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ATTORNEYS AT LAW

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May 27, 2010

Superior Court of New Jersey
Morris County Courthouse
P.O. Box 910
Morristown, NJ 07963-0910

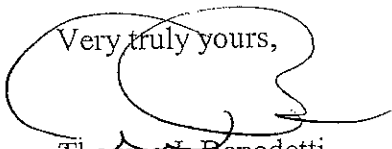
Re: Babcock et als., v. Town of Morristown, et als.
MRS-L-1673-10

Dear Sir/Madam:

Enclosed for filing is the original and copy of a Motion to Proceed Summarily in the above matter together with a Certification in support and proposed Order. Please refer the matter to Judge Bozonelis since it involves a municipality. Please return a "Filed" copy of the Notice of Motion in the envelope provided. Our check in the amount of \$30.00 is enclosed in payment of the filing fee.

Thank you.

Very truly yours,


Thomas J. Benedetti

TJB:mmc

encl

cc: Town of Morristown
Mayor and Council of the Town of Morristown
Vijayant Pawar
Richard Babcock

AZZOLINI & BENEDETTI, LLC

134 Columbia Turnpike

Florham Park, New Jersey 07932

(973) 765-0700

Attorneys for Plaintiffs, Richard Babcock, Frances Kennedy,
Edward France and Kemesh Patel

RICHARD BABCOCK, FRANCES
KENNEDY, EDWARD FRANCE, and
KEMESH PATEL,

Plaintiffs,

vs.

THE TOWN OF MORRISTOWN,
MAYOR AND COUNCIL OF THE
TOWN OF MORRISTOWN, and
VIJAYANT PAWAR,

Defendants.

: SUPERIOR COURT OF NEW JERSEY

: LAW DIVISION : MORRIS COUNTY

:
: Docket No. MRS-L-1673-10

:
: Civil Action

:
: **NOTICE OF MOTION**
: **FOR ORDER TO PROCEED SUMMARILY**
: **[R.4:67-1(b)]**

TO: The Town of Morristown
200 South Street
Morristown, New Jersey 07960

The Mayor and Council
of the Town of Morristown
200 South Street
Morristown, New Jersey 07960

Vijayant Pawar
35 Airport Road
Suite 330
Morristown, New Jersey 07960

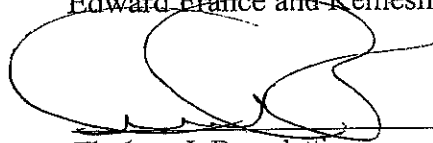
PLEASE TAKE NOTICE that on Friday, July 9, 2010 at 9:00 a.m., or as soon thereafter

as counsel may be heard, the undersigned attorneys for Plaintiffs, Richard Babcock, Frances Kennedy, Edward France and Kemesh Patel, shall move before the above-named Court at the Morris County Courthouse, Court and Washington Streets, Morristown, New Jersey, Hon. B. Theodore Bozonelis, presiding, for an Order allowing this matter to proceed in a summary manner pursuant to R. 4:67-1(b).

In support of the relief sought by way of this Motion, Defendant shall rely on the Verified Compliant filed in this action and Certification of Thomas J. Benedetti filed in support of this Motion. A proposed Order is enclosed.

Oral argument is requested.

AZZOLINI & BENEDETTI, LLC
Plaintiffs, Richard Babcock, Frances Kennedy,
~~Edward France and Kemesh Patel~~



Thomas J. Benedetti

DATED: May 27, 2010

CERTIFICATION OF SERVICE

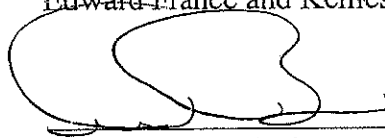
I hereby certify that the original and copy of the within Notice of Motion together with the Certification of Thomas J. Benedetti and proposed Order to Proceed Summarily was filed with the Deputy Clerk of the Superior Court, Morris County in Morristown, New Jersey by first class mail. A copy of the within Notice of Motion together with the Certification of Thomas J. Benedetti, proposed Order to Proceed Summarily, Summons and Verified Complaint was on this date, served upon the following parties at the address shown by hand delivery:

The Town of Morristown
200 South Street
Morristown, New Jersey 07960

The Mayor and Council
of the Town of Morristown
200 South Street
Morristown, New Jersey 07960

Vijayant Pawar
35 Airport Road
Suite 330
Morristown, New Jersey 07960

AZZOLINI & BENEDETTI, LLC
Plaintiffs, Richard Babcock, Frances Kennedy,
Edward France and Kemesh Patel



Thomas J. Benedetti

DATED: May 27, 2010

AZZOLINI & BENEDETTI, LLC

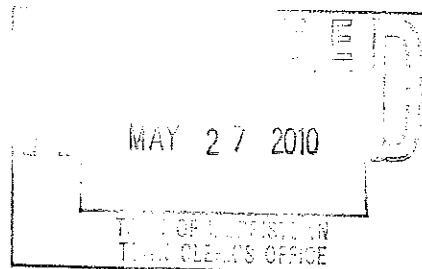
134 Columbia Turnpike

Florham Park, New Jersey 07932

(973) 765-0700

Attorneys for Plaintiffs, Richard Babcock, Frances Kennedy,

Edward France and Kemesh Patel



RICHARD BABCOCK, FRANCES
KENNEDY, EDWARD FRANCE, and
KEMESH PATEL,

Plaintiffs,

vs.

THE TOWN OF MORRISTOWN,
MAYOR AND COUNCIL OF THE
TOWN OF MORRISTOWN, and
VIJAYANT PAWAR,

Defendants.

: SUPERIOR COURT OF NEW JERSEY

: LAW DIVISION : MORRIS COUNTY

:
: Docket No. MRS-L-1673-10

:
: Civil Action

:
: SUMMONS

From: The State of New Jersey

To The Defendant Named Above: Mayor and Council of the Town of Morristown

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot an attorney, you may call the Legal Services Office in the county where you live. A list of those offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Service. A list of these numbers is also provided.

DATED: May 26, 2010

/s/ Jennifer M. Perez

Jennifer M. Perez

Acting Clerk of the Superior Court

Name of defendant to be served: Mayor and Council of the Town of Morristown, c/o Matthew Stechauner,
Township Clerk

Address for service: 200 South Street, Morristown, NJ 07960

**DIRECTORY OF SUPERIOR COURT DEPUTY CLERK'S OFFICES
COUNTY LAWYER REFERRAL AND LEGAL SERVICES OFFICES**

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL

(609) 345-3444

LEGAL SERVICES

(609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Room 115
Justice Center, 10 Main St.
Hackensack, NJ 07601

LAWYER REFERRAL

(201) 488-0044

LEGAL SERVICES

(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL

(609) 261-4862

LEGAL SERVICES

(800) 496-4570

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
Hall of Justice
1st Fl., Suite 150
101 South 5th Street
Camden, NJ 08103

LAWYER REFERRAL

(856) 964-4520

LEGAL SERVICES

(856) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
9 N. Main Street
Cape May Court House, NJ 08210

LAWYER REFERRAL

(609) 463-0313

LEGAL SERVICES

(609) 465-3001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
60 West Broad Street
P.O. Box 10
Bridgeton, NJ 08302

LAWYER REFERRAL

(856) 692-6207

LEGAL SERVICES

(856) 451-0003

ESSEX COUNTY:

Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King Jr. Blvd.
Newark, NJ 07102

LAWYER REFERRAL

(973) 622-6204

LEGAL SERVICES

(973) 624-4500

GLOUCESTER COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street
Woodbury, NJ 08096

LAWYER REFERRAL

(856) 848-4589
LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY:

Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House--1st Floor
583 Newark Ave.
Jersey City, NJ 07306

LAWYER REFERRAL

(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY:

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822

LAWYER REFERRAL

(908) 735-2611
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650

LAWYER REFERRAL

(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY:

Deputy Clerk of the Superior Court,
Middlesex Vicinage
2nd Floor - Tower
56 Paterson Street, P.O. Box 2633
New Brunswick, NJ 08903-2633

LAWYER REFERRAL

(732) 828-0053
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court
Court House
P.O. Box 1269
Freehold, NJ 07728-1269

LAWYER REFERRAL

(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY:

Morris County Courthouse
Civil Division
Washington and Court Streets
P. O. Box 910
Morristown, NJ 07963-0910

LAWYER REFERRAL

(973) 267-5882
LEGAL SERVICES
(973) 285-6911

OCEAN COUNTY:

Deputy Clerk of the Superior Court
118 Washington Street, Room 121
P.O. Box 2191
Toms River, NJ 08754-2191

LAWYER REFERRAL

(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton Street
Paterson, NJ 07505

LAWYER REFERRAL

(973) 278-9223
LEGAL SERVICES
(973) 523-2900

SALEM COUNTY:

Deputy Clerk of the Superior Court
Attn: Civil Case Management Office
92 Market Street
Salem, NJ 08079

LAWYER REFERRAL

(856) 678-8363
LEGAL SERVICES
(856) 451-0003

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division
P.O. Box 3000
40 North Bridge Street
Somerville, N.J. 08876

LAWYER REFERRAL

(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL

(973) 267-5882
LEGAL SERVICES
(973) 383-7400

UNION COUNTY:

Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL

(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL

(973) 267-5882
LEGAL SERVICES
(908) 475-2010

AZZOLINI & BENEDETTI, LLC
134 Columbia Turnpike
Florham Park, New Jersey 07932
(973) 765-0700

Attorneys for Plaintiffs, Richard Babcock, Frances Kennedy,
Edward France and Kemesh Patel

RICHARD BABCOCK, FRANCES
KENNEDY, EDWARD FRANCE, and
KEMESH PATEL,

Plaintiffs,

vs.

THE TOWN OF MORRISTOWN,
MAYOR AND COUNCIL OF THE
TOWN OF MORRISTOWN, and
VIJAYANT PAWAR,

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION : MORRIS COUNTY

:
:
: Docket No. MRS-L-1673-10

:
: Civil Action
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:
: **CERTIFICATION IN SUPPORT**
: **OF MOTION TO PROCEED SUMMARILY**
:
:
:

Thomas J. Benedetti, of full age, hereby certifies as follows:

1. I am an attorney at law of the State of New Jersey and the attorney for Plaintiffs in the above matter. I am fully familiar with the procedural aspects of this action and make this Certification in support of Plaintiffs' Motion to Proceed Summarily.

2. The facts giving rise to the action are set forth in detail in the Verified Complaint filed May 24, 2010.

3. The Verified Complaint seeks to declare the Defendants to be in violation of Town of Morristown Ordinance O-25-08 and directing the Defendant, Vijayant Pawar, who serves in the

appointed position of Municipal Attorney and Director of the Department of Law for the Town of Morristown, to file the disclosure certification required by Section 3, of Municipal Ordinance O-25-08.

4. R.4:67-1(b) authorizes actions to proceed in a summary manner on motion where it appears to the court that it is likely that the matter may be completely disposed of in a summary manner.

5. The undersigned submits this is such a case. The ordinance at issue requires submission of the disclosure certification prior to the award of any professional service contract. According to the verified Complaint the Defendant, Pawar did not file the required disclosure certification prior to his appointment and has not made the required filing to this date. Therefore, all Defendants are in violation of the plain terms of the Ordinance.

6. There is little or no discovery to be conducted nor is it likely that a trial will be necessary, as the facts and requirements of the Ordinance are uncontested.

7. The only potential issue for the Court's determination is a legal one regarding application of the Ordinance to the position held by Defendant, Pawar, which if raised by Defendant, can be resolved upon the submission of brief by all parties followed by oral argument.

8. Accordingly, Plaintiffs respectfully request that the Court allow the matter to proceed in a summary manner, establish a briefing schedule and set a date for oral argument.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

A handwritten signature in black ink, consisting of a large, stylized 'B' followed by a horizontal line extending to the right.

Thomas J. Benedetti

DATED: May 27, 2010

Attorneys for Plaintiffs, Richard Babcock, Frances Kennedy,
Edward France and Kemesh Patel

Defendants.

ORDER TO PROCEED IN A SUMMARY MANNER

It is on this day of , 2010,

ORDERED, that the Motion of Plaintiffs to proceed in a summary manner pursuant to R.4:67-1(b) is granted; and it is further

ORDERED, that should Defendants wish to contest the relief sought by way of the Verified Complaint, they shall file with the Court and serve upon Plaintiffs' counsel, their brief in opposition, affidavits and/or certification by _____, 2010; and it is further

ORDERED, that Plaintiffs' shall file and serve their reply brief, affidavits and/or certifications, if any, by _____, 2010; and it is further

ORDERED, that the matter shall be set down for argument on _____, 2010 at _____ m.

B. Theodore Bozonelis, A.J.S.C.

RECEIVED & FILED
SUPERIOR COURT
2010 MAY 24 A 9:08
CIVIL DIVISION

AZZOLINI & BENEDETTI, LLC
134 Columbia Turnpike
Florham Park, New Jersey 07932
(973) 765-0700

Attorneys for Plaintiffs, Richard Babcock, Frances Kennedy,
Edward France and Kemesesh Patel

RICHARD BABCOCK, FRANCES
KENNEDY, EDWARD FRANCE, and
KEMESH PATEL,

Plaintiffs,

vs.

THE TOWN OF MORRISTOWN,
MAYOR AND COUNCIL OF THE
TOWN OF MORRISTOWN, and
VIJAYANT PAWAR,

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION : MORRIS COUNTY

: Docket No.

L-1673-10

Civil Action

VERIFIED COMPLAINT

Plaintiffs, Richard Babcock, Frances Kennedy, Edward France and Kemesesh Patel

by way of Verified Complaint against the Defendants say:

1. Plaintiffs are residents and taxpayers of the Town of Morristown who are politically active, dedicated to and involved in efforts to promote open and transparent government in the Town of Morristown.

2. Plaintiff, Richard Babcock resides at 1 Lyons Place, Morristown, New Jersey.

3. Plaintiff, Francis Kennedy resides at 9 Taft Lane, Morristown, New Jersey.

4. Plaintiff, Edward France resides at 69 James Street, Morristown, New Jersey.

5. Plaintiff, Kemesh Patel resides at 15 Pine Street, Morristown, New Jersey.

6. Defendant, Town of Morristown, is a municipal corporation of the state of New Jersey with municipal offices located at 200 South Street, Morristown, New Jersey.

7. Defendant, Mayor and Council of the Town of Morristown are the municipal officials and governing body charged with the implementation and enforcement of state and local laws and ordinances and the award of professional service contracts on behalf of the Town of Morristown.

8. Defendant, Vijayant Pawar, is an attorney at law and party to a professional service contract with the Town of Morristown. Defendant maintains professional offices at 35 Airport Road, Suite 330, Morristown, New Jersey.

9. On November 4, 2008, the Town of Morristown adopted Ordinance Number O-25-08 which is authorized by P.L. 2005 c. 271 and permits a municipality to adopt an ordinance limiting the awarding of public contracts to business entities that have made political contributions and limiting the contributions that the holders of a contract can make during the term of a contract. A true copy of Ordinance O-25-08 is attached hereto as Exhibit A.

10. The stated intent of Ordinance O-25-08 is to "establish a policy that will avoid the perception of improper influence in local elections" since "large political contributions from those seeking to or performing business with a municipality, raises reasonable concerns on the part of the taxpayers and residents as to their trust in government contracts".

11. To accomplish its stated objectives, Ordinance Section 1, prohibits the Town of Morristown, its purchasing agents or departments, from entering into any agreement or

contract from any professional business entity or vendor if such entity or vendor has solicited or made any contribution of money or a pledge of a contribution to any municipal candidate or public office holder in excess of \$300 annually; any Town of Morristown party committee in excess of \$300 annually; any Morris County party committee in excess of \$500 annually; or any PAC that regularly engages in the support of municipal or county elections and/or municipal or county parties in excess of \$500 annually.

12. Under the Ordinance a "professional business entity" or "vendor" is defined as an individual including the individual's spouse, child living at home; person; firm; corporation; professional corporation; partnership; organization or association.

13. Ordinance Section 3, requires that prior to awarding any contract or agreement to procure services with any professional business entity or vendor the Town of Morristown shall receive a sworn statement from the professional business entity or vendor, made under penalty of perjury, that the bidder or offeror has made no contribution in violation of Section 1 of the Ordinance which shall be a continuing obligation of the professional business entity or vendor.

14. Violation of any Ordinance provision constitutes a material breach of the terms of the professional service agreement at issue and disqualifies the offending professional business entity or vendor from eligibility for future Town of Morristown contracts for a period of four calendar years from the date of the violation.

15. On information and belief, all professionals currently retained by the Town of Morristown are in compliance with Ordinance O-25-08 with the exception of Defendant, Pawar.

16. Defendant, Pawar is a party to a professional service contract with the Town of Morristown for the position of Director of the Department of Law and Municipal Attorney.

17. Attached hereto as Exhibit B is a copy of the Resolution R-2-2010 obtained by OPRA request, appointing Vijayant Pawar as Director of the Department of Law and Municipal Attorney for the Town of Morristown during the term of the office of the Mayor appointing Vijayant Pawar until the appointment and qualification of Mr. Pawar's successor, for compensation in the amount of \$95,000.00 per annum.

18. Defendant, Pawar has failed and/or refused to submit the certification required by Ordinance Section 3 claiming the Ordinance does not apply to his particular appointment. Defendants are in violation of Ordinance O-25-08 by reason of Defendant, Pawar's refusal to comply with the Ordinance which violation is ongoing.

19. As Director of the Department of Law and Municipal Attorney, Defendant, Pawar has fashioned himself as the sole arbiter of who must comply with the Ordinance. In his capacity, Defendant, Pawar has suspended several professionals for being violation. Defendant, however, has determined that he does not need to comply because his appointment was drafted by way of resolution differing in form to other resolutions for professional services.

20. Defendant, Pawar in fact, drafted the resolution which appointed him creating at a minimum, the perception and impression that Defendant is placing his own self interest above the best interests of the citizens and taxpayers of the Town of Morristown.

21. Predecessors in the same appointed position now occupied by Defendant Pawar, voluntarily complied with the disclosure requirements of Ordinance O-25-08.

22. On information and belief, Defendant, Pawar in addition to his refusal to comply with the Section 3 disclosure requirements, is in violation of Ordinance Section 1, in that he has made political contributions in excess of the annual limits specified in the Ordinance.

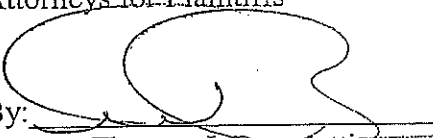
WHEREFORE, Plaintiffs, Richard Babcock, Frances Kennedy, Edward France and Kemesh Patel demand Judgment as follows:

- a. Declaring the Defendants, Town of Morristown, Mayor and Council of the Town of Morristown and Vijayant Pawar to be in violation of Ordinance O-25-08 by reason of Defendant, Pawar's refusal to submit the required disclosure certification;
- b. Declaring the aforesaid Ordinance violation to be a material breach of the professional service agreements between the Town of Morristown and Vijayant Pawar;
- c. Directing Defendant, Vijayant Pawar to comply fully with Ordinance O-25-08 by submitting the disclosure certification required by Ordinance Section 3;
- d. Directing the Mayor and Council of the Town of Morristown to comply fully with Ordinance O-25-08;
- e. Enjoining any future violations of Ordinance O-25-08 by all Defendants;
- f. Such further relief as the Court deems proper and just.

CERTIFICATION PURSUANT TO R. 4: 5-1

I hereby certify that the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding nor is any other action or arbitration proceeding contemplated. I further certify that I know of no non-party who should be joined in this action pursuant to R.4:28 or who is subject to joinder pursuant to R. 4:29-1(b) because of potential liability to any party on the basis of the same transactional facts.

AZZOLINI & BENEDETTI, LLC
Attorneys for Plaintiffs

By: 

Thomas J. Benedetti

DATED: May 18, 2010

Exhibit A

*Adopted at
gen election
11/4/08*

PUBLIC CONTRACTING REFORM ORDINANCE

Be It Enacted by the Town of Morristown, County of Morris:

Preamble

WHEREAS, large political contributions from those seeking to or performing business with a municipality, raises reasonable concerns on the part of taxpayers and residents as to their trust in government contracts;

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and by-law as necessary and proper for good government, as well as the public health, safety and welfare; and

WHEREAS, pursuant to P.L.2005, c.271, a municipality is authorized to adopt by ordinance measures limiting the awarding of public contracts to business entities that have made political contributions and limiting the contributions that the holders of a contract can make during the term of a contract; and

WHEREAS, in the interest of good government, the Mayor and Governing Body desire to establish a policy that will avoid the perception of improper influence in local elections,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Town of Morristown, in the County of Morris, and State of New Jersey, as follow:

SECTION 1**Prohibition on Awarding Public Contracts to Certain Contributors**

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

SECTION 2

Contributions Made Prior to the Effective Date

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

SECTION 3

Contribution Statement by Professional Business Entity

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

SECTION 4

Return of Excess Contributions

no professional business entity, vendor, or municipal candidate or officeholder, or Town of Morristown or Morris County party committee or PAC referenced in this ordinance, may cure a violation of Section 1 of this Ordinance, if, within 30 days after the general election, the professional business entity or vendor notifies the municipality in writing and seeks and receives reimbursement of the contribution from the relevant municipal candidate or officeholder, Town of Morristown or Morris County political party or PAC referenced in this ordinance.

SECTION 5

Exemptions

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

SECTION 6

Penalty

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

SECTION 7

Severability

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

SECTION 8

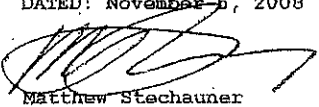
Repealer

All ordinances or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

ective Date

s ordinance shall become effective twenty (20) days following the earlier of (a) final adoption thereof by the
nicipal Council of the Town of Morristown or (b) the date on which the passage of this ordinance as a public
stion is certified pursuant to N.J.S.A. 19:20-9 or other applicable law, and shall be published as required by law.

I do hereby certify the above to be a true and exact copy of an Ordinance
submitted for inclusion on the ballot by initiative petition, approved by majority
affirmative vote at the General Election held on November 4, 2008, and thereby duly
passed and adopted as a valid and binding ordinance of the Town of Morristown.
DATED: November 5, 2008



Matthew Stechauner
Town Clerk

Exhibit B

TOWN OF MORRISTOWN

Town Hall

200 South Street, PO Box 914
Morristown, NJ 07963-0914

Tracking Number

1202

REQUEST FOR ACCESS TO GOVERNMENT RECORDS

Requestor Information - Please Print

Date

First Name DAVID MI T Last Name SCHOLZ

Company

Mailing Address 12 COLLURA LANE

Telephone 973-600-0803

CITY CLIFTON

State NJ

Zip 07012

Email

☒ VIEW ONLY

☒ COPIES

(See fees below)

Information Requested:

☐ Minutes (Specify board or entity, date, subject)

☐ Financial Record (Voucher, Bill, Payroll)

☐ Ordinances/Resolutions (specify number, date, or subject)

☐ Police Record (Accident Report or Other)

☐ Contracts/Agreements/Leases

☐ Other Public Record

THE CONTRACTS, RESOLUTIONS, AND AGREEMENTS FOR VIJAYANT PAWAR FOR THE YEAR 2010. The contracts or agreements that specifically outline his salary and the rate at which he is permitted to charge the Town of Morristown. As well as his payment schedule that clearly outlines when Mr. Pawar is permitted to receive any money owed to him for services rendered from the time he billed the Town of Morristown.

As well as anything at all to do with his job requirements, restrictions, regulations, and responsibilities. I want the contract or agreement that specifically outlines how he is being paid and if he is receiving benefits from the Town of Morristown for services rendered.

PAYMENT INFORMATION

Total Cost

☐ CASH ☐ CHECK ☐ MONEY ORDER

Pages 1-10 @ \$0.75

Pages 11-20 @ \$0.50

Pages 21- @ \$0.25

Completion Information

Total Pages

Ready Date

Extension Requested: Yes

No

New Ready Date

Page 1

1 2010

Opia #1202

A 1/1

TOWN OF MORRISTOWN

RESOLUTION R-2-2010

WHEREAS, there exists in the Town of Morristown a need for the services of a Director of Law, who shall serve as the Municipal Attorney for the Town of Morristown as set forth in Section 2-28.1 of the Code of the Town of Morristown; and

WHEREAS, the Director of Law, who shall serve as the Municipal Attorney, shall be appointed by the Mayor with the advice and consent of the Town Council and shall serve during the term of office of the Mayor appointing him and until the appointment and qualification of his successor in accordance with subsection 2-3 of the Code of the Town of Morristown.

NOW THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Morristown, being the governing body thereof, that the appointment of Vijayant Pawar as Director of the Department of Law and Municipal Attorney for the Town of Morristown by the Mayor pursuant to Section 2-28.1 of the Code of the Town of Morristown, be and is hereby confirmed and authorized; and

BE IT FURTHER RESOLVED, that Vijayant Pawar shall serve as the Director of the Department of Law and Municipal Attorney during the term of the office of the Mayor appointing Vijayant Pawar as the Director of the Department of Law and Municipal Attorney, until the appointment and qualification of Mr. Pawar's successor, for compensation in the amount of Ninety-Five Thousand Dollars (\$95,000.00) per annum.

TEST:

ADOPTED:

MATTHEW K. STECHAUNER,
TOWN CLERK

COUNCIL PRESIDENT

I do hereby certify the above to be a true and exact copy of a Resolution duly passed and adopted by the Town Council of the Town of Morristown at the Regular meeting of the Town Council held on January __, 2010 in the Morristown Council Room, 200 South Street, Morristown, New Jersey, beginning at ____ P.M., prevailing time.

DATED: January __, 2010

Matthew Stechauner, Town Clerk

VERIFICATION

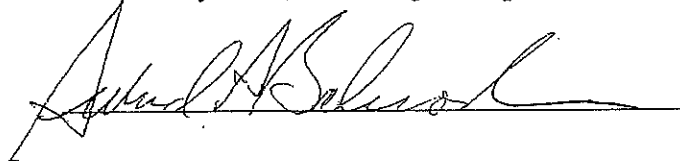
RECEIVED & FILED
SUPERIOR COURT
2010 MAY 24 A 9:00
CIVIL DIVISION

I, Richard Babcock, residing at 1 Lyons Place, Town of Morristown, NJ upon his oath deposes and says:

I am the plaintiff in the within action.

I have read the allegations of the foregoing Verified Petition and the same are true and correct to the best of my personal knowledge and belief.

I certify that the foregoing statements made by me are true. I am aware if any of the foregoing statements made by me are willfully false, I am subject to punishment.

A handwritten signature in cursive script, appearing to read "Richard Babcock", is written over a horizontal line.

Dated: May 18, 2010

VERIFICATION

RECEIVED & FILED
SUPERIOR COURT
2010 MAY 24 A 9:08
CIVIL DIVISION

Francis Kennedy, residing at *9 1st St*, Town of Morristown, NJ upon his oath deposes and says:

I am the plaintiff in the within action.

I have read the allegations of the foregoing Verified Petition and the same are true and correct to the best of my personal knowledge and belief.

I certify that the foregoing statements made by me are true. I am aware if any of the foregoing statements made by me are willfully false, I am subject to punishment.

_____

Dated: May 18, 2010

VERIFICATION

RECEIVED & FILED
SUPERIOR COURT
2010 MAY 24 A 9 08
CIVIL DIVISION

I, Edward France, residing at 69 James St., Town of Morristown, NJ upon his oath deposes and says:

I am the plaintiff in the within action.

I have read the allegations of the foregoing Verified Petition and the same are true and correct to the best of my personal knowledge and belief.

I certify that the foregoing statements made by me are true. I am aware if any of the foregoing statements made by me are willfully false, I am subject to punishment.

A handwritten signature in cursive script, reading "Edward France", written over a horizontal line.

Dated: May 18 2010

VERIFICATION

RECEIVED & FILED
SUPERIOR COURT
2010 MAY 24 A 8 08
CIVIL DIVISION

Kamlesh Patel ^{15 Pine}, residing at ~~15 Pine~~ Town of Morristown, NJ upon his oath deposes and says:

I am the plaintiff in the within action.

I have read the allegations of the foregoing Verified Petition and the same are true and correct to the best of my personal knowledge and belief.

I certify that the foregoing statements made by me are true. I am aware if any of the foregoing statements made by me are willfully false, I am subject to punishment.

K. Patel

Dated: May , 2010

may 19 2010