.

Section 5. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect upon (i) filing with the Morris County Planning Board in accordance with the Municipal Land Use Law; and (ii) adoption and publication in the manner required by New Jersey law.

Note to Codifier: Deleted provisions indicated by brackets [].
New provision indicated in underline _____

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ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	ABSTAIN
	MAYOR GRAYZEL	YES		

* * * *

ORDINANCE NO.13-19 AN ORDINANCE OF THE TOWNSHIP OF MORRIS, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MORRIS BY ADDING NEW ARTICLE VI ENTITLED “SITING OF POLES, CABINETS AND ANTENNAS” IN CHAPTER 439 ENTITLED “STREETS AND SIDEWALKS.”

WHEREAS, the Township of Morris (“Township”) is aware that certain technological developments have made access to its Municipal Rights-of-Way desirable by certain telecommunications companies for the placement of small cell wireless facilities (“Small Cells”); and

WHEREAS, it is “axiomatic that municipal corporations are required to exercise ordinary care to maintain their streets and sidewalks...[n]or may a municipality in any way surrender or impair its control over the streets” McQuillan Mun. Corp. (3rd Ed), Section 30.73; and

WHEREAS, the Township acknowledges that its streets “are used for the ordinary purposes of travel and such other uses as customarily pertain there-to which, in recent years, are numerous and various. It thus follows that these public ways must be kept free from obstruction, nuisances, or unreasonable encroachments which destroy, in whole or in part, or materially impair, their use as public thoroughfares” Id.; and

WHEREAS, the Township has determined that its Municipal Rights-of-Way, such as they are or may be, themselves constitute a valuable resource, finite in nature, and which exists as a common right of the public to pass and repass freely over and across said lands without unreasonable obstruction or interference, and which therefore must be managed carefully; and

WHEREAS, the Federal Telecommunications Act preserves local government’s ability to “manage the public Rights-of-Way...on a competitively neutral and non-discriminatory basis” 47 U.S.C. 253(c); and

WHEREAS, the Federal Telecommunications Act preserves local government’s authority over the, “placement, construction and modification of personal wireless service facilities” 47 U.S.C. 332(c)(7)(A); and

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WHEREAS, the Federal Telecommunications Act makes it unlawful for local government to prohibit or have the effect of prohibiting the provision of personal wireless service 47 U.S.C. 332(c)(7)(B)(i)(II); and

WHEREAS, the Federal Telecommunications Act provides that municipalities “shall not unreasonably discriminate among providers of functionally equivalent services”; 47 U.S.C. 332(c)(7)(B)(i)(I); and

WHEREAS, recent developments in wireless technology, specifically the development of 5G, involve the placement of Small Cells and Cabinets in the Municipal Right-of-Way. Fitzgerald, Drew Wireless Companies to Offer 5G Plans at Mobile Forum, Wall Street Journal (February 28, 2018); and

WHEREAS, New Jersey municipalities must give consent before a Small Cell, i.e. a small antenna, can be placed on existing poles pursuant to N.J.S.A. 48:3-19 and for the erection of New Poles within the municipal Rights-of-Way pursuant to N.J.S.A. 48:17-10; and

WHEREAS, the Federal Highway Administration has acknowledged the problem of overburdening the Municipal Right-of-Way by stating, “[as] demand for the finite space in existing ROW increases, the difficulty and cost of adding new utility facilities and relocating existing utility facilities also increases. Just as significant is how utility service interruptions may add to public discontent with overall highway construction. It is therefore essential for planners, designers, and builders of street and highway projects to avoid unnecessary utility relocations...”Federal Highway Administration, Avoiding Utility Relocations, <https://www.fhwa.dot.gov/utilities/utilityrelo/2.cfm> (accessed March 7, 2018); and

WHEREAS, since the Township last reviewed this matter, the Federal Communications Commission (FCC)has adopted an order entitled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment” WT Docket No. 17-79; WC Docket 17-84, which places a shot clock on municipal review and approval for the placement of Small Cells on Existing Poles and the placement of New Poles and Cabinets in the Municipal Right-of-Way; and

WHEREAS, the erection of New Poles and Ground Level Cabinets in the Municipal Right-of-Way raises significant aesthetic and safety concerns; and

WHEREAS, Ground Level Cabinets attached to small cells trigger certain collocation requirements pursuant to Section 6409(a) of the Middle Class Tax Relief and Jobs Creation Act of 2012 which raises serious concerns as to the ability of local government to protect the public’s interest in the Municipal Right-of-Way when it comes to aesthetics and the ability of the public to pass and repass over same; and

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WHEREAS, New Poles and Ground Level Cabinets also raise concerns related to sight triangle encroachments and other safety related issues related to the use of roadways by the public; and

WHEREAS, it is the Township’s goal to increase colocation of antennas, to the maximum amount possible, on existing poles thereby precluding the proliferation of new poles; and

WHEREAS, the Township understands that technology is advancing in this area and that greater colocation may required as same becomes more technologically possible in the future; and

WHEREAS, the FCC in its recent order provides that municipalities can impose aesthetic and location requirements on Small Cells where said requirements are: 1) reasonable; 2) no more burdensome than those applied to other types of infrastructure deployments; and 3) published in advance; and

WHEREAS, the FCC in its recent order further clarified what it considers “reasonable” aesthetic requirements by stating that “in assessing that this standard has been met, aesthetic requirements that are more burdensome than those the state or locality applies to similar infrastructure deployments are not permissible, because such discriminatory application evidences that the requirements are not, in fact, reasonable and directed at remedying the impact of the wireless infrastructure deployment;” and

WHEREAS, the FCC’s requirement that, in order to protect the aesthetics of the Township’s Municipal Right-of-Way, it must treat like infrastructure in a like manner, necessitates the introduction of broader aesthetic requirements that apply to all Poles and Antennas and Cabinets in the Municipal Right-of-Way and not just Small Cells; and

WHEREAS, the Township has determined that the most efficient way to handle this process is to create a Right-of-Way Permit system for all New Poles, Cabinets and Antennas in the Municipal Right-of-Way; and

WHEREAS, the Township has determined that it is necessary to set forth clear standards in relation to the siting of Poles, Cabinets and Antennas for the benefit of its citizens and any utilities which use or will seek to make use of said Municipal Rights-of-Way.

FOR THE FOREGOING REASONS, it is hereby ordained by the Township Committee of the Township of Morris, in the County of Morris and State of New Jersey as follows:

SECTION ONE Chapter 439 “Streets and Sidewalks” of the Revised General Ordinances of the Township of Morris is hereby amended through the addition of new Article VI “Siting of Poles, Cabinets and Antennas in the Municipal Right-of-Way” as follows:

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439-33 DEFINITIONS.

- a. “Anticipated Municipal Expenses” means the cost of processing an application for a Right-of-Way Permit including, but not limited to, all professional fees such as engineering and attorney costs incurred by the Township.
- b. “Cabinet” shall mean a small box-like or rectangular structure used to facilitate utility or wireless service from within the Municipal Right-of-Way.
- c. “Electric Distribution System” shall mean the part of the electric system, after the transmission system, that is dedicated to delivering electric energy to an end user.
- d. “Existing Pole” shall mean a pole that is in lawful existence within the Municipal Right-of-Way.
- e. “Ground Level Cabinets” shall mean a Cabinet that is not attached to an existing pole and is touching or directly supported by the ground.
- f. “Municipal Right-of-Way” shall mean the surface of, and the space above or below, any public street, road, place, public way or place, sidewalk, alley, boulevard, parkway, drive, and the like, held by the Township as an easement or in fee simple ownership. This term also includes rights-of-way held by the County of Morris where the Township’s approval is required for the use of same pursuant to N.J.S.A. 27:16-6. This term shall not include private roadways.
- g. “Pole” shall mean a long, slender, rounded piece of wood, concrete or metal.
- h. “Pole Mounted Antenna” shall mean a device that is attached to a Pole and used to transmit radio or microwave signals and shall include, but not be limited to, small cell equipment and transmission media such as femtocells, picocells, microcells, and outside distributed antenna systems.
- i. “Pole Mounted Cabinet” shall mean a Cabinet that is proposed to be placed on an Existing or Proposed Pole.
- j. “Proposed Pole” shall mean a Pole that is proposed to be placed in the Municipal Right-of-Way.
- k. “Right-of-Way Agreement” shall mean an agreement that sets forth the terms and conditions for use of the Municipal Right-of-Way and includes, but is not limited to, municipal franchise agreements.
- l. “Right-of-Way Permit” shall mean an approval from the Township setting forth applicant’s compliance with the requirements of this Article.
- m. “Surrounding Streetscape” shall mean Existing Poles within the same right-of-way which are located within five hundred linear (500) feet of the Proposed Pole. Poles carrying electric transmission lines shall not be considered part of the “Surrounding Streetscape.”
- n. “Township Committee” shall mean the Township Committee of the Township of Morris.

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- o. “Utilities Regulated by the Board of Public Utilities” shall mean companies subject to regulation by the New Jersey Board of Public Utilities under Chapter 48 of the Revised Statutes.
 - p. “Utility Service” shall mean electric, telephone, or cable service.
 - q. “Zone, Non-Residential” shall mean the B-11, OL-5, OL-15, OL-40, I-21 and CEM Zones as designated in § 95-5 of the Revised General Ordinances of the Township of Morris.
 - r. “Zone, Residential” shall mean any zones permitting single family, two family, or multifamily residences, assisted-living residences, nursing homes, and/or residential health care facilities.
- 439-44 ACCESS TO RIGHT-OF-WAY, RIGHT-OF-WAY AGREEMENTS.
- a. No person shall operate or place any type of Pole Mounted Antenna, Cabinet or Pole within the Municipal Right-of-Way without first entering into a Right-of-Way Agreement pursuant to the provisions of this Section.
 - b. The terms of said Right-of-Way agreement shall include:
 - i. A term not to exceed 15 (fifteen) years;
 - ii. Reasonable insurance requirements;
 - iii. Fine for unauthorized installations;
 - iv. A reference to the siting standards as set forth in this Article; and
 - v. Any other items which may reasonably be required.
- 439-45 APPLICATION TO UTILITIES REGULATED BY THE BOARD OF PUBLIC UTILITIES.
- a. Notwithstanding any franchise or Right-of-Way Agreement to the contrary, all Antennas, Poles and Cabinets proposed to be placed within the Municipal Right-of-Way by a Utility Regulated by the Board of Public Utilities, or any other entity with legal access to the Municipal Right-of-way, shall be subject to the standards and procedures set forth in this Article and shall require Right-of-Way Permits for the siting of Poles, Antennas and Cabinets in the Municipal Right-of-Way.
- 439-46 RIGHT-OF-WAY PERMITS, SITING STANDARDS FOR POLES, ANTENNAS AND CABINETS IN THE RIGHT-OF-WAY.
- a. No Pole, Antenna or Cabinet shall be installed within the Municipal Right-of-Way without the issuance of a Right-of-Way Permit.
 - b. Pole Siting Standards
 - i. Height. No Pole shall be taller than thirty five (35) feet or 110% of the average height of Poles in the Surrounding Streetscape, whichever is higher.
 - ii. Location, Safety and Aesthetics. No Pole shall be erected in the Right-of-Way unless it:
 - 1. Is used to bring Utility Service across the Right-of-Way to an existing or proposed development from an Existing Pole; or
 - 2. Is replacing an Existing Pole; or

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3. Approved pursuant to a land development application by either the Township’s Zoning Board of Adjustment or Planning Board pursuant a land use application; or
 4. Located on the opposite side of the street from the Electric Distribution System; and
 5. For sites in Residential Zones, is two hundred linear feet from any other Existing Pole or Proposed Pole along the same side of the street, or for sites in Non-Residential Zones is one hundred linear feet from any other Existing Pole or Proposed Pole along the same side of the street; and
 6. Is not located in an area with underground utilities; and
 7. Does not inhibit any existing sight triangles or sight distance; and
 8. Allows adequate room for the public to pass and re-pass across the Municipal Right-of-Way; and
 9. Is finished and/or painted, constructed and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties, and to permit the colocation of additional Pole Mounted Antennas thereon.
- c. Ground Level Cabinet Site Standards
- i. Ground Level Cabinets are prohibited in Residential Zones.
 - ii. Ground Level Cabinets are permitted in Non-Residential Zones provided that each Ground Level Cabinet:
 1. Is less than twenty-eight cubic feet in volume; and
 2. Is finished and/or painted so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
 3. Does not inhibit an existing sight triangles or sight distance; and
 4. Allows adequate room for the public to pass and repass across the Municipal Right-of-Way.
- d. Pole Mounted Antenna and Pole Mounted Cabinet Siting Standards
- i. Pole Mounted Antennas are permitted on Existing Poles in all zones, provided that each Pole Mounted Antenna:
 1. Does not exceed three (3) cubic feet in volume; and
 2. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
 3. Does not inhibit sight triangles or sight distance; and

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4. Allows adequate room for the public to pass and repass across the Municipal Right-of-Way.
- ii. Pole Mounted Cabinets are permitted on Existing Poles in all zones, provided that each Pole Mounted Cabinet:
 1. Does not exceed sixteen (16) cubic feet; and
 2. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
 3. Does not inhibit sight triangles or sight distance; and
 4. Allows adequate room for the public to pass and repass across the Municipal Right-of-Way.
- iii. The Township may also require that a Permittee provide a certification from a licensed engineer attesting to the structural integrity of any Pole Mounted Antenna or Pole Mounted Cabinet and the structure on which it is proposed to be mounted.

439-47 APPLICATION PROCESS.

- a. Pre-Application Meeting- Prior to making a formal application with the Township for use of the Municipal Right-of-Way, all applicants are advised to meet with the Township Engineer to review the scope of applicant’s proposal.
- b. The Township Committee shall, by resolution, approve or disapprove every Right-of-Way Permit application based on the recommendations provided to it pursuant to subsection (e) below.
- c. All applications made under this section which trigger Federal Communications Commission shot clock rules pursuant to the Federal Communications Commission Order titled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by the Removal of Barriers to Infrastructure Investment.” WT Docket No. 17-79; WC Docket No. 17-84 shall be processed on an expedited basis.
- d. Every application for a Proposed Pole must include a stamped survey prepared by a New Jersey licensed surveyor demonstrating that any such Proposed Pole is located within the Municipal Right-of-Way. An application which does not include such a survey shall immediately be deemed incomplete.
- e. The Township Engineer shall review applications made pursuant to this Article and advise the Township Committee of his or her recommendation to approve or disapprove same. If he or she recommends that an application be disapproved, the factual basis for that recommendation must be transmitted to the Township Committee in writing.

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- f. If the Township Committee denies any application made under this Section, it shall do so in writing and set forth the factual basis therefor.

439-48 WAIVER.

- a. The Township Committee may, by resolution, waive any siting standard set forth in Section 439-46 where the applicant demonstrates that strict enforcement of said standard:
 - i. Will prohibit or have the effect of prohibiting any interstate or intrastate telecommunications service pursuant to 47 U.S.C. 253(a); or
 - ii. Will prohibit or have the effect of prohibiting personal wireless service pursuant to 47 U.S.C. 332(c)(7)(B)(i)(II); or
 - iii. Will violate any requirement set forth by the Federal Communications Commission Order entitled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment.” WT Docket No. 17-79; WC Docket 17-84.

439-49 RIGHT-OF-WAY PERMIT FEES AND DEPOSIT TOWARDS ANTICIPATED MUNICIPAL EXPENSES.

- a. Every Right-of-Way Permit application must include a Right-of-Way Permit Fee in the following amounts:
 - i. One (1) to five (5) collocation sites on Existing Poles- \$500.00.
 - ii. Each additional collocation site on an Existing Pole- \$100.00.
- b. Deposit Towards Anticipated Municipal Expenses
 - i. In addition to the Right-of-Way Permit Fee, the Township Engineer may, in his or her own discretion, require the posting of a two thousand dollar (\$2,000.00) Deposit Towards Anticipated Municipal Expenses related to an application made pursuant to this Chapter.
 - ii. Applicant’s Deposit Towards Anticipated Municipal Expenses shall be placed in an escrow account. If said deposit contains insufficient funds to enable the Township to perform its review, the Chief Financial Officer of the Township shall provide applicant a notice of insufficient balance. In order for review to continue, the applicant shall, within ten (10) days post a deposit to the account in an amount to be mutually agreed upon.

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The Chief Financial Officer shall, upon request by the applicant, and after a final decision has been made by the Township Committee regarding his or her pending Right-of-Way Permit application, and subject to review by the Township Engineer, refund any unused balance from applicant’s Deposit Towards Anticipated Municipal Expenses.

439-50 Colocation Requirement

Any holder of a Right-of-Way permit shall, as a condition to the issuance of same, permit the colocation of Pole Mounted Antennas onto any new Pole to the maximum amount that colocation is technically feasible which, in any event, shall not be less than two Pole Mounted Antennas.

439-51 Miscellaneous Provisions.

- a. Any approval received pursuant to this Chapter does not relieve the applicant from receiving consent from the owner of the land above which an applicant’s facility may be located as may be required under New Jersey law, or the owner of any existing pole on which the facility may be mounted.
- b. Applicant must, in addition to receiving a Right-of-Way Permit, also receive all necessary road opening permits, construction permits and any other requirement set forth in the Revised Ordinances of the Township of Morris or state statutes.
- c. The Township’s consent for use of County Roads, as required pursuant to N.J.S.A. 27:16-6, shall take the form of a Right-of-Way Permit subject to the standards and application process set forth in this Chapter. No such applicant shall be required to enter into a Right-of-Way Agreement with the Township.
- d. Applicant must comply with all applicable state, local and federal regulations including.
- e. Any agreement entered into or Right-of-Way permit issued pursuant to this Chapter shall not supersede or in any way take the place of any local approvals or franchises which otherwise in the future may be required by applicant under the New Jersey Cable Television Act, N.J.S.A. 48:5A-1, *et seq.*

SECTION TWO All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION THREE If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION FOUR This Ordinance shall take effect upon final adoption and publication in accordance with law

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ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	ABSTAIN
	MAYOR GRAYZEL	YES		

* * * *

ORDINANCES - PUBLIC HEARING AND FINAL CONSIDERATION

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:

Mr. John Mills, Esquire summarized the following Ordinances as directed by Mayor Grayzel:

01-19-RE: CREATING A NEW CHAPTER TO BE KNOWN AS CHAPTER 494 PROHIBITING THE
POSSESSION OF TOBACCO, SMOKELESS TOBACCO, ELECTRONIC TOBACCO DEVICES BY
UNDERAGE PERSONS-NOTE: THIS ORDINANCE ADDRESSES THE POSSESSION OF NICOTINE
PRODUCTS AND/OR PARAPHERNALIA BY PERSONS UNDER THE LEGAL AGE TO BUY NICOTINE
PRODUCTS – **PUBLIC HEARING AND FINAL CONSIDERATION HAS BEEN RESCHEDULED TO
MAY 15, 2019**

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

SECTION ONE: There is hereby created a new Chapter to be known as Chapter 494 “Prohibiting the Possession of Tobacco, Smokeless Tobacco, Electronic Tobacco Devices by Underage Persons”

§494-1. Definitions and word usage:

Prohibited Tobacco Material: any cigarettes made of tobacco or of any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco, or any electronic smoking device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any cartridge or other component of the device or related product.

§494-2. Possession Prohibited:

No person in and about the Township of Morris, who is under the legal age to purchase prohibited tobacco material shall have on his or her person or otherwise directly, indirectly, or constructively have, use, consume or possess such prohibited tobacco material.

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01-19-RE: CREATING A NEW CHAPTER TO BE KNOWN AS CHAPTER 494 PROHIBITING THE POSSESSION OF TOBACCO, SMOKELESS TOBACCO, ELECTRONIC TOBACCO DEVICES BY UNDERAGE PERSONS-NOTE: THIS ORDINANCE ADDRESSES THE POSSESSION OF NICOTINE PRODUCTS AND/OR PARAPHERNALIA BY PERSONS UNDER THE LEGAL AGE TO BUY NICOTINE PRODUCTS – PUBLIC HEARING AND FINAL CONSIDERATION HAS BEEN RESCHEDULED TO MAY 15, 2019 (CONTINUED)

§494-3. Violations and Penalties.

A. Any person violating any of the provisions of this chapter shall, upon conviction thereof before the Judge authorized to hear and determine the matter, be punishable as provided in § 1-3, General penalty, of this Code, in the discretion of the Judge.

B. Disposition of fines.

1. All fines imposed and collected under and by virtue of this chapter shall be paid into the treasury of the Township of Morris.

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

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

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

Mayor Grayzel stated the Following: “Vaping – This ordinance is a well-intentioned effort to tackle a growing epidemic amongst teens across our entire country relating to e-cigarettes and “vaping”. I am glad that this has sparked a broader discussion in our community about tackling this problem. I have received many emails and appreciate hearing from residents. There is a wide range of opinions. I am glad that this has sparked a broader discussion in our community about tackling this problem. I very much look forward to our public discussion.

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

On motion made and seconded Public Hearing and Final Consideration on Ordinance 01-19 will be held on May 15, 2019 without further notice required.

* * * *

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ORDINANCES - PUBLIC HEARING AND FINAL CONSIDERATION(CONTINUED)

ORDINANCE NO. 05-19 AN ORDINANCE VACATING THE RIGHTS OF THE TOWNSHIP OF MORRIS IN AND TO 0.036 ACRES OF UNIMPROVED ROW – FORMERLY A PORTION OF OAK PARK DRIVE

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

SECTION ONE: The Township of Morris is the owner of approximately 0.036 acres of certain right of way which is shown on an exhibit attached hereto and identified as 'RIGHT OF WAY VACATION EXHIBIT'. The vacated portion will be added to and become a part of Block 9402 Lot 27 as set forth on the Tax Map of Township of Morris, Morris County and is also known as 17 Oak Park Drive.

The Township of Morris declares this land as no longer needed for public purposes and does ordain to vacate the public rights and title in said land to the abutting owner, .

The abutting lands are now or formerly identified on the tax map of the Township of Morris as Block 9402 Lot 27, the owner of record is Regina McGuire

This ordinance shall, upon adoption be recorded in the office of the Morris County Clerk.

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 – NO ONE APPEARED TO BE HEARD.

COMMUNICATIONS OF RECORD - NONE

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

* * * *

ORDINANCE NO. 06-19 AN ORDINANCE OF THE TOWNSHIP OF MORRIS, MORRIS COUNTY, NEW JERSEY, ESTABLISHING SALARIES AND COMPENSATION FOR EMPLOYEES OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS (LOCAL NO. 469) OF THE TOWNSHIP OF MORRIS

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

SECTION ONE: The International Brotherhood of Teamsters (Local No. 469) of the Township of Morris Salaries for the years 2018, 2019, 2020 and 2021 shall be as follows:

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

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ORDINANCES - PUBLIC HEARING AND FINAL CONSIDERATION(CONTINUED)

ORDINANCE NO. 06-19 AN ORDINANCE OF THE TOWNSHIP OF MORRIS, MORRIS COUNTY, NEW JERSEY, ESTABLISHING SALARIES AND COMPENSATION FOR EMPLOYEES OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS (LOCAL NO. 469) OF THE TOWNSHIP OF MORRIS(CONTINUED)

SECTION ONE: The International Brotherhood of Teamsters (Local No. 469) of the Township of Morris Salaries for the years 2018, 2019, 2020 and 2021 shall be as follows:

ROADS AND SANITATION	2018		2019		2020		2021	
	2.00%		2.00%		2.00%		2.00%	
DRIVERS	\$52,166.40	to \$73,343.71	\$52,166.40	to \$74,810.59	\$52,166.40	to \$76,306.80	\$52,166.40	to \$77,832.93
COLLECTORS	\$52,166.40	to \$73,343.71	\$52,166.40	to \$74,810.59	\$52,166.40	to \$76,306.80	\$52,166.40	to \$77,832.93
LABORERS	\$45,219.20	to \$72,091.97	\$45,219.20	to \$73,533.81	\$45,219.20	to \$75,004.48	\$45,219.20	to \$76,504.57
MECHANIC	\$55,556.80	to \$93,668.64	\$55,556.80	to \$95,542.01	\$55,556.80	to \$97,452.85	\$55,556.80	to \$99,401.91
ASSISTANT MECHANIC	\$53,872.00	to \$78,647.71	\$53,872.00	to \$80,220.67	\$53,872.00	to \$81,825.08	\$53,872.00	to \$83,461.58
MECHANIC'S HELPER	\$45,219.20	to \$73,343.71	\$45,219.20	to \$74,810.59	\$45,219.20	to \$76,306.80	\$45,219.20	to \$77,832.93
TREE TRIMMER	\$55,577.60	to \$84,248.74	\$55,577.60	to \$85,933.71	\$55,577.60	to \$87,652.38	\$55,577.60	to \$89,405.43
SR. TREE TRIMMER	\$54,724.80	to \$80,366.21	\$54,724.80	to \$81,973.53	\$54,724.80	to \$83,613.00	\$54,724.80	to \$85,285.26
TREE TRIMMER HELPER	\$53,872.00	to \$76,504.90	\$53,872.00	to \$78,034.99	\$53,872.00	to \$79,595.69	\$53,872.00	to \$81,187.61
UPGRADE DIFFERENTIALS:								
CERTIFIED MECHANIC/WELDER	\$0.60/hr.		\$0.60/hr.		\$0.60/hr.		\$0.60/hr.	
EXCAVATOR/ OPERATOR	\$0.90/hr.		\$0.90/hr.		\$0.90/hr.		\$0.90/hr.	
FRONT END LOADER	\$0.60/hr.		\$0.60/hr.		\$0.60/hr.		\$0.60/hr.	
PESTICIDE	\$0.25/hr.		\$0.25/hr.		\$0.25/hr.		\$0.25/hr.	
PARKS								
DRIVER/ OPERATOR	\$52,166.40	to \$73,343.71	\$52,166.40	to \$74,810.59	\$52,166.40	to \$76,306.80	\$52,166.40	to \$77,832.93
LABORERS	\$45,219.20	to \$72,091.97	\$45,219.20	to \$73,533.81	\$45,219.20	to \$75,004.48	\$45,219.20	to \$76,504.57
UPGRADE DIFFERENTIALS:								
CERT. PLAYGROUND INSPECTOR	\$0.25/hr.		\$0.25/hr.		\$0.25/hr.		\$0.25/hr.	
FERTILIZER APPLICATION CERTIFICATION	\$0.10/hr.		\$0.10/hr.		\$0.10/hr.		\$0.10/hr.	
SEWER UTILITY	2018		2019		2020		2021	
	2.00%		2.00%		2.00%		2.00%	
OPERATOR'S HELPER	\$45,219.20	to \$74,722.75	\$45,219.20	to \$76,217.21	\$45,219.20	to \$77,741.55	\$45,219.20	to \$79,296.38
OPERATOR'S HELPER/ LABORATORY TECHNICIAN	\$55,556.80	to \$76,016.93	\$55,556.80	to \$77,537.27	\$55,556.80	to \$79,088.01	\$55,556.80	to \$80,669.77

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ORDINANCES - PUBLIC HEARING AND FINAL CONSIDERATION(CONTINUED)

ORDINANCE NO. 06-19 AN ORDINANCE OF THE TOWNSHIP OF MORRIS, MORRIS COUNTY, NEW JERSEY, ESTABLISHING SALARIES AND COMPENSATION FOR EMPLOYEES OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS (LOCAL NO. 469) OF THE TOWNSHIP OF MORRIS(CONTINUED)

OPERATOR'S HELPER/ ASSISTANT LABORATORY TECHNICIAN	\$50,356.80 to \$75,295.58	\$50,356.80 to \$76,801.50	\$50,356.80 to \$78,337.53	\$50,356.80 to \$79,904.28
OPERATOR'S HELPER/ MECHANIC	\$59,030.40 to \$76,016.93	\$59,030.40 to \$77,537.27	\$59,030.40 to \$79,088.01	\$59,030.40 to \$80,669.77
OPERATOR'S HELPER/ ASSISTANT MECHANIC	\$52,166.40 to \$75,295.58	\$52,166.40 to \$76,801.50	\$52,166.40 to \$78,337.53	\$52,166.40 to \$79,904.28

UPGRADE DIFFERENTIALS:

LICENSE S-1 (GRADE 1)	\$0.50/hr.	\$0.50/hr.	\$0.50/hr.	\$0.50/hr.
LICENSE S-2	\$1.00/hr.	\$1.00/hr.	\$1.00/hr.	\$1.00/Hr.
LICENSE C-1	\$0.50/hr.	\$0.50/hr.	\$0.50/hr.	\$0.50/hr.
LICENSE C-2	\$1.00/hr.	\$1.00/hr.	\$1.00/hr.	\$1.00/hr.
JET VAC AND TV INSPECTION TRUCK OPERATOR	\$0.16/hr.	\$0.16/hr.	\$0.16/hr.	\$0.16/hr.
NIGHT STANDBY	\$40.26	\$41.07	\$41.89	\$42.73

SECTION TWO: The salaries or compensations shall be retroactive to January 1, 2018. Any Teamsters (Local No. 469) member retiring prior to enactment of this ordinance will be entitled to retroactive compensation provision of this ordinance. The established salaries or compensation shall be in lieu of any and all fees.

SECTION THREE: All full time employees shall contribute towards their health benefits as required by State Statute, Chapter 78, P.L. 2011. No Employee will be exempt from payment of such contribution based upon their coverage, health plan selection, compensation and other statutorily required criteria, if any.

SECTION FOUR: Employees receiving the enhanced dental plan coverage are required to pay the difference between the cost of the basic plan and the enhanced plan.

SECTION FIVE: The employee's grade classification shall be established on January 1 of each year as per current practice.

SECTION SIX: That the said salaries or compensation shall be in lieu of any and all fees.

SECTION SEVEN: Any employee who voluntarily resigns or is discharged from employment prior to the introduction date of this ordinance shall not be entitled to receive the salary adjustment set forth herein.

SECTION EIGHT: This Ordinance shall take effect upon final passage and publication thereof, as provided for

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ORDINANCES - PUBLIC HEARING AND FINAL CONSIDERATION(CONTINUED)

ORDINANCE NO. 06-19 AN ORDINANCE OF THE TOWNSHIP OF MORRIS, MORRIS COUNTY, NEW JERSEY, ESTABLISHING SALARIES AND COMPENSATION FOR EMPLOYEES OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS (LOCAL NO. 469) OF THE TOWNSHIP OF MORRIS(CONTINUED)

PUBLIC COMMENT – NO ONE APPEARED TO BE HEARD.

COMMUNICATIONS OF RECORD - NONE

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

* * * *

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:

INTRODUCTION OF 2019 MUNICIPAL BUDGET

Mr. Timothy F. Quinn, Township Administrator read the following: That Mr. Quinn, Township Administrator and Ms. Fran DeAngelis worked diligently to bring the 2019 Budget with no increase.

MUNICIPAL BUDGET NOTICE- Municipal Budget Resolution of the Township of Morris, County of Morris for the Fiscal Year 2019.

Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2019.

Be it Further Resolved, that said Budget be published in the next available edition of the Morris County Daily Record.

The Governing Body of the Township of Morris does hereby approve the following as the Budget for the year 2019.

Notice is hereby given that the public hearing and final consideration on the 2019 Budget and Tax Resolution by the Mayor and Township Committee will be held on May 15, 2019 at 7:00 P.M. o'clock at the Morris Township Municipal Building, 50 Woodland Avenue, at which time and place objections to said Budget and Tax Resolution for the year 2019 may be presented by taxpayers or other interested persons. (Note that the Budget for 2019 is attached hereto and is made part of the official minutes of this meeting).

Mr. Quinn also stated the following:

The 2019 budget of \$36.65 million no tax increase with a stable tax rate from last year.

This year's tax levy of \$32.3 million would create a tax rate of 42 cents per \$100 assessed property valuation, identical with last year's. The owner of a \$100,000 property would pay \$420 in municipal property taxes.

Quinn said the township would maintain all services and fund township capital projects without increasing debt.

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RESOLUTIONS (CONTINUED)

INTRODUCTION OF 2019 MUNICIPAL BUDGET-CONTINUED

COMMITTEE COMMENTS ON THE 2019 MUNICIPAL BUDGET

MR. ARVANITES – Worked diligently with Mr. Quinn and staff and will not be voting yes. Mr. Arvanite’s stated that the Budget can lower taxes by 2% which would translate to a decrease of \$200 per year per household and could be done with a few tweaks. The future, with PILOT programs is coming. Being a CPA the Township Auditors recommended to raise taxes. We represent 25,000 residents and that the Township Auditor had no problem with the budget that he proposed and would vote on what is best for all the taxpayer. Even lowering the taxes the residents would have the same services. The Township has a substantial surplus and lowering the taxes would not have an effect on the surplus. When is enough, enough of surplus and recommended lowering the property tax.

MR. MANCUSO – Worked on the 2019 Municipal Budget for many hours and frankly started with the contract negotiations. The Township Auditors recommended an increase, but in working on the budget the goal was in keeping it flat. In the past five (5) years of which three (3) years there was no increase and two (2) years that property taxes were lowered. Mancuso responded that township auditors had originally wanted a tax increase to be sure the township wouldn’t struggle as it did in 2010 during the recession when the committee laid off more than a dozen municipal employees.

MAYOR GRAYZEL – The Township of Morris has a triple “A” rating and that the Township needs a rainy day fund for emergencies which is prudent. Yes, there will be future revenues in reference to the various “PILOTS” and the Township at that time would be in a position to maybe lower the property tax.

MR. ARVANITES	NO	MR. GYORFY	YES
MR. MANCUSO	YES	MRS. WILSON	YES
MAYOR GRAYZEL	YES		

* * * *

RESOLUTION NO. 60 -19-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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RESOLUTIONS (CONTINUED)

RESOLUTION NO. 60 -19-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. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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RESOLUTION NO. 61-19 RE: AUTHORIZING CERTAIN AGREEMENTS RE: PROPERTY LOCATED AT 8 HARTER ROAD, BLOCK 6005, LOT 13.01

WHEREAS, the Township of Morris (the "Township") will be in receipt of a permanent easement for utilities and sanitary sewer extension, together with a temporary construction easement granted by Piero; and

WHEREAS, an ordinance authorizing acceptance of said easement and payment of consideration of ten thousand dollars is simultaneously being adopted by the Township; and

WHEREAS, in addition to such payment the Township agrees to the following terms and conditions a on a one time basis only:

1. The Township will remove and dispose of the existing chain link fence. After the new sanitary sewer is installed in the easement in accordance with the construction plans the Township will install a new vinyl fence in accordance with the proposal dated December 14, 2017 from All Fence Company, LLC. The fence will be located 6 inches inside of the existing northwesterly property line.
2. The Township Building Department will work with the property owner to address the open permit items which remain on the property at 8 Old Harter Road. The Building Department is required to collect fines (in accordance with State Statute) for the 3 violations issued on the owner of the property. The Building Department will limit the fines to \$50 each. The property owner shall pay \$150 to the Building Department to address the outstanding fine issue.
3. The Township will pay \$10,000.00 for the Easement.
4. The Township agrees to provide a 5 percent reduction in assessed land value to offset the value associated with the Easement on the property.
5. The Township agrees to provide a \$500.00 per tree reimbursement for each evergreen tree removed and any existing deciduous tree that is 6 inches in diameter (at breast height) or larger which is located in the Easement and is removed as part of the project. No replacement trees may be planted within the easement.

NOW THEREFORE BE IT HEREBY RESOLVED that the Township Committee of the Township of Morris does authorize and direct that the terms of this agreement as reflected above shall be incorporated in a written agreement and executed by the parties, the Mayor and Clerk are authorized to execute said contract.

NOTE: THIS RESOLUTION WILL BE CONTINUED TO THE APRIL 17, 2019 MEETING

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RESOLUTIONS (CONTINUED)

RESOLUTION NO. 62-19 AUTHORIZING THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MORRIS TO ENTER INTO A GROUP USE AGREEMENT FOR THE USE OF MORRIS TOWNSHIP SWIMMING POOLS WITH THE COMMUNITY DEVELOPMENT CORPORATION OF NORTHERN NEW JERSEY YOUTH ENRICHMENT SUMMER CAMP (Y.E.S.) PROGRAM.

BE IT HEREBY RESOLVED that the Mayor and Township Clerk of the Township of Morris be and they are hereby authorized to enter into a Group Use Agreement with Community Development Corporation of Northern New Jersey, a.k.a. the Calvary Community Development Corporation of Morristown, Youth Enrichment Summer Camp (Y.E.S.) for the use of Morris Township Swimming Pools for the year 2019, and that the agreement shall be maintained on file in the Office of the Municipal Clerk for public inspection.

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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RESOLUTION NO. 63-19 AUTHORIZING THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MORRIS TO ENTER INTO A GROUP USE AGREEMENT FOR THE USE OF MORRIS TOWNSHIP SWIMMING POOLS WITH SEATON HACKNEY FARMS, dba EQUISHARE USA

BE IT HEREBY RESOLVED that the Mayor and Township Clerk of the Township of Morris be and they are hereby authorized to enter into a Group Use Agreement with Seaton Hackney Farms, dba. Equishare USA for the use of Morris Township Swimming Pools for the year 2019, and that the agreement shall be maintained on file in the Office of the Municipal Clerk for public inspection.

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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RESOLUTION NO. 64-19 AUTHORIZING THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MORRIS TO ENTER INTO A GROUP USE AGREEMENT FOR THE USE OF MORRIS TOWNSHIP SWIMMING POOLS – WITH THE GREATER MORRISTOWN YMCA Y-ZONE DAY CAMP

BE IT HEREBY RESOLVED that the Mayor and Township Clerk of the Township of Morris be and they are hereby authorized to enter into an Agreement with Greater Morristown YMCA Y-Zone Day Camp for the use of Morris Township Swimming Pools for the year 2019, and that the agreement shall be maintained on file in the Office of the Municipal Clerk for public inspection.

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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RESOLUTIONS (CONTINUED)

RESOLUTION NO. 65-19 AUTHORIZING THE TOWNSHIP OF MORRIS DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO GROUP USE AGREEMENT FOR THE USE OF MORRIS TOWNSHIP SWIMMING POOLS BY THE HARDING TOWNSHIP RECREATION ASSOCIATION DAY CAMP PROGRAM

BE IT HEREBY RESOLVED that the Director of Parks and Recreation of the Township of Morris be and they are hereby authorized to enter into a Group Use Agreement with the Harding Township Recreation Association Day Camp Program for the use of Morris Township Swimming Pools for the year 2019, and that the agreement shall be maintained on file in the Office of the Municipal Clerk for public inspection.

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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RESOLUTION NO. 66-19 AUTHORIZING THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MORRIS TO ENTER INTO A LEASE AGREEMENT FOR THE USE OF MORRIS TOWNSHIP SWIMMING POOLS - LAKELAND HILLS YMCA

BE IT HEREBY RESOLVED that the Mayor and Township Clerk of the Township of Morris be and they are hereby authorized to enter into an Agreement with Lakeland Hills YMCA for the use of Morris Township Swimming Pools for the year 2019, and that the agreement shall be maintained on file in the Office of the Municipal Clerk for public inspection.

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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RESOLUTION NO. 67-19 AUTHORIZING THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MORRIS TO ENTER INTO A LEASE AGREEMENT FOR THE USE OF MORRIS TOWNSHIP SWIMMING POOLS - WITH THE GREATER MORRISTOWN YMCA

BE IT HEREBY RESOLVED that the Mayor and Township Clerk of the Township of Morris be and they are hereby authorized to enter into an Agreement with Greater Morristown YMCA for the use of Morris Township Swimming Pools for the year 2019, and that the agreement shall be maintained on file in the Office of the Municipal Clerk for public inspection.

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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RESOLUTIONS (CONTINUED)

RESOLUTION NO. 68-19 AUTHORIZING THE TOWNSHIP OF MORRIS TO ENTER INTO GROUP USE AGREEMENT FOR THE USE OF MORRIS TOWNSHIP SWIMMING POOLS BY THE BRIGHT HORIZONS CHILDREN'S CENTERS AT NOVARTIS EARLY LEARNING CENTER.

BE IT HEREBY RESOLVED that the Mayor and Township Clerk of the Township of Morris be and they are hereby authorized to enter into a Group Use Agreement with Bright Horizons Children's Centers for the use of Morris Township Swimming Pools for the year 2019, and that the agreement shall be maintained on file in the Office of the Municipal Clerk for public inspection.

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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RESOLUTION NO. 69-19 RE: AUTHORIZING MAYOR AND CLERK TO EXECUTE A STORM-WATER ACCESS AND MAINTENANCE AGREEMENT BETWEEN THE TOWNSHIP OF MORRIS AND 340 MT. KEMBLE LLC., C/O ONYX EQUITIES, 900 ROUTE 9 NORTH, SUITE 400, WOODBRIDGE, NJ 070995 FOR THE STORM WATER MANAGEMENT FACILITY LOCATED AT 340 MT. KEMBLE AVENUE, BLOCK 6101, LOT 5

WHEREAS, the Board of Adjustment of the Township of Morris did grant certain developmental approvals, and have granted preliminary and final site plan that was adopted, by the Board of Adjustment, on December 11, 2017 to the above stated property located at Block 6101, Lot 5 better known as 340 Mt. Kemble Avenue; and

WHEREAS, 340 Mt. Kemble Avenue LLC. c/o Onyx Equities, Morristown, NJ property owners, and the Township have under consideration between them a proposed Storm-Water Facility Maintenance Agreement.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Mayor and Township Clerk are authorized to execute the agreement of Storm-Water Facility Maintenance Agreement that has been approved by the Municipal Engineer and Municipal Attorney.

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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RESOLUTIONS (CONTINUED)

RESOLUTION NO. 70-19 RE: AUTHORIZING PARTIAL REFUND OF APPLICATION FEE-ROYAL FARMS DEVELOPMENT APPLICATION WITHDRAWN

WHEREAS, the Township of Morris (the "Township") received a development application fee from Royal Farms (the "applicant") in the amount of \$8,925.00; and

WHEREAS, after a series of meetings with the Technical Coordinating Committee the applicant determined not to proceed with the development application; and

WHEREAS, the applicant had additionally deposited with the Township an escrow to cover costs and expenses incurred by the Township during the review process which said costs have been addressed; and

WHEREAS, the applicant has requested a return of the application fee,

NOW THEREFORE BE IT HEREBY RESOLVED that the Township Committee of the Township of Morris does authorize and direct that the sum of three thousand (\$3,000.00) dollars be returned to the applicant, the balance of the application fee shall be retained by the Township and applied to in house expenses and fixed costs.

BE IT FURTHER RESOLVED that the supporting reason for this action is that the application was terminated early in the process and without public hearing.

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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RESOLUTION NO. 71-19 RESOLUTION CONFIRMING THE APPOINTMENT OF LISA THOMPSON, ESQ. OF MASON AND THOMPSON, LLC AS THE MORRIS TOWNSHIP MUNICIPAL PROSECUTOR TO THE JOINT MUNICIPAL COURT OF MADISON, THE CHATHAMS, HARDING AND MORRIS TOWNSHIP WITH A TERM EXPIRING DECEMBER 31, 2019, NTE \$12,500.

RESOLVED, Lisa Thompson Esq., of Mason and Thompson, LLC is appointed to the Joint Municipal Court of Madison, The Chathams, Harding and Morris Township as Municipal Prosecutor for the Township of Morris for the period, of February 1, 2019 to December 31, 2019.

RESOLVED that the Township Committee of the Township of Morris hereby appoints Ms. Lisa Thompson, Esq., as Municipal Prosecutor with a stipend of \$1,000 per month, in an amount NTE \$12,500.

WHEREAS, the Chief Financial Officer of the Township of Morris has filed a Certificate of Availability of Funds indicating funds are available as follows: Municipal Prosecutor 9-01-25-275-329-\$9,000, Legal 9-01-20-155-331 \$2,500 Alcohol Education Rehabilitation Enforcement Grant 9-01-55-600-022-\$1,000.

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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RESOLUTIONS (CONTINUED)

RESOLUTION NO. 72-19 AUTHORIZING RETURN OF MONIES REMAINING IN CLIENT'S ESCROW ACCOUNT-ESCROW ACCOUNT NO. E-12-56-809

WHEREAS, the following escrow accounts have completed the Planning Board / Board of Adjustment applications process, and

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

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

<u>Name</u>	<u>Balance</u>	<u>Escrow Account #</u>
Mark Development, Inc.	\$10,071.88	E-12-56-809-993

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

* * * *

RESOLUTION NO. 73-19 AUTHORIZING THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MORRIS TO ENTER INTO AN AGREEMENT FOR PROVISION OF CERTAIN MUNICIPAL SERVICES WITH THE BROWNSTONES AT MORRIS TOWNSHIP CONDOMINIUM ASSOCIATION, INC.

BE IT HEREBY RESOLVED that the Mayor and Township Clerk of the Township of Morris and are hereby authorized to enter into an Agreement with The Brownstones at Morris Township Condominium Association, Inc., and that the agreement shall be maintained on file in the Office of the Municipal Clerk for public inspection.

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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RESOLUTIONS (CONTINUED)

RESOLUTION NO. 74-19 AMENDMENT-TEMPORARY BUDGET

WHEREAS an emergency condition has arisen with respect to emergency temporary appropriations needed in various line items and not adequate provisions has been made in the Calendar Year 2019 for Current, Temporary Budget for the aforesaid purposes and N.J.S.A 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Morris, that in accordance with N.J.S.A 40A:4-20 an emergency appropriation is and the same is hereby made for:

<u>CURRENT</u>	<u>SALARIES & WAGES</u>	<u>OTHER EXPENSES</u>
Computer IT		\$ 2,000.00
Planning Board		\$ 100.00
Board of Adjustment		\$ 150.00
Fire Department		\$ 20,000.00
Building and Grounds		\$ 5,500.00
Street and Roads	\$ 201,000.00	\$ 68,000.00
Garbage and Trash	\$ 53,000.00	\$ 184,000.00
Vehicle Maintenance	\$ 52,000.00	\$ 24,000.00
Statutory Expenses PERS		\$ 462,648.63
Statutory Expenses PFRS		\$ 557,108.00
Joint Free Public Library		\$ 457,000.00
TOTAL	\$ 306,000.00	\$ 1,780,506.63

<u>SEWER OPERATING</u>	<u>SALARIES & WAGES</u>	<u>OTHER EXPENSES</u>
Sewer Operating		\$ 448,200.00
Statutory Expenses PERS		\$ 223,559.70
TOTAL		\$ 671,759.70

<u>SWIM POOL OPERATING</u>	<u>SALARIES & WAGES</u>	<u>OTHER EXPENSES</u>
Statutory Expenses PERS		\$ 10,645.70
Swim Pool Operating		\$ 194,028.44
TOTAL		\$ 204,674.14

<u>PARKING OPERATING</u>	<u>SALARIES & WAGES</u>	<u>OTHER EXPENSES</u>
Statutory Expenses PERS		\$ 10,081.20
Parking Operating		\$ 500.00
TOTAL		\$ 10,581.20

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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RESOLUTIONS (CONTINUED)

RESOLUTION NO. 75-19 GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER THE TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Township Committee of the Township of Morris, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

* * * *

RESOLUTION NO. 76-19 SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Morris Township has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2019 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Morris Township that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

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RESOLUTIONS (CONTINUED)

RESOLUTION NO. 76-19 SELF-EXAMINATION OF BUDGET RESOLUTION (CONTINUED)

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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DISCUSSION –TEENAGERS AND VAPING – MORRIS TOWNSHIP POLICE DEPARTMENT,
DAYTOP VILLAGE, INC., AND MORRIS TOWNSHIP HEALTH DEPARTMENT (CONTINUED)

ALSO PRESENT AS PART OF THE PRESENTATION:

Kathy Whitehead, RN – Morris Township Public Health Nurse
Ellie Plutto, NJ Department of Family and Children Services
Jessica Mondio, Morris County Human Services

Police Chief Mark DiCarlo and Lieutenant Heather Glogolich of the Morris Township Police Department presented the following:

Chief DiCarlo and Lieutenant Heather Glogolich explained the New Jersey State Laws on the sale of tobacco products to those under the age of 21 and the penalties in selling tobacco products to a minor and listed locations in Morris Township that sell tobacco products that are regulated by various government agencies.

The Morris Township Police Department Crime Prevention Unit does bi-annual check with all establishments to make sure they are in compliance with all regulations. During these checks we speak with the owners, manage and employees regarding the laws and we request their continued support in abiding by the laws.

The gap between State Law for selling and then a lack of a law for possessing/using has left an issue with persons under the age of 21 forming an extremely addictive habit to nicotine. The Township proposed local ordinance will bridge this gap and make it so there are consequences not only for those who sell or offer tobacco products and tobacco-related devices to person under the age of 21, but also for those in possession of them and not yet 21 years of age.

The Morris Township Police Department has completed numerous informational lessons at schools in order to educate the students on the dangerous effects of tobacco and nicotine. The Police Departments goal is education in order to make sure that students and parents are aware of the issue and concerns.

How this Ordinance will affect individuals:

People under the age of 18:

1st Offense: Handled/Released – Parents will be notified, a police report will be filed and educational information will be given.

2nd Offense: Stationhouse Adjustment – Parents will be notified, a police report will be filed and a stationhouse adjustment will be completed which could include a mandatory meeting with both the parents and the juvenile at police headquarters with our juvenile detective, and the possibility of community service.

3rd Offense: Mandatory Community Service – Up to 24 hours to be completed within a time frame designated by our juvenile detective.

4th Offense: Mandatory Community Service – Up to 50 hours to be completed within a time frame designated by our juvenile detective.

Any subsequent offense will result in additional consequences of community service.

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DISCUSSION –TEENAGERS AND VAPING – MORRIS TOWNSHIP POLICE DEPARTMENT,
DAYTOP VILLAGE, INC., AND MORRIS TOWNSHIP HEALTH DEPARTMENT (CONTINUED)

PRESENTERS: Kathy Whitehead, RN – Morris Township Public Health Nurse
Ellie Plutto, NJ Department of Family and Children Services
Jessica Mondio, Morris County Human Services
Police Chief Mark DiCarlo and Lieutenant Heather Glogolich of the Morris Township Police
Department

It is at the discretion of the Morris Township Police Department to refer any juvenile offenders to the Center for Evaluation & Counseling (CEC). The CEC assists with supervised community service and educational services/groups dealing with offense-specific topics.

Confidentiality of Juveniles

N.J.S.A. 2A:4A-60 states: Social, medical, psychological, legal and other records of the court and probation division, and records of law enforcement agencies, pertaining to juveniles charged as a delinquent or found to be part of a juvenile-family crisis, shall be strictly safeguarded from public inspection.

This means that if a juvenile is caught to be in possession of any of the above-named products or devices, their information will be confidential and not for release to the public. This includes OPRA requests and pertains to any and all proceedings listed above. The only exception to this confidentiality is if there is a mandatory notification to the juvenile's school in accordance with New Jersey Attorney General Guidelines and the Uniform State Memorandum of Agreement (MOA) between Education and Law Enforcement Officials. This would usually include offenses that could potentially effect school climate.

What is a Stationhouse Adjustment?

A stationhouse adjustment is an alternative method to handle first-time juvenile offenders who committed minor juvenile delinquency offenses. They provide a prompt resolution, immediate consequences are issued, and prevents the creation of a juvenile delinquency record.

Ellie Plutto, NJ Department of Family Services and Jessical Mondio, Morris County Human Services presented the following:

Young people have taken a technology that was supposed to help grownups stop smoking and invented a new kind of bad habit, one that they have molded in their own image. The potential public health benefit of the e-cigarette is being eclipsed by the unsettling prospect of a generation of children who may really love to vape.

The primary difference between e-cigarettes and common cigarettes or marijuana joints is the vaporization of the drugs from liquid form, as opposed to inhalation via combustion of a leaf form, such as tobacco. The marketing of e-cigarettes as a smoking cessation device stems from this vaporization versus combustion method of inhalation.

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DISCUSSION –TEENAGERS AND VAPING – MORRIS TOWNSHIP POLICE DEPARTMENT,
DAYTOP VILLAGE, INC., AND MORRIS TOWNSHIP HEALTH DEPARTMENT (CONTINUED)

PRESENTERS: TEENAGERS AND VAPING – MORRIS TOWNSHIP POLICE DEPARTMENT,
DAYTOP VILLAGE, INC., AND MORRIS TOWNSHIP HEALTH DEPARTMENT – CONTINUED

Kathy Whitehead, RN – Morris Township Public Health Nurse, Ellie Plutto, NJ Department of Family
and Children Services, Jessica Mondio, Morris County Human Services

Police Chief Mark DiCarlo and Lieutenant Heather Glogolich of the Morris Township Police
Department

Electronic Nicotine Delivery System

Electronic Nicotine Delivery Systems (ENDS) is a product category that includes disposable cigarette
like e-cigarettes, e-hookah, vape pens, and refillable tank like or personal vaporizers that do not look
like cigarettes.

These devices heat a solution (usually propylene glycol or glycerin, with or without nicotine, often
combined with additives and flavors) producing an aerosol mist that is inhaled without combustion.
This inhalation is widely referred to as vaping.

How they work

These devices heat a solution (usually propylene glycol or glycerin, with nicotine, often combined with
additives and flavors) producing an aerosol mist that is inhaled without combustion. This inhalation is
widely referred to as vaping.

Most e-cigarettes can be plugged into a wall socket or computer via a USB connector to recharge.

The heating coil vaporizes the liquid nicotine or marijuana inside the cartridge and is subsequently
sucked through the mouth piece.

The mouth piece sometimes unscrews to allow the e-cigarette to be refilled. Other e-Cigarettes have
replaceable cartridges.

Monitoring the future study

Monitoring the future study is an ongoing epidemiological and etiological research and reporting
project that began in 1975.

Monitoring the future study (continued)

In addition to being a basic research study, MTF has become one of the nation's most relied upon
sources of information on emerging trends in illicit drug, alcohol, and tobacco use among American
adolescents, college students, and young and middle-aged adults.

The most important findings to emerge from the 2018 survey is the dramatic increase in vaping by
adolescents.

Vaping of all substances increased dramatically in 2018. Nicotine vaping in the last 12 months
increased by 3.4, 8.9 and 10.9 percentage points in 8th, 10th, and 12th grades. In 10th and 12th grades
these increases are the largest ever recorded by any substance in the 44 years that MTF has tracked
adolescent drug use.

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DISCUSSION –TEENAGERS AND VAPING – MORRIS TOWNSHIP POLICE DEPARTMENT,
DAYTOP VILLAGE, INC., AND MORRIS TOWNSHIP HEALTH DEPARTMENT – CONTINUED

PRESENTERS: Kathy Whitehead, RN – Morris Township Public Health Nurse, Ellie Plutto, NJ
Department of Family and Children Services, Jessica Mondio, Morris County Human Services

Police Chief Mark DiCarlo and Lieutenant Heather Glogolich of the Morris Township Police
Department

Police Chief Mark DiCarlo and Lieutenant Heather Glogolich of the Morris Township Police
Department presentation continued:

For secondary students in grades 9 through 12 the increases in nicotine vaping translate into at least
1.3 million additional nicotine vapers in 2018 as compared to 2017.

Given that nicotine is involved in most vaping, and given that nicotine is a highly addictive substance,
this presents a serious threat to all of the hard-won progress that we have tracked since the mid-
1990s in reducing cigarette smoking among adolescents.

Delivery Rate

One of the primary concerns with nicotine is the delivery rate.

Other smoking cessation devices, such as nicotine patches and gums, offer a regulated delivery of
nicotine. As such, nicotine is delivered into the bloodstream very slowly.

But with e-cigarettes, as with traditional cigarettes, a freebase form of nicotine is created due to the
heating device that is much more addictive.

The freebase form of nicotine produced in e-cigarettes travels directly into the lungs, where it is
quickly absorbed into the blood stream and delivered directly to the teen's brain.

Dosage Problems

We often hear teen say they like e-cigarettes because the nicotine high is more intense than smoking
a traditional cigarette. The more intense high is also associated with self-dosing nicotine.

Before JUUL was introduced in 2015, the most popular e-cigarette products contained nicotine
strengths of between roughly 1 percent and 2.4 percent. When JUUL debuted, its pods contained 5
percent of nicotine strength.

Heather Glogolich of the Morris Township Police Department presentation continued:

The maker of JUUL claims its nicotine salt formulation increases the rate and amount of nicotine
delivered into the blood, compared with other formulations. The company has claimed the product
delivers nicotine up to 2.7 times faster than other e-cigarettes.

The amount of nicotine in one standard JUUL cartridge is roughly equal to the amount of nicotine in a
pack of cigarettes, or about 200 puffs.

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DISCUSSION –TEENAGERS AND VAPING – MORRIS TOWNSHIP POLICE DEPARTMENT,
DAYTOP VILLAGE, INC., AND MORRIS TOWNSHIP HEALTH DEPARTMENT – CONTINUED

PRESENTERS - Kathy Whitehead, RN – Morris Township Public Health Nurse, Ellie Plutto, NJ
Department of Family and Children Services, Jessica Mondio, Morris County Human Services

Police Chief Mark DiCarlo and Lieutenant Heather Glogolich of the Morris Township Police
Department

The Nico “teen” brain

Any increase in nicotine use among adolescents is an alarming development. There is a perception,
promoted by the manufacturers of vaping devices, that vaping is harmless because it does not
involve the burning of tobacco.

The problem is the story is not so simple for teens. Putting the carcinogens aside, let's discuss
nicotine and the effects it has on the adolescent brain.

It is an important topic considering the explosion in e-cigarette popularity among teen. It is
critical they make wise decisions about using nicotine-based products and not simply buy into
the marketing rhetoric. Presenting with them a unified, accurate drug prevention message is
our responsibility. A good start is to understand how the drug, nicotine, affects a teen.

A major concern, is how nicotine effects teen brains, as opposed to adult brains. While nicotine
causes cellular damage to brain cells regardless of age, the damage done to the teenage
hippocampus is striking.

Additionally, teens are much more susceptible to depression, cardiac irregularities, and
persistent nicotine addiction when using nicotine. Simply put, the stakes are much higher for
teen drug users.

The Developing Brain

The point is simple, nicotine and THC are the primary agents of destruction for the adolescent brain.
This is important because e-cigarettes still deliver nicotine and THC directly to teen brains.

Nicotine is a highly addictive stimulant. When we say highly addictive, we mean very highly
addictive.

When inhaled, via traditional cigarettes or e-cigarettes, it enters the bloodstream,
crosses the blood brain barrier, and enters the brain within 10-20 seconds.

Addiction to nicotine is one of the hardest to overcome, with addiction characteristics being similar to
cocaine and heroin. Compounding the problem, a teen's chances of becoming addicted to any drug
are greater than an adult.

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DISCUSSION –TEENAGERS AND VAPING – MORRIS TOWNSHIP POLICE DEPARTMENT,
DAYTOP VILLAGE, INC., AND MORRIS TOWNSHIP HEALTH DEPARTMENT – CONTINUED

PRESENTERS: Kathy Whitehead, RN – Morris Township Public Health Nurse, Ellie Plutto, NJ
Department of Family and Children Services, Jessica Mondio, Morris County Human Services

Police Chief Mark DiCarlo and Lieutenant Heather Glogolich of the Morris Township Police
Department

Mix that increased sensitivity and the addictive nature of nicotine and you have a recipe for an
addicted teen.

Additionally, rates of addiction to nicotine are relative to exposure (how much nicotine they absorb by
smoking or vaping), so increasing doses with e-cigarettes to experience the more intense high we
discussed earlier results in an increased chance the teen will become addicted.

The fact e-cigarettes allow one to control dose may be helpful for the adult trying to quit.
However, it works against teens who are trying to chase the more intense high.

The take-home message from this is that nicotine exposure during teen years causes developmental
issues in the part of the brain that controls attention performance and the ability to understand
complex ideas. We need to be able to pay attention and understand complex ideas to be successful
as adults.

Opportunity over obstacles

The first lesson about teen brain development we present to teens is that this is a time of great
opportunity for them. Most adolescent development seminars seen focus too heavily on the
consequences and leave teens believing this is a time of great turmoil. Outreach to teens has been
most successful when we show them just how promising their future can be. We suggest starting
your conversation in the same manner. Certainly, we have to discuss the obstacles, but do so after
establishing that they have a great opportunity to build a powerful computer, their brain.

With dependence comes withdrawal

Quitting

Health experts worry that getting hooked on nicotine early in life may be a gateway to cigarette
smoking and other drugs, and there are few tried and true resources out there for teens.

Physicians who treat young people now face a series of dilemmas: The anti-smoking
therapies on the market-such as nicotine patches and gums-are not approved for children,
due to lack of testing or ineffective results.

We end up needing to teach kids how they can deal with cravings, how they can identify high-
risk situations, how they can actually deal with being surrounded by people who are using
these devices.

Because the reality is that, for most youth and young adults, we treat them and put them back in
school, and then they go to the bathroom, where everyone is JULLING.

Communication, education, and working together with the schools is very valuable in saving our
youths.

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Kathy Whitehead, RN – Morris Township Public Health Nurse, Ellie Plutto, NJ Department of Family and Children Services, Jessica Mondio, Morris County Human Services

Police Chief Mark DiCarlo and Lieutenant Heather Glogolich of the Morris Township Police Department

Mayor Grayzel stated that the Municipal Judge of the Joint Municipal Court of Madison has consented to lower fines as proposed by Police Chief Mark DiCarlo.

This discussion was open to the public and the following appeared to be heard and questions and comments are summarized as set forth:

Ms. Jannico O'Reilly – 50 Independence Way – The presentation was informative on vaping and suggested public service announcements; thanked everyone for the presentation.

Nicole Fittaluga – 22 Molly Stark Drive – Inquired as to educational programs. Ans. Lt. Glogolich stated that there are educational programs and information presented to the schools and students; Is there laws regulating sellers? Ans. Not at this time. Can the Township partner with Morristown and Morris Plains? Ans. The Township can work with Morristown and Morris Plains and have for many years. State laws should be tougher on sellers who sell products to minors and need more laws on marketing these products. Ms. Whitehead Health Nurse for the Township of Morris stated that the seller need to be responsible and recommended that there should be permits to sell these products as they do in other municipalities that adjoin Morris Township. Committeeman Gyorfy stated that the FDA regulator of the various flavors that are marketed. Committeewoman inquired as to what the Morris School District is doing to address this problem. Ans. The School District has implemented a program that regulates the activity of vaping by students. The Police Department cannot implement policy on this activity only the School District can. Lt. Glogolich stated that it is very important for the Police Department to communicate with the children and keeping them informed of what the damage could be if an individual continues the vaping habit. Mayor Grayzel stated that this is a multi- factor problem.

Ms. Rachel Linden – 35 Buckley Hill Road – Thank the Police Chief for the presentation and that parents need to be aware of what their children are doing. Ms. Linden asked it the fumes from vaping can be detected by a smoke detector? Ans. No. Will this Ordinance be used against undocumented students? Chief DiCarlo stated that the Township of Morris has a no bias policy.

Ms. Melanie Smith – 9 Victoria Lane – Well done presentation. Ms. Smith has a 5th Grader and stated that it is unfair to target Frelinghuysen students. Chief DiCarlo Frelinghuysen has a Resource Officer Class 3 for the safety of the students and the Morris School District enforces their own policies concerning the student and not the Resource Officer.

Ms. Katherine Vizzini – 22 Laura Lane-Thanked the Township for all their efforts in addressing this issue and now have a better understanding of the issue, but has concern for this Ordinance. Has attended a 2 hour presentation and learned a lot about vaping and educating parents. Addiction services are needed for vaping and there is no place to go pertaining to this issue and would want more information. Students at Frelinghuysen are told by the school to go to the Police Officer. Concerned that vaping is happening everywhere and hope that the Township is also that the private schools in Morris Township have the same programs as the Frelinghuysen Middle School.

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DISCUSSION –TEENAGERS AND VAPING – MORRIS TOWNSHIP POLICE DEPARTMENT, DAYTOP VILLAGE, INC., AND MORRIS TOWNSHIP HEALTH DEPARTMENT – CONTINUED
Kathy Whitehead, RN – Morris Township Public Health Nurse, Ellie Plutto, NJ Department of Family and Children Services, Jessica Mondio, Morris County Human Services

Police Chief Mark DiCarlo and Lieutenant Heather Glogolich of the Morris Township Police Department

Ms. Melissa Spiotta – 9 Wood Road – This is not new information in reference to this issue and does not have confidence in the Police Officers in the school. The not only is vaping an issue but flavored vaping is enticing the children. Sales of these products have increased by 40% in this country primarily by children between the ages of 11 to 14 and they are the victims. If there is never a repeat offender then why this Ordinance? Ans. Chief DiCarlo stated that the Police Department and Schools have a partnership. Ms. Vizzini has a concern for targeting students at the Frelinghuysen Middle School and this Ordinance won't help and would make sense if it supersedes the State Ordinance. The Township should be going after the sellers.

Ms. Jean Jabbour – 4 Tall Timber – Parents need help with this issue and the schools should start in the 3rd Grade educating the students of the dangers of vaping and recommended that the Township should work closely with the Town of Morristown.

Mr. James O'Reilly – 50 Independence Way – What can be done to merchants who sell these products? Chief DiCarlo stated that the Police do undercover, but that Juveniles can't be used and need someone 18-20 to purchase these products in order for the Police to give the seller a violation.

Ms. Rachel Rossiter – 35 Buckley Hill Road – The Federal Government should trace these products and not be burdening our community.

Mr. Lee Goldberg – 10 Arrowhead Road – Thanked the Police Department and the Community. Stated that the State enacted State Statutes, but that would be better to address this issue and can be enforce by local Ordinance. On the 3rd page of the presentation, Effect on Individuals is concerning of the damage nicotine has on the adolescent brain. Has a concern for the various offences. Ans. Chief DiCarlo – Students would be referred to the provided educational services; Mr. Goldberg requested to come down harder on the sellers of these products.

COMMENTS OF THE TOWNSHIP COMMITTEE ON THIS PRESENTATION

MR. GYORFY – Thanked all those who attended tonight and thanked Chief DiCarlo and Lieutenant Glogolich for the presentation; the Township needs to work and communicate with adjoining communities; vendors in Morris Township to date have no violations and we need ideas on enforcement for selling these tobacco products to underage children.

MR. MANCUSO – Has done intensive research on this issue and is concerned for the youth of our community; encouraged a partnership with parents, Morristown and the Borough of Morris Plains and working together in educating the parents and children.

MR. ARVANTIES - A drug addict will cut off their arms to feed their addiction; a drug addict will find drugs and I don't know how it can be stopped.

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DISCUSSION –TEENAGERS AND VAPING – MORRIS TOWNSHIP POLICE DEPARTMENT, DAYTOP VILLAGE, INC., AND MORRIS TOWNSHIP HEALTH DEPARTMENT – CONTINUED
Kathy Whitehead, RN – Morris Township Public Health Nurse, Ellie Plutto, NJ Department of Family and Children Services, Jessica Mondio, Morris County Human Services

Police Chief Mark DiCarlo and Lieutenant Heather Glogolich of the Morris Township Police Department

COMMENTS OF THE TOWNSHIP COMMITTEE ON THIS PRESENTATION(CONTINUED)

MRS- WILSON – Thanked Chief DiCarlo, Lieutenant Glogolich, Kathy Whitehead RN – Morris Township Public Health Nurse, Ellie Plutto, NJ Department of Family and Children Services and Jessica Mondio, Morris County Human Services for the presentation; would like to see the Township go after the sellers or ban the sale of e-cigarettes, learned a lot tonight; there is a need for partnership with Morristown and Morris Plains; has a concerned for the penalties in the Ordinance and recommended revising this Ordinance.

MAYOR GRAYZEL – Thanked the public for attending and believes resident input is important for decision-making; will speak with the Assemblyman on banning flavors; there should be a multi prong approach to this issue and need services in place to better address this growing issue; this must include addiction services; would recommend early education of children starting in the 3rd grade about this growing issue in our schools as well as a crackdown on sellers, but as we all know children will find a way to get the vaping devices; this Ordinance is not an end all to the growing problem but it is a start; Assemblyman Anthony Bucco has taken this issue to the State level, which is a good thing; we have to have time to figure it out and put in place the right solution for this ever growing problem.

STANDING COMMITTEE REPORTS

At this time Mayor Grayzel called on the Committee members to report on their Standing Committee assignments, and is summarized as follows(* indicates Chairman):

Communications & Information Technology

*Mark J. Gyorfy, Catherine J. Wilson

- As part of the Township Committee Communications Plan, the we will put together an online survey to gauge how resident's prefer to receive information and when the best time for a town hall would be. As of now, our intention is to schedule two town hall meetings this year, in late spring, the other in the early fall. The online survey is part of the communications plan presented last month and we will be working with our communications staffers to implement
- Office Hours: next month's office hours will take place on Wednesday, April 10th. Mayor Grayzel and Deputy Mayor Wilson are scheduled to attend.

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PROCLAMATION

Mayor Grayzel read the following proclamation into the record: "NATIONAL DONATE LIFE MONTH"-
APRIL 2019

"NATIONAL DONATE LIFE MONTH" APRIL 2019

WHEREAS, realizing the urgent need for organ and tissue donors across the country, the National Donate Life Month observance promotes a greater understanding about the life-saving benefits of donation and transplantation. Moreover, the need is increasing. NJ Sharing Network is committed to addressing the need through increased awareness; and

WHEREAS, The transplantation of organs and tissue is a miracle of modern medicine made possible through the compassion of organ and tissue donors, enabling surgeons to save thousands of lives every year. One organ donor can save eight lives and one tissue donor can restore health of over seventy-five others. People of all ages, ethnic backgrounds and religions are touched by donation and by the serious shortage of organ donors that exists. Currently, there are nearly 4000 New Jersey residents and 115,000 Americans awaiting life-saving transplant operations; and

WHEREAS, approximately 17 people die daily waiting for organs – the Gift of Life, and

WHEREAS, Every capable person should support this vital effort by registering as an organ and tissue donor, making their family aware of their wishes and being willing to give the precious gift of health, sight and life to people in need; and

WHEREAS, Registering as an organ and tissue donor at a local Motor Vehicle Agency or online at www.NJSharingNetwork.org signifies our fundamental human responsibility to help others; and

WHEREAS, As the Township Committee of the Township of Morris, we recognize National Donate Life Month as an opportunity to join NJ Sharing Network in its life-saving mission.

NOW, THEREFORE, Mayor and Township Committee of the Township of Morris, do hereby proclaim the month of April 2019 as:

"Donate Life Month"

in the Township of Morris and encourage all residents to join the Committee in promoting organ and tissue donor education throughout National Donate Life Month

IN WITNESS THEREOF, we have hereunto set our hands and caused the seal of the Township of Morris to be affixed this twentieth day of March in the Year of our Lord Two Thousand and Nineteen.

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TOWNSHIP COMMITTEE MEMBERS COMMENTS/QUESTIONS

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

MR. GYORFY – As part of the Township Committee Communications Plan, the we will put together an online survey to gauge how resident's prefer to receive information and when the best time for a town hall would be. As of now, our intention is to schedule two town hall meetings this year, in late spring, the other in the early fall. The online survey is part of the communications plan presented last month and we will be working with our communications staffers to implement; next month's office hours will take place on Wednesday, April 10th. Mayor Grayzel and Deputy Mayor Wilson are scheduled to attend.

MR. MANCUSO – No comment.

MR. ARVANTIES – No comment.

MRS. WILSON- Announced that there will be a public presentation and educational session on planning and zoning regulation, the public hearing process, the responsibilities of the Planning Board and Board of Adjustment, and the differences between the two on Wednesday, March 27, 2019 at 7:00 P.M.; Announced that EDAC will hold a networking event on May 8th, 5-7PM, at the Morris County School of Glass.

MAYOR GRAYZEL - The Morris Township Police is Cracking Down On Speeding as we have had several complaints recently about speeding through neighborhoods. The public should know that our police department will be stepping up speeding enforcement over the next several weeks. Drivers should watch out how fast they are driving, or risk getting a ticket; is looking into other major issues in an around Morris Township.

* * * *

PUBLIC COMMENT

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

Elda Estiverne – 7 Mendham Avenue – Explained the run-off water issue and the property damage that she has experienced and surrounding properties are experiencing; has contacted the Township Engineering Department and was advised that the water is coming from neighboring properties. Ans. Mr. Quinn inquired if there could be leaking pipes and was advised that there is a problem with drainage pipes from Egbert Hill. Mr. Quinn advised Ms. Estiverne that this issue will be looked into.

Mr. John Belles – 5 Mendham Avenue – Explained that 8 or 9 properties are being affected by this problem and explained the soil conditions and why this is a problem. Mr. Belles has installed drains on his property to stop the flooding he has experience over the years. The source of this drainage is at the top of Egbert Hill and requested a water expert on drainage and that the source needs to be cut-off.

Ms. Janet Auriemma – 81 Ketch Road – Is an advocate of ARC of Morris and requested more apartments with assistants need expansion especially one bedroom units.

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Diane Holland – 26 Northridge Place – requested clarification on Resolution 76-19; Ans. Mr. Quinn advised Ms. Holland this is for re-imbusement for plowing, lighting and garbage as provided by law for all townhome development in the Township of Morris.

CONSENT CALENDAR AND RECEIVED FOR THE RECORD

1. Granted consent to Atlantic Health System for an Atlantic Ambulance helicopter to land on the field at Loantaka Park (has received approval from the Morris County Park Commission) for “Take Your Child to Work Day” on April 25, 2019. Landing will take place between the hours of 11:00 A.M. to 2:30 P.M.. This approval is contingent on the issuance of a Certificate of Insurance naming the Township of Morris as additionally insured, accompanied by the Hold Harmless Clause, and the approvals, if required, of the FAA, Police Chief Mark DiCarlo, and Fire Chief Jesse Kaar.
2. Granted consent to The Morris County Golf Club to hold a fireworks display for members only, Punch Bowl Road, Convent Station, on Wednesday, July 3, 2019 at 9:30 P.M. (rain date July 6, 2019). The company handling the fireworks display is Garden State Fireworks, PO Box 403, Carlton Road, Millington, New Jersey 07946. This approval is subject to the proper notification to residents, approval of Police, Fire Chiefs, and Fire Inspector and the filing of a Certificate of Insurance naming the Township of Morris additional insured with a Hold Harmless.
3. Acknowledges the removal of Firefighter Ryan S. Houser from the Morris Township Fire Department as per memo of Fire Chief Jesse Kaar, dated February 28, 2019.
4. Approved the membership of Curtis S. Fagan, a member of the Junior Program and will become a regular member at the Woodland Fire Company of the Morris Township Department as per memo from Fire Chief Jesse Kaar dated March 6, 2019.
5. Granted consent to conduct the “Gran Fondo NJ” bicycle event on Morris Township roads on Sunday, September 8, 2019. The event is a 107 mile bicycle tour beginning and ending in Morristown, NJ. It is a fundraiser for local charities, primarily for the Seeing Eye. The cyclists will share the roads with vehicle traffic. The event is not a race, no request for road closures. The roads that will be used will be: Mendham Road, Washington Valley Road, Whitehead Road, School house Lane, Gaston Road, and Sussex Avenue. This approval is contingent on the issuance of a Certificate of Insurance naming the Township of Morris as additionally insured, accompanied by the Hold Harmless Clause, and the approvals, if required, of the Police Chief Mark DiCarlo, and Fire Chief Jesse Kaar.
6. Granted approval to the FCUSA NJ Organization for the installation of temporary lighting at the Morristown Beard School softball field, Whippany Road. Temporary lighting will be used from 6:00 P.M.- 9:00 P.M. from Monday, March 25, 2019 through Sunday, July 28, 2019. The condition of approval is to notify the residents in the area who may be affected by the temporary lighting.

RECEIVED FOR THE RECORD

1. BOARD OF ADJUSTMENT 2018 REPORT

TAX APPEAL APPLICATIONS

TAX COURT OF NEW JERSEY

ADDRESS

BLOCK/LOT

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- | | | |
|----|---------------------|-----------|
| 1. | 200 RIDGEDALE AVE. | 10201, 11 |
| 2. | 445 SOUTH ST. | 7003, 20 |
| 3. | 350 MT. KEMBLE AVE. | 6101, 4 |

CONSENT CALENDAR AND RECEIVED FOR THE RECORD(CONTINUED)

MORRIS COUNTY BOARD OF TAXATION

- | | <u>ADDRESS</u> | <u>BLOCK/LOT</u> |
|----|-----------------|------------------|
| 1. | 19 CHADWELL PL. | 7901, 1 |

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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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:

THE FOLLOWING REPORTS FOR THE MONTH OF FEBRUARY 2019 ARE ON FILE IN THE OFFICE OF THE TOWNSHIP CLERK AND TOWNSHIP ADMINISTRATOR: TAX COLLECTOR; FINANCE ; POLICE; JOINT COURT; JOINT LIBRARY; FIRE

ROLL CALL:	MR. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

* * * *

CLAIMS FOR PAYMENT - LIST OF BILLS AND VOUCHERS

Minute Book Attachment #1 (MBA #1) dated March 20, 2019 in the amount of \$7,848,702.62.

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 \$ 7,848,702.62for 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. ARVANITES	YES	MR. GYORFY	YES
	MR. MANCUSO	YES	MRS. WILSON	YES
	MAYOR GRAYZEL	YES		

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CALL TO ADJOURNMENT

At 10:23 PM, with no further business to be considered, on motion duly made, seconded and unanimously adopted, that the March 20, 2019 Regular meeting was adjourned next to convene on April 17, 2019 at 5:00 P.M. to Closed/Regular Meeting at 7:00 P.M., in the Municipal Building, 50 Woodland Avenue, Township of Morris.


CATHLEEN AMELIO
TOWNSHIP CLERK