

Established 1948



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 70 Burnham Parkway, 292-3026  
 Ed Villhauer, 20 Dorothy Drive, 539-7128

\*\*Newsletter Author \*\*\*WebMaster  
 Meg Walters, Newsletter Layout  
 Bill Pezzuti, new WebMaster

**CALENDAR OF UPCOMING MEETINGS FOR MORRIS TOWNSHIP**

The following Morris Township meetings are held at Township Hall, 50 Woodland Ave., Morris Township unless otherwise stated:

**Planning Board** meets 1st and 3rd Mondays of the month @ 8pm, and on 3rd Monday only for July and September.

**Township Committee** meets 1st and 3rd Wednesdays of the month @8pm; on 3rd Wednesday for July and August, and on 4th Wed. in September.

**Board of Adjustment** meets last Monday of each month @7:30pm.

**Open Space Committee** meets June 17 and September 23 @7:30pm.

**Environmental Commission** meets July 13 and September 14 @ 7:30pm.

**Great Swamp Watershed Association** – "Do the Swamp Thing" events throughout May, [www.greatswamp.org](http://www.greatswamp.org) for updates and information

**Burnham Park Association (BPA) holds it 17th annual Arbor Day celebration**

Saturday, April 24, 2004, dawned brisk and sunny, as members of the Burnham Park Association, joined by several new neighbors, continued their tradition of beautifying and improving their namesake two-lake studded jewel of a park located along Rt. 124 West about 1 mile west of the Morristown Green.

David Carter attends yearly to maintain the legacy of his Great Grandparents, Frederick and Catherine Burnham who donated the park to Morristown in 1911 with a proviso that it retain, as much as possible, its natural state, and be used they continued:... "as a place where tired families can, during the spring, summer and autumn days, obtain that refreshment which is only obtainable apart from the noise and confusion of a crowd."(Daily Record, 4/21/11).

Mr. Carter's children and grandchildren, often in attendance, continue their family's legacy of preservation and stewardship.

BPA members and neighbors repaired the apparently vandalized Riparian Buffer Zone fence protecting the zone of native plants installed to filter out pollutants and preserve water quality of the northern lake from the depredations of burgeoning deer and goose populations. Once the plantings get established, the fencing will be taken down. The Riparian Buffer Zone is a several year co-operative creation of the BPA, Whippany River Watershed Association, and Morristown.

At the April 27, 2004 Morristown Council meeting, Morristown's Mayor and Town Council expressed strong support for BPA's work and pledged to assist in preventing further vandalism.

BPA thanks Vince Molnar and the Morristown Department of (continued on next page) →



Public Works for digging the tree holes, Morristown Mayor DeLaney, and our own Sarah Cavanaugh, landscape designer extraordinaire, for her planning and commitment to the ongoing work of preservation and beautification.

Volunteers also planted two red maples to commemorate two of BPA's dedicated members: Meg Walters who continues, despite her relocation, to do the layout for this newsletter, and Barbara Klingsporn, indefatigable friend of Burnham Park and president of "Friends of Jones Woods". Her plaque reads: "A tree in honor of Barbara Klingsporn, long term BPA Trustee and true friend of this land."

Dr. Lynn Siebert, BPA president, said of Barbara: "For the nearly 30 years that I have known her, she has done it all...dug, planted, designed and distributed fliers and newsletters, cleaned, pruned, lobbied in Trenton, written eloquent letters to elected officials, attended countless Town and Township meetings, organized our Association "float" (in the Morris Twp. 250th anniversary parade), displayed BP memorabilia at the library, helped found the "spin-off" Friends of Jones Woods (serving as its first President) and given repeatedly and selflessly to the enormous benefit of our community."

And here are some of her words honoring Meg: "For those of you who do not know, Meg Walters is the graphic artist who designed our wonderful logo which enhances everything from our Newsletters and T-shirts to our new BPA Brochures! Meg is also the layout artist who, despite the demands of a job and a young family has cheerfully shared her professional expertise by doing the layout of the BPA Newsletter." And her plaque reads: "A tree in honor of Meg Walters, BPA's graphic artist...with continuing thanks for your artistry."

**HEALTH ALERT: WHAT YOU SHOULD KNOW ABOUT WEST NILE VIRUS: It is here and it can make you sick. To prevent it:**

- a. Eliminate standing water around your property (in containers and junk) which provide breeding grounds for the "common house mosquito," the variety that actually spreads the disease.
- b. Don't expose skin if you're outside during "full dark": several hours after sunset until dawn.
- c. If you spot dead crows in your neighborhood (Crows are particularly susceptible to the disease and provide an "early warning", like canaries in the mines), call the Mosquito Commission or Kevin Breen of the Township Health Department immediately.



To minimize the application of insecticides, the Mosquito Commission uses Integrated Pest Management techniques whenever it needs to undertake targeted control efforts in a community.



The disease itself has a 5-15 day incubation period, a 5-10% fatality rate, and can cause lasting neurological symptoms in those who recover.

For more information check the Morris County Mosquito Commission website at [www.morrismosquito.org](http://www.morrismosquito.org).

**RECYCLING:**

The Township's rate of compliance is higher than that of many communities but nevertheless is only 40%. Please note that the recycling center will NOT accept garbage...ONLY RECYCLING. Please only recycle approved items (plastics 1 & 2), glass, metal, newspaper, etc. Check with Township for more details.

**Webmasters Trade Places**

Special thanks to Dave Bartlet, our webmaster extraordinaire, who despite moving to Calgary, Canada, has continued to update and maintain the excellent website he so graciously and expertly built for us – (gratis!!). We are deeply indebted to him and to his wonderful family, which is finishing the school year here before joining him this summer in Canada. Anne and the boys lent their muscle and spirit yet again to our Arbor Day efforts ....we will miss them greatly...although we understand they might head up a BPA North!??

We also want to welcome Bill Pezzuti as our new webmaster. He has graciously offered to assume the updating and maintenance of our site. We are thrilled to have him on the BPA team!!

**Highlands Water and Land Protection Bill Moves Closer to Adoption**

In, "Bipartisan Support for a Critical water Supply" (NY Times, 4/26/04), The Times reported that FOUR former governors (!) Whitman, Florio, DiFrancesco and Byrne, along with Governor McGreevey endorsed The Highlands Water Protection and Planning Act currently awaiting legislative approval. Closer to home, the mayors of Chester, Harding and Mendham Twp. have also voiced their support for this bill.



The Highlands bill's passage would set aside and protect a "preservation area" of 395,000 acres (subject to strict development regulations) within the 1,000 square mile-800,000 acres area stretching from NE Pa. to Conn. The remaining 400,000 + acres, subject to less stringent standards, are designated a "planning area". Protection of this land would bring to fruition a process which dates back nearly 90 years...highlighted by the 1992 state designation of the area as one of "critical concern", having "special resource value", and culminating in the creation of the Highlands Task Force in 2003.

And to provide ongoing oversight, the bill creates a Highlands Council charged with developing and overseeing implementation of a regional master plan.

That over 65,000 acres of the Highlands has been lost to development since 1984, and current development decisions are left to the vagaries of 90 separate municipalities, clearly demonstrates the need for coordinated land use decisions to protect this most precious

resource. Consuming land in the Highlands at the rate of 5,000 acres per year, development is outpacing population growth. Speaking at Jockey Hollow on May 1, Freeholder Director Jack Schrier graphically described it as if Winnie the Pooh lost his fabled "Hundred Acre Woods" every week! Acting now (as NY State has in protecting upstate watersheds surrounding reservoirs to avoid the cost of building new water treatment plants ) will help us avoid massive expenditures to maintain water quality and mitigate pollution which are sure to follow continued uncontrolled growth and sprawl.

Sadly, Father Elias Lorenzo (of the Abbey's CCRC) in a 4/8 letter to "Friends of the Abbey", calls the pending Highlands Water Protection bill a "A new threat..." which "...strips individual municipalities of 'home rule' with regard to zoning and forces land owners to meet unnecessary and redundant requirements even after being granted final site plan approval." He goes on to say..."this legislation is clearly a 'no growth' effort by the most radical environmental lobbyists"... which evidently now include the 4 former governors who support this legislation!

### CCRC Update

New state regulations and Highlands legislation outlined above make it unlikely that Abbey Woods at Delbarton as now envisioned will be built (See last newsletter for information re 300' buffers, etc.). Despite this fact and concerned residents' environmental and land use objections, Morris Township and St. Mary's Abbey persist in their efforts to promote their cause.

#### Wastewater Management Plan:

Responding to NJ DEP's October, 2003 11 page rejection of Morris Township's proposed wastewater management plan (WMP), which cited numerous substantial deficiencies, former mayors Wotowicz and Watson say that despite their "timely and complete resubmissions" (of a WMP) to the DEP they have been "'jerked around' by the bureaucracy" which they call "an arguably lawless agency". (Daily Record, 4/15/04).

DEP Commissioner Bradley Campbell, however, has rejected Morris Township's accusations and refuted their assertions. In his 3/26/04 letter to Mayor Rosenbush, Commissioner Campbell said, "Morris Township has been under a continuing legal obligation to develop and update such a plan (WMP) since 1989." He cited the township's "record of dereliction and recalcitrance", and "...Given your public accusation that I have a personal bias against the CCRC project, it was hard to view your December 3, 2003 letter as anything other than an attempt to assign blame to DEP for the Township's failure to meet longstanding legal requirements." And rebutting the Township's holding that the CCRC is "smart growth": "...notably the project also would affect two exceptional value category one streams, and a national park. I know of no smart growth principle that would support development of the proposed magnitude in such circumstances." Moreover, citing his willingness to meet with developers and the Township regarding options, he nonetheless reiterated that ..."Morris Township's completion of an

approvable WMP will be a prerequisite to the project being considered."

#### Township attempts to "smear" Great Swamp Watershed Association

Morris Township attorney John Mills sent letters to all Mayors in the 10 Towns group and has asked the Consumer Affairs Division of the Attorney General's office to investigate complaints from unnamed residents that the Great Swamp Watershed Assoc. was spending money on issues- presumably the CCRC- outside its watershed. (Star Ledger, 4/2/04).

DEP Commissioner Campbell responded to the township's tactics against the Great Swamp Watershed Association with his own letter to the State's Attorney General saying that the township's characterization of the Great Swamp Watershed presents a "narrow conception of the issues" and is "simply erroneous". Prosecution of the township complaint could have a "chilling effect", he said, on organizations such as the association. He goes on to say, "I would urge your office to consider whether...the township's complaint constitutes a reprisal for the Great Swamp Watershed Association's exercise of protected free speech." (Star Ledger, 4/2/04)

Speaking of the Township's charges of inappropriate use of money, one might fairly question the Township's "forgiving" of the \$250,000 sewer hookup fee owed by Delbarton. (In order to do this, the Township Committee made a determination that the Abbey's 50 monks and Delbarton's 500 students were "similar" to a *single family residence* (!) and therefore were entitled to have their sewer hookup fee waived! This was done without public knowledge or input, and constitutes a sizable "gift" of taxpayer money to a private entity. (It is also a documented fact that taxpayer money has been spent on extra compensation of Township professionals for their time in assisting and promoting the Abbey's CCRC development plans.) All of which compels us to ask whose interest the Township government represents?

#### Know your Congressman...

Contrary to his self description as an environmentalist, Assemblyman Merkt, wrote the following letter to the DEP Commissioner urging him to approve the Township's Wastewater Management Plan in order to permit the CCRC, which he so erroneously terms a "Smart Growth Project."

The letter, dated March 11, 2004, appears below:

*Re: Approval of Permit Applications-Morris Township*

*Dear Commissioner Campbell:*

*The enclosed request for assistance was received by my office from the Township of Morris, Morris County. The Township applied for permits from the Department of Environmental Protection for its Wastewater Management Plan. To date, these applications have not been approved, although the Township was advised by you personally that your office would be supportive of the project and assist the municipality and its developer in obtaining the necessary permits.*

(continued on next page) —————>

*I am requesting that the Department of Environmental Protection approve these applications immediately in order to allow the Township to continue with its Smart Growth Project.*

*Sincerely,*

*Richard A. Merkt*

*Assemblyman-District 25*

### **Retroactive, conditional approval**

The Morris Township Committee at its April 7 meeting chose to amend Chapter 95-Section 37, Conditional Use. According to the legal notice in the Daily Record, "...Whereas the Township Committee desires to amend the conditional use requirements for CCRC's and general requirements for conditional uses, in order to clarify these points."

Some key points are: "Where satisfaction of any condition for a conditional use requires approval by the government agency other than the Planning Board, the Planning Board may condition its approval upon the subsequent approval of any and all other government agencies having jurisdiction." And re. the CCRC, "the Planning Board shall not grant conditional use or site plan approval for a CCRC unless each applicable condition is satisfied. Where satisfaction of any condition requires approval by a governmental agency other than the Planning Board, the Planning Board may condition its approval upon the subsequent approval of any and all other governmental agencies having jurisdiction."

It seems to us that since the Planning Board granted preliminary site plan approval for the CCRC absent "... necessary approvals from the New Jersey Department of Environmental Protection and other governmental authorities having jurisdiction..." in their words, they are now retroactively, through this amendment, saying it was ok to grant such approval (as well as future approvals) since it was conditioned on "subsequent approval" of appropriate government agencies. This is tantamount to an implicit if circuitous admission that site plan approval should not have been granted in the first place-absent appropriate conditional language!

The Daily Record's editorial from Sunday May 9, 2004 had this to say about this amendment: "But before the complex (CCRC) can be built, the State Department of Environmental Protection will have to grant the abbey a sewer permit. That permit will be needed before the township grants final approval. So the reality is that the abbey project will need sewers before it gets built, regardless of what the township says."

### **Welcome new neighbors with our new BPA Brochure –**

Thanks to Barbara Klingsporn's artistic talents and Meg Walter's great logo, we have beautiful BPA brochures which give new (and old) neighbors a mini-profile of the Association and its work. If you'd like a copy for yourself or to share, call (973) 540-1586 (evenings). New residents (and old) are welcome to attend BPA meetings...next one is JUNE 4, 2004, 7:30pm at 178 Hillcrest Ave.

### **Have we got a job for you! BPA seeks new Membership Chair**

– Want to help BPA but can't attend meetings? Like to work from home? Computer savvy? The programs are already set up, the membership reminders and thank you cards are already printed...we just need someone to assume this valuable but not time-consuming job. Call Barbara at (973) 540-0277 to inquire about the details.

### **Township faces another Tax increase**

As reported in Thursday, May 13, 2004 issue of the Morris NewsBee, Robert Howard, citizen tax watchdog stated that the total tax rate in Morris Township, including school and county, has gone up 43.5% in three years, calling it "grand larceny". Of that the school portion of the budget rose 7.4% while the Township (municipal) portion of taxes –went up an unprecedented 21.5% in this year's budget.

# Membership/Dues Payment

I/We enclose our 2004 Burnham Park Association dues of:

\$10 Basic/Pine    \$25 Sponsor/Maple    \$50 Patron/Beech    \$100 Benefactor/Oak    \$250 Thomas Paine Club

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

If making additional contribution, please indicate amount and purpose (e.g. plantings for Arbor Day, etc.)

Amount: \_\_\_\_\_ Purpose: \_\_\_\_\_

Fill in your name, address and telephone number on this stub. Make checks payable to the Burnham Park Association. Sent to our treasurer, Bill Claxton at 32 Dorothy Drive, Morristown, NJ 07960. Thanks to those neighbors who have supported BPA so generously.

**DUES PAID IN THE THE LAST 3 MONTHS OF 2004 GET CREDITED TO CALENDAR YEAR 2005**



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