



Newsletter #14 ~ September, 2008

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September 2008 Newsletter

Dear Neighbors,

I am pleased to be sending you this latest update in a series of E-newsletters containing commentary on our Township Committee meetings and other helpful information about our municipality. If you did not see the prior newsletters, you can view them at www.JeffGrayzel.com . Click on the "newsletter" link.

Please feel free to pass this newsletter on to any (and all) of your friends & neighbors. There are many people who still do not get the newsletter who surely would be interested in what goes on in our Township. They can subscribe to the newsletter by sending an e-mail to Jeff@JeffGrayzel.com . You can let them know that I only send 1 e-mail per month and do not use their address for any other purposes.

This edition covers the Township Committee meeting of 9/17/08 and also provides updates on some community issues. Make sure you catch all of the upcoming events in our community. See the listing under "Other items of interest" near the end of this newsletter.

September 17 Township Committee Meeting...

You can view a copy of the agenda via a link to our Township website:
http://morristwp.com/agendas/twpcomm_09-17-08.pdf

Alcohol License Violation

The first item on the agenda was an administrative hearing for an alcohol license violation at The Madison Hotel. Evidence was presented relating to two separate violations. Explanations were given by the defendant as to how these violations were allowed to occur and the remedies to be put in place to prevent a recurrence. Based on their long history of business in Morris Township, it was recommended by our special counsel on the matter to only give them a letter of Reprimand and not require a suspension of their license for this offense, but that future violations would be cause for a suspension. The Township Committee accepted that recommendation.

Ordinances for Final Consideration

The meeting continued with "Ordinances – Public Hearing, Final Consideration, and Adoption". This pertains to ordinances introduced at a prior Township Committee meeting. There were five such ordinances from August 20 meeting. Of note, the Mayor brought each ordinance to the floor out of their numerical sequence order, so I will write about them in the order in which they were brought up at the meeting.

The first ordinance, #28-08, amends our existing open space ordinance and adds a new section relating to open space acquisitions. This will facilitate our partnering with other groups

to preserve land.

The next two ordinances both related to the new NJ State Council on Affordable Housing (COAH) legislation that requires that new affordable housing be built in every municipality in New Jersey at a rate coincident with the rate of development of new residential and commercial construction within that municipality. Please see my last newsletter for a discussion of this newly enacted state legislation: http://jeffgrayzel.com/index_files/Page345.htm

For more information on COAH and affordable housing in general, please see this "fact sheet" published by the New Jersey State Department of Community Affairs: <http://www.nj.gov:80/dca/coah/factsheet.shtml>

The second ordinance, #29-08, is one of the ordinances related to COAH. It is a general "Development Fee" ordinance requiring Township to impose on a residential developer a fee of 1.5% of the assessed value of the new residential property. This is one of several options allowed under State legislation. The ordinance also included a fee for commercial development of 2.5% for newly constructed or renovated commercial properties. Both fees would then be used towards the construction of new affordable housing within Morris Township per the new state requirements.

The third ordinance, #26-08, is also related to the new COAH legislation and specifically to the TH-4 building zone on which the recently approved 92-townhouses development at 250 James Street is to be built. This ordinance would have required a 15% set-aside of units within the development to be sold as low- and moderate-income housing units according to the new legislation. As an alternative to actually building the units, the developer could make a "payment in lieu" at a per-unit rate of \$148,700 that is pre-determined by COAH for our area.

Of note, the Mayor made a motion to rescind this ordinance, which had previously been introduced and was up for final approval. The motion to rescind meant that a vote for formal approval would not take place. After the Mayor received a second for his motion to rescind, I requested that Committee discussion be opened up as per the normal rules of order. A lengthy and spirited discussion between the Township Committee members ensued. Of note, members of the public were not allowed to be heard or to ask questions, since the ordinance was not actually up for final approval at this point. If the ordinance had been brought for a final vote, then the public would have been allowed to be part of the process. But since the Mayor chose to make his motion to rescind the ordinance, he effectively shut the public out of the process. A summary of this discussion is highlighted below in the next section. The vote to rescind the ordinance was passed by a 3-2 vote, with Mr. Goldberg and me voting against the motion to rescind.

See below for additional commentary on these two COAH-related ordinances.

The fourth ordinance, #30-08, grants an easement to Morris County for placement of a new traffic light adjacent to the Fairchild Firehouse.

The fifth ordinance, #31-08, grants an easement to Jersey Central Power & Light to place equipment on the property of the Collinsville firehouse property to service a newly approved cell-phone tower on that site.

A copy of any of these ordinances may be obtained from our Township Clerk by calling 973-326-7430.

Ordinances for Introduction

There was only one ordinance for introduction at this meeting.

Ordinance, #33-08, amends our existing "Vehicles and Traffic" ordinance to add a no-parking zone along Bishop Court and sections of Canfield Road between the hours of 8am-6pm. This is in response to commuters parking their cars on these streets all day long while commuting from

the Convent Station train station.

This concludes the "ordinances for introduction". This ordinance will be publicly debated at the October 15 meeting. At that time, a formal public hearing will be held and the public will be able to ask questions, make comments or give testimony.

Resolutions

Several Resolutions were then passed. The title of each of these resolutions can be viewed on the agenda: http://morristwp.com/agendas/twpcomm_09-17-08.pdf

These were routine, without controversy or need for explanation, so no discussion took place.

Copies of all resolutions passed may be obtained from our Township Clerk.

Controversy over Council On Affordable Housing (COAH)-related Ordinances 26-08 and 29-08

The discussion of the two COAH ordinances was of utmost importance given the application before the Planning Board to build 92 townhouses at 250 James Street. Under the new COAH legislation, this may obligate Morris Township to provide/build somewhere between 14 and 23 units of affordable housing. However, there is still some controversy over and challenge to how the COAH obligations were determined, so this number could be changed.



Also at issue here is who will pay for construction of this affordable housing. Should it be born completely by the developer whose new development triggers requirement for new affordable housing to be provided? Or should it be a shared cost between the developer and the tax payers of the municipality??

At the September 19 meeting, there was agreement that we needed a general "fee" ordinance like 29-08 in place. Not so for "growth share" Ordinance 26-08. Much of the discussion and controversy over 26-08 related to the financial implications to both the developer and the municipality. It places both the developer and the municipality in a dilemma. The developer may locate the low/moderate (L&M) affordable housing units with the market-value luxury condominiums. That probably lowers the selling price of the luxury units. Alternatively, the developer can place the L&M units somewhere else in Morris Township. A location would be needed. With the agreement of the Township Committee the developer could make a "payment in lieu" of approximately \$148,000 per affordable housing unit to the Township who would then have to find a way to get units built. Neither side likes the costs and uncertainties of the options.

It was noted in our discussions that the Planning Board and Township Committee had passed 26-08 back and forth between the bodies as required during the development and consideration of a land development ordinance. The Planning Board had in August voted to "not recommend" passage of 26-08 by the Township Committee. Also in August, the Committee majority chose to view this as a rejection of the substance of the ordinance. However, I told the Township Committee that the Planning Board, on which I sit, had simply not wanted responsibility for a financial decision and was passing the responsibility back to the Committee where it belonged. Mr. Goldberg, who was also present at the Planning Board meeting, agreed with my assessment. None the less, the majority of the Committee voted to postpone the final vote on 26-08 until the September meeting (although I had also suggested holding a special meeting to address this matter due to its time sensitive nature). However, due to this postponement by the Committee of "final consideration" of 26-08, the Planning Board got ahead of the logical voting sequence. That sequence would have had the Committee vote on the ordinance before the Planning Board had to vote on the developer application for which 26-08 was written. In September, the Planning Board was to reach its 120-day, "due process" limit in the same week the Township Committee was to meet. The Planning Board voted against my procedural suggestion which would have allowed the Township Committee to have timely say

over ordinance 29-08 without stopping the development application process, and the Developer refused to grant an extension. Hence, the application was approved 2-days before the Committee was to meet and ordinance 26-08 was rendered moot. The effect was that 29-08 was the only ordinance in place and became the default. More importantly, the Planning Board, not the Township Committee had determined whether or not municipal tax dollars were going to pay for the affordable housing obligation. The 5 elected leaders of the Township Committee should have sole responsibility for decisions that have an affect on any money matter which would affect the municipal tax rate. My only support came from Mr. Goldberg, as the Township Committee voted 3-2 to rescind ordinance 26-08. Ordinance 26-08 would have caused the developer to pay a larger sum of money toward the construction of affordable housing than 29-08 which was the only remaining contribution option. The burden of making up the difference will now be borne by the taxpayers of Morris Township.

Public Commentary...

Every Committee meeting has a "public commentary" portion during which any member of the public can make a statement concerning anything related to Township matters, or ask the Township Committee anything they wish.



- The first resident had appeared at a previous meeting and had spoken out in favor of installing a water line on Jockey Hollow Road. However, he had now decided not to support the proposal because he feared the possibility of increased development in his neighborhood if this infrastructure was put in.
- The second resident asked several questions:
 - » He wanted to know when the traffic Study relating to the new Jets football facility on Park venue would be ready for public presentation. He was told that is would be ready shortly.
 - » He spoke of the proposed Dunkin Donuts store on Madison Avenue and suggested that the township implement parking restrictions if that project were approved by the Board of Adjustment.
 - » He asked if temporary lights could be brought to the Ginty field baseball field so that they would hold a game at night (similar to the night soccer games at Morristown Beard School).
- The third resident suggested that Jeff make an apology to the Planning Board for remarks he had made about how the COAH fees were applied to the recently approved project for 92 townhouses at 250 James Street.

I urge more citizens to come to the Township meetings to ask questions and to air their comments. Doing so at a public forum gives you the opportunity to get an immediate response from the Township Committee, and often times helps the Committee improve regulations related to the issues at hand.

Jeff's Commentary...

The final portion of each meeting allows for each member of the Township Committee to make any general comments they please. Given my extended remarks about COAH made earlier in the meeting, I limited myself to the following brief comments:

- Regarding the suggestion to install a water line along the length of Jockey Hollow road, I stated that my biggest concern was for the safety of the firefighters in Morris Township. They cannot fight a fire without water. Many of these men are volunteers and we must ensure that they are safe as they perform this public service for the community.
- I told people that on Sunday September 21st (which has already passed at this point) there would be a "Melanoma Research Foundation" 5K run and 2 mile walk starting and finishing at Ginty Field. The walk had a number of Morris Township residents who are

participating to support a young Morris Township mother who was recently diagnosed with Melanoma. This support group has coordinated a fund raising effort to support the Melanoma Research Foundation and set a goal of \$10,000. I urged people to come out and participate in this worthy cause.

- I informed the community that the recreation department had sent out its Fall/Winter activity brochure in the mail. If you have not received one you should call the Recreation Department, or you can view the brochure online at:
<http://morristswp.com/pdfs/fallwinter08.pdf>

Other Commentary from Township Committee members...

Ron Goldberg made the following comments:

- I praise Mr. Grayzel for his courageous defense of Township Committee prerogatives during this past Monday's Planning Board proceedings for the 250 James Street application. Grayzel's proposal would have allowed the Township Committee to vote on how to pay for the COAH obligation incurred by this development of 92 townhomes (either through Developer's Fee of 1.5% or a Growth Share based on 15% of the units to be constructed and which translated into an obligation to build 13 affordable units) at tonight's meeting. A decision had to be made by the Township Committee on the fate of the Growth Share ordinance prior to the effective date of Planning Board's decision/approval on the application to build the 92 units in order for it to be applicable to any Planning Board approval. Grayzel proposed a viable alternative to the motion to vote up or down on the application and the Planning Board Attorney did not reject Grayzel's suggestion. However, Grayzel's motion was defeated 6-3, with Mr. Rosenbush voting "No", which meant that the Planning Board would proceed prior to the Township Committee vote to be taken just 2 days later. Thus Rosenbush, who is a township Committee Member, effectively voted to close debate at the purse strings- level of municipal government, the elected and accountable Township Committee, and instead enabled an appointed board to take control of the purse strings.
- Stated that there are many questions to answer before it can be determined whether and how much municipal effort and tax money should go into adding a water main on Jockey Hollow Road. (1) What fire-fighting standard are we using and what methods of bringing water to the scene meet the standard? What are the relative costs and benefits of the alternatives? (2) Would there be any unintended consequences s/a triggering development? (3) Is the water source for the proposed main a well that is in deficit or are there any water management issues which will create regulatory burden or obstacle? (4) What costs and who will pay them? (5) What is a fair and reasonable burden for the general tax payer who already has fire hydrants close by? (6) Do most of the residents affected directly want fire hydrants? Are they willing to pay the costs? Our Fire Chief has said this is a fire fighter safety issue. He apparently no longer has confidence in the plan currently in place: to bring tanker trucks to the fire scene where there are no hydrants. I take him at his word. I also ask for temporary measures to upgrade our response while we debate and until we can make permanent improvements.
- Responded to Scott Rosenbush's newspaper attack on Jeff Grayzel. He stated Rosenbush is the lead attacker in an attempt to discredit Grayzel. Rosenbush repeats the same personal criticism's of Grayzel whenever he can, as if he believes enough repetition will make it true. This kind of behavior threatens to paralyze the Township Committee. I'm not going to stand by and let it continue unchecked. Thus, I make these comments to point out to the public that Rosenbush himself is misleading the public with his remarks and that his own voting record should be examined.

Scott Rosenbush made the following comment:

- Attended the 2nd annual Normandy Olympics which took place as part of a neighborhood

block party on Normandy Boulevard.

- Noted that the Fire Committee, consisting of Mr. Rosenbush and Mr. Grayzel, had held a meeting with the volunteer fire fighters.
- Reported that he had gotten signatures of 7 of 22 residents of the Jockey Hollow area to agree to paying a portion of the cost (in the form of an annual tax add-on) to install a water line along the length of Jockey Hollow road in order to provide fire hydrant service to the area. He will continue to attempt to attain the 2/3's level of resident agreement that was required by the township committee in order for this proposal to proceed (Of note, Mr. Rosenbush stepped down from the dais and spoke as a citizen in support of this effort.)

Rick Watson had no commentary.

Mayor Nace made the following comment:

- A decision needs to be made soon on the Jockey Hollow Road water line because we will soon be holding up construction of the new Delbarton football field.

Closed Session

The Township Committee then recessed into "closed session" which occurs when there are legal or personnel matters that cannot be discussed in public. Minutes of the closed session are released to the public when the matters discussed are resolved. The Township Attorney John Mills announced at the Township Committee meeting (prior to recessing into closed session) that the closed session would deal with personnel, land acquisition, real property, and legal matters.

THE FOLLOWING SECTION CONTAINS GENERAL INFORMATION ABOUT HAPPENINGS AROUND MORRIS TOWNSHIP.

Building Applications Around Town

This section provides the community with some information about building projects around town. There are always new projects and continuing projects that come before the Planning Board and the Board of Adjustment. I will only highlight the larger projects and not get into details on the minor ones, such as a homeowner adding a front porch to their home).



If residents are opposed to certain types of developments, they need to voice their opinions in-person at the hearings.

The **Board of Adjustment** held a regular meeting on August 25. The agenda for this meeting can be found online at the township website: http://morristwp.com/agendas/boa_08-25-08.pdf

The major item on the agenda was the continuing hearing for 219 Madison Avenue, a proposal to turn the 3 service bays of the gas station into a quick mart and Dunkin Donuts shop. Many residents came out to ask questions, which took up most of the meeting. The hearing will continue at the October 27 meeting at which time a final vote will probably be taken.

The **Board of Adjustment** held a regular meeting on September 22. The agenda for this meeting can be found online at the township website: http://morristwp.com/agendas/boa_09-22-08.pdf

There were no major agenda items, but there were several homeowners asking for small variances on various house projects. See the agenda above for more details.

The next **Board of Adjustment** meeting will take place on October 27. The meeting agenda will be available on the township website several days before the meeting.

The **Planning Board** held a special meeting on September 8 (agenda:

http://morristwp.com/agendas/plbd_09-08-08.pdf) and a regular meeting on September 15 (agenda: http://morristwp.com/agendas/plbd_09-15-08.pdf).

There were two hearings at the Sept. 8 special meeting: First, Seneca Builders presented an updated site plan for a subdivision on Westminster Place. There had been 25 trees that were improperly removed and they presented their plans for replacing those trees. The Planning Board got the developer to add extra trees to his amended plan so that Westminster Place would be a fully tree-lined street. This amended plan was approved.

The second hearing on Sept. 8 was for the final site approval for a subdivision of two lots into four on Indianhead Road. This project was approved.

There were two hearings at the Sept. 15 regular meeting: First, the public was allowed one final opportunity to ask questions of the developer of 250 James Street. This was a development proposal for ninety-two townhouses at 250 James Street (site of former Verizon Wireless office building). The applicant had concluded their presentations, and the public had one more chance to ask questions. Only one person spoke, representing the Great Swamp Watershed Association. He pointed out several areas where certain buildings seemed to be right up against wetlands areas. After this discussion there was a lengthy discussion about which COAH fees should be applied to this project. I made a motion that the Planning Board should make the project approval contingent on a vote that the Township Committee was taking at their meeting 2 days later so that the Township Committee as the elected body of representatives could make the financial decision of which COAH fee structure to apply to this project. My motion was defeated 6-3 and the planning board subsequently voted to approve this project and apply only a 1.5% development fee.

The second hearing on Sept. 15 was for the proposed Subdivision plan of one lot into 3 building lots on Shadyside Street. A project planner gave testimony about the steep slopes on which two of the houses would be built, and also showed a conceptual architectural plan for one of the homes which had a large size of 16,000 square feet. This hearing will be continued on December 1 (due to conflicts carious people had with earlier dates)

Upcoming **Planning Board** meetings will take place on October 6 and October 20. The meeting agendas will be available on the township website a couple of days before each meeting, and the agenda for Oct. 6 can already be found online:

http://morristwp.com/agendas/plbd_10-06-08.pdf

There are several interesting items on the October 6 agenda. The first is for the Auto dealership at 170 Madison Avenue, which was formerly the BMW dealership and now will be the MINI-Cooper dealership. They are requesting to add on to the existing structure to house a new customer service area, and are also proposing to add parking lot space to increase the impervious coverage on this lot from 73% to 91%.

There is also a first hearing for a proposed new soccer field at Villa Walsh as well as a first hearing for the subdivision of the Delbarton property in order that they may sell of a large parcel for open space preservation (see my July newsletter for more info on this).

In addition there will be a subdivision application by St. Mary's Abbey (Delbarton) for the purposes of selling off a large parcel of their land for open space preservation. See my prior newsletter for more information on this matter.

All of the Planning Board and Board of Adjustment meetings start at 7:30pm at our municipal building and are open to the public. As with all public meetings, I urge our residents to attend so that they can have a say in how our township is managed and how it is developed.

Speedwell Avenue Streetscape project

The Speedwell Avenue Beautification project is nearing completion. If you have not yet already noticed the new pavers lining the sidewalks from Mill Road to Hanover Avenue then please go see how nice it looks.

Public safety tip

I was recently forwarded an e-mail that contained incorrect information about dialing "*77" on your cell phone in order to reach a local law enforcement officer. Dialing this will not connect you to any emergency service in the state of New Jersey. If you are ever in an emergency situation your first call should be to "911" and you will be connected to the appropriate emergency service agency for the situation you are in.

Closing Comment for YOUR consideration

My name has come up several times in the newspaper lately -- and some of you may have even received a group e-mail or a letter in the mail or a pre-recorded phone message. These articles and phone messages give an overview of the topic at hand but do not always give the proper context in which certain remarks are made. So it is easy for one to take things out of context, as is the intent of the people who are trying to knock me. I want everyone to know that what I do is fight for the taxpayers of Morris Township. Every remark I make and every act I take is always with the best interests of my fellow Morris Township citizens in mind. So please do not believe everything you read in the newspaper or hear in the form of a rumor circulating about. There are many people who are in power in Morris Township who are troubled because I have upset the long-standing apple cart in our town. This is one way for them to get back at me. So I ask that if you ever question something I might have said or might have done, please ask me. Just reply to this e-mail message and I will be happy to answer any questions you have, or even call you on the phone if that is your preference. Anybody who has ever met me on the sidelines of a soccer or T-ball game, or seen me eating ice cream at the Creamery with my kids, knows that I am always willing to discuss anything that you might have a question about. Please do not hesitate to contact me about anything you wish to discuss.

Other items of interest:

- The recreation Department has published its fall/winter brochure of programs being offered. Everyone should have received a copy in the mail, but if you did not you can find it on the township website: <http://morristwp.com/pdfs/fallwinter08.pdf>
For more information please call the recreation department at 973-326-7371.
- **Candidates Night for Morristown and Morris Township local elections:**
The League of Women Voters is sponsoring a candidate debate for the four candidates vying for the two Township Committee seats up for grabs. This is being conducted in conjunction with a debate for the Morristown Council candidates. The debate will be held at the Alfred Vail School on the night of Tuesday Oct. 21st. For more information: <http://www.lwvnj.org/MorristownArea/calendar.shtml>
- **VOTER REGISTRATION DEADLINE APPROACHING:**
Voters have until Tuesday, Oct. 14 to register to vote in the November presidential general election. Any U. S. citizen who is 18 years of age on or before Nov. 4, the date of the presidential general election, may register to vote as long as he or she is not incarcerated, on parole or on probation because of a conviction for an indictable offense. An individual may register to vote by completing a registration application form, which is available at the Morris County Superintendent of Elections' office, by mail or by downloading a form from the Morris County Election Center Web site, www.morriselections.org



Forms are also available at any municipal clerk's office. More information may be obtained by calling the Superintendent of Elections at (973) 285-6715.

- Come to the Washington Valley Apple Festival on Sunday October 19th from 2-4pm hosted by the Washington Valley Home Economics Club. The Festival is at the historic one-room Washington Valley School House located at the crossroads of

Washington Valley Road and School House Lane, Morris Township. Spend a great afternoon in the country, hike Patriot's Path and come by the School House for dessert! There is a \$5 charge for food.

- Also on October 19 the Frelinghuysen Arboretum is have a "Focus on Japan: Family Day" from 1-4pm. This event includes tours, a bonsai exhibition, crafts projects for the kids (fee \$2) and a musical performance (fee \$5).
- Due to the success of our two prior events, the Department of Public Works has started an electronic recycling program at the DPW yard located on Jane Way. As in the past, all acceptable electronic equipment must be brought to our yard. This program is available daily Monday thru Friday from 6:30 AM to 3:00 PM. You may bring your electronic items to our yard during these times for drop off. The commitment to reduce electronic waste has been proven by the residents of Morris Township. Your participation has allowed us to recycle approximately 14 tons of electronic waste. Your continued support of all of Morris Township's recycling programs is necessary for us to provide a "Greener" future for generations to come. For a list of acceptable materials see this link:
http://morristswp.com/pdfs/electronics_5-16-08.pdf
- Curbside container collection of leaves, grass, and brush is an ongoing service provided by our DPW through the Fall. Pick-ups are on alternating Wednesdays (i.e. every house get a pick up every other week). By putting your brush and twigs out for this collection you also reduce the amount of trash that goes into our Solid Waste Disposal stream, which costs much more to dispose of. So using this service instead of putting these items in the trash save us all on taxes. Please review the following update as to how your rubbish should be placed at the curb: http://morristswp.com/pdfs/Brush_4-22-08.pdf
- ONLINE SURVEY OF NORTHWEST NEW JERSEY BUS NEEDS:
An online survey is giving commuters and existing bus riders in northwest New Jersey an opportunity to share their views on how the transit system can better meet their needs. The survey is a key element of a study of bus service in parts of Morris, Passaic, Sussex and Warren counties that is being conducted by the North Jersey Transportation Planning Authority and NJ TRANSIT. The Northwest New Jersey Bus Study will develop a comprehensive look at the needs for future bus service as well as current and emerging bus service, parking and facility needs. TransOptions, the Transportation Management Association for the area, is hosting the survey. Those interested can go to www.nwnjbus.org to link to the survey, which asks questions about transit use, transportation needs and related issues.

[Upcoming Committee Meeting...](#)

The next Township Committee meeting is scheduled for Wednesday October 15th (there is only one meeting in October). I urge you to attend!! Your presence improves the quality of the proceedings, and [your questions require the Township Committee to be responsive to our citizens.](#)

Other Township meetings and events can be found online on our municipal calendar:

<http://plus.calendars.net/morristswp>

Please feel free to forward this e-mail on to others. If you know someone who would like to subscribe, please have them contact me at Jeff@JeffGrayzel.com

As always, if you have any questions about any of the above or if you have a comment you would like to share with me then please send me an e-mail to Jeff@JeffGrayzel.com.

Thank you for taking the time to read through this lengthy newsletter. I hope it has helped you

**The
Next
Meeting:
October
15th**

be more informed about what is going on around our town.

JEFF
Committeeman, Morris Township

[Jeff's Web Site](#) | [Contact Jeff](#)

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