

## Regular Meeting of Town Council

Tuesday, March 23, 2010

- A. Statement of Compliance with Open Public Meetings Act
- B. Roll-Call
- C. Executive Session
  - 1. Litigation -AHS Hospital Corporation d/b/a Morristown Hospital v. Town of Morristown.
- D. Moment of Silence
- E. Pledge of Allegiance
- F. Consent Agenda
  - 1. Special meeting minutes – November 16, 2009
  - 2. Regular meeting minutes – January 26, 2010
  - 3. Executive session meeting minutes – January 26, 2010
  - 4. Approval of Volunteer Fire Fighter's applications
    - Christian Enamarado
    - David Gizzi.
  - 5. Request to hold rescheduled Saint Patrick's Day Parade on Saturday April 10, 2010 (see material enclosed)
- G. Presentation of “Above and Beyond” award to Mayor Dougherty by Paul Seligman of the Employer Support of the Guard and Reserve (ESGR).
- H. Report - JCP&L Power Outages, Stanley Prater, Area Manager (see material enclosed)
- I Public Hearing
- J. Report of Mayor and Town Officials
  - 1. Presentation of Proclamations
    - A Nancy Urquhart Day
    - B. Silver Star Banner Day
    - C. Sexual Assault Awareness Month

K. Council Liaison Reports

1. Parking Authority (see material enclosed)

L. Regular Business

1. Ordinances for Public Hearing and Adoption

ORDINANCE NO. O-6-10  
ORDINANCE TO AMEND CHAPTER 30 OF THE CODE OF THE TOWN OF MORRISTOWN ENTITLED "LAND USE REGULATIONS" TO REQUIRE THE PAYMENT OF DEVELOPMENT FEES TO BE USED FOR PROVIDING LOW AND MODERATE INCOME HOUSING, ESTABLISH THE TOWN OF MORRISTOWN AFFORDABLE HOUSING TRUST FUND.

PURPOSE: ESTABLISHES STANDARDS FOR THE COLLECTION, MAINTENANCE AND EXPENDITURE OF DEVELOPMENT FEES PURSUANT TO COAH'S REGULATIONS. FEES COLLECTED PURSUANT TO THIS ORDINANCE SHALL BE USED FOR THE SOLE PURPOSE OF PROVIDING LOW AND MODERATE INCOME HOUSING.

2. Ordinances for Introduction

Ordinance No. O-7-10  
ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11 "PARKS AND RECREATION AREAS", ARTICLE 16 "MUNICIPAL POOL" OF THE CODE OF THE TOWN OF MORRISTOWN TO REVISE THE DAILY MEMBERSHIP FEES.

PURPOSE: AMENDS THE DAILY MEMBERSHIP AT THE MORRISTOWN MUNICIPAL POOL AS FOLLOWS -  
RESIDENTS - \$28.00 PLUS \$7.00 DAILY FEE FOR ALL DAYS,  
NON-RESIDENTS - \$50.00 PLUS WEEKDAY FEE OF \$8.00  
AND WEEKEND FEE OF \$14.00

Ordinance No. O-8-10

ORDINANCE PROVIDING FOR CERTAIN CAPITAL IMPROVEMENTS AT THE MORRISTOWN MUNICIPAL AIRPORT BY THE TOWN OF MORRISTOWN, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AND APPROPRIATING \$250,000 THEREFORE TO FINANCE PART OF THE COST THEREOF.

PURPOSE: APPROPRIATES NJ DOT GRANT OF \$237,500 AND DM AIRPORTS, LTD. CONTRIBUTION OF \$12,500 FOR THE REHABILITATION OF TAXIWAY A - DESIGN AND PERMITTING

Ordinance No. O-9-10

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3, "POLICE REGULATIONS", ARTICLE 29, "TOW TRUCKS AND WRECKERS", TO AMEND CERTAIN PROVISIONS INCLUDING THOSE RELATING TO THE APPLICATION, INSURANCE REQUIREMENTS AND FEES FOR PROVIDING TOWING AND STORAGE.

PURPOSE: AMENDS PROVISIONS OF TOW TRUCK REGULATIONS IN THE TOWN OF MORRISTOWN AS FOLLOWS; CHANGE THE PHRASE PRIVATE TOWING TO PRIVATE TRESPASS TOWING, REMOVES THE PROVISION THAT ROTATION TOWERS MAY HAVE A FACILITY OUTSIDE OF MORRISTOWN OR MORRIS TOWNSHIP, INCREASES INSURANCE REQUIREMENTS AND INCREASES ALL TOWING FEES AND CLARIFIES THAT THE FEES APPLY TO BOTH ROTATION TOWERS AND PRIVATE TRESPASS TOWERS.

### 3. Resolutions for Adoption

RESOLUTION NO. R-56-10

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO MCENERNEY, BRADY & COMPANY, LLC AS AUDITOR AND FINANCIAL ADVISOR TO THE TOWN OF MORRISTOWN.

PURPOSE: SELF-EXPLANATORY

RESOLUTION NO. R-64-10  
RESOLUTION AUTHORIZING SUBMISSION OF AN  
APPLICATION TO THE ASSOCIATION OF NEW JERSEY  
ENVIRONMENTAL COMMISSIONS 2010 SMART GROWTH  
PLANNING GRANT PROGRAM.

PURPOSE: SELF EXPLANATORY

RESOLUTION NO. R-65-10  
RESOLUTION AUTHORIZING 2010 TEMPORARY  
EMERGENCY # 1.

PURPOSE: SELF EXPLANATORY

RESOLUTION NO. R-66-10  
RESOLUTION AUTHORIZING TRANSFERS OF  
APPROPRIATIONS RESERVES #4.

PURPOSE: SELF EXPLANATORY

RESOLUTION NO. R-67-10  
RESOLUTION ACCEPTING BUILDING REPLICA OF THE  
VAIL MANSION.

PURPOSE: DONATION BY ROSELAND PROPERTY  
COMPANY OF SCALED BUILDING MODEL DISPLAY  
DEPICTING THE IMPROVEMENTS ASSOCIATED WITH THE  
RESTORATION OF THE VAIL MANSION.

RESOLUTION NO. R-68-10  
RESOLUTION ACCEPTING AN \$80,000 GRANT FROM THE  
GERALDINE R. DODGE FOUNDATION.

PURPOSE: ACCEPTING AN \$80,000 GRANT FROM THE  
GERALDINE R. DODGE FOUNDATION TO SUPPORT THE  
NEW OFFICE OF SUSTAINABILITY AND THE TOWN  
PLANNING CONSULTANT TO WORK ON THE MASTER  
PLANNING PROCESS.

RESOLUTION NO. R-69-10  
RESOLUTION AWARING BID TO JERSEY SNACKS LLC  
FOR OPERATION OF THE FOOD CONCESSION AT  
BURNHAM PARK POOL.

PURPOSE: SELF EXPLANATORY

M. Unfinished Business

1. Reports requested from Administration
  - A. Department Director appointments - operating properly and what are the options - Mr. Smith
  - B. Update on Speedwell Avenue and Spring Street Redevelopment - Mr. Smith, Ms. Deeb
  - C. Epstein's project checklist update
  - D. Public safety resources and overtime associated with recent security efforts at Morristown High School - Ms. Feldman.
  - E. Water quality testing at Foote's Pong - Ms. Deeb
  - F. Intersection of Miller and Macculloch - Ms. Deeb
2. Professional services contract for Auditor - Mr. Smith
3. Health benefits for elected officials - Ms. Feldman

N. New Business

1. Request from Morris County Freeholders to hold regular Freeholder meeting at Morristown Town Hall - September 22, 2010 (see material enclosed)
2. Hiring and promotional freeze - Mrs. Smith-Reid

O Correspondence

P. Adjournment

## **CORRESPONDENCE**

### **M E M O R A N D U M**

To: Anthony Cattano, Jr., Council President  
All Members of Council

From: Matthew Knight Stechauner, Town Clerk

SUB: Correspondence

Date: March 18, 2010

The following items of correspondence have been received in the Office of the Town Clerk for inclusion on the agenda of the Regular Meeting of March 23, 2010.

- A. Mayor's Correspondence
- B. Correspondence and Reports, Counsel and Department Heads:
- C. General Correspondence
  - 1. Alison Deeb, Council Vice President to Michael Rogers, Business Administrator, re: Morristown's Sustainability Initiative
  - 2. John Fugger, Administrative Officer, Board of Adjustment to Matthew Stechauner, Town Clerk, re: Resolution adopted by the Morristown Board of Adjustment on March 3, 2010, memorializing its approval of the 2009 Annual Report
  - 3. Michael Rogers, Business Administrator to Alison Deeb, Council Vice President, re: Administration and Collective Bargaining Unit Meeting Dates
  - 4. Wolfgang Skacel, Assistant Commissioner, NJDEP to Morristown Wastewater Treatment Plant, re: Environmental Stewardship Initiative Recognition to the Wastewater Treatment Plant for their voluntary and proactive measures they have taken in an effort to improve the environment along with a Certificate of Stewardship reflecting the Department's appreciation of their efforts
  - 5. Morris County Mosquito Extermination Commission re: Basic information about their program, philosophy, and fact sheets on their adult mosquito control products
  - 6. New Jersey Future Facts, re: Transportation Trust Fund on the Road to Bankruptcy
  - 7. Sidney Weiss, Esq., General Counsel, SMCMUA, re: Copy of a Notice in connection with the proposed annual revision of the connection fee charge of the SMCMUA
  - 8. Verizon Fios, re: Important Notice Regarding FIOS TV Programming

9. New Jersey Transit Corporation Fiscal Year 2010 Request for Federal Financial Assistance

D. Departmental Reports

E. Resolutions/ of Other Jurisdictions

10. Township of Cranford, Resolution “Requesting that the State Establish Municipal Service Fees to be Paid by Students Attending Colleges and Universities with the Municipality”
11. Township of Rockaway, Resolution “Opposing the Adoption of P.L. 2008, C.118 and its Application Statewide”
12. Township of Hanover, Resolution “Urging the State Legislature to Enact Legislation Containing Substantial Reforms to the Police and Fire Fighters Binding Arbitration Process”

F. Meeting Notices

13. The Morris County Economic Development Corporation Presents: The 7<sup>th</sup> Annual Morris County Municipal Summit on March 31, 2010
14. United States Department of the Interior, National Park Service, re: On April 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> various historic and cultural sites in the greater Morristown, New Jersey vicinity will present a weekend of American Revolution-related programs
15. Advocates for New Jersey History and New Jersey Historical Commission, Department of State sponsors the 17<sup>th</sup> Annual History Issues Convention “Essential Steps for Securing Future Funding” on March 26, 2010
16. New Jersey Transit Public Hearing Notice; Proposed Changes to Bus, Rail, Light Rail, Access Link and Bus Contract Carriers’ Fares, Fare Policies and Service Levels (Public Hearings & Information Session Dates)

G. Confidential Correspondence

17. ABC Incident Reports (see enclosed)

ATTACHMENT TO MPA SUPPORTED RATABLE GROWTH CHART

By construction of parking facilities throughout the Business District of the Town of Morristown, specifically the Ann/Bank Street Parking Garage from 1984 to 1986, the Dalton Parking Garage on Cattano Avenue in 1999 and the DeHart Street Parking Garage in 2009, the Parking Authority has cooperated with the Town to facilitate and leverage substantial ratables which have had a meaningful impact on the vitality of the Town and have contributed significantly to the local tax and the county and school tax on behalf of the Town of Morristown.

The Parking Authority has developed and applied shared parking concepts in the planning of its facilities so as to avoid overbuilding of parking structures.

Attached is a list of private sector projects that rely upon, and would not have been possible, without the provision of well-run, comfortable, accessible, safe and affordable parking.

Finally, we have monitored the existing projects over the years and those residential projects, in particular, Chancery Square and Morristown Plaza have generated no more than two to five school children in any given year and thus, they have in fact been true ratables added to the tax base of Morristown without any costs for construction or operation borne by any Morristown taxpayers.

**MPA SUPPORTED RATABLE GROWTH**

<b>PROPERTY</b>		<b>ASSESSMENT</b>	<b>LOCAL TAX (1.016)</b>	<b>TOTAL TAX (\$2.53)</b>
Century 21		12,100,000	122,936	306,130
6 Washington St.		741,300	7,532	18,755
10 Washington St.		1,330,000	13,513	33,649
14 Washington St.		2,029,000	20,615	51,334
18 Washington St.		2,401,600	24,400	60,760
Provident Bank		1,451,600	14,748	36,725
10 Park Place	8,035,100 x 25%	2,008,775	20,409	50,822
Chancery Square		15,500,000	157,480	392,150
Morristown Plaza		20,160,800	204,834	510,068
* 40 Park Place (75 units x 600,000 est. = 457,200)		45,000,000	457,200	1,138,500
14 South Street	2,850,000 x 20%	570,000	5,791	14,421
10 Wilmot St.		916,400	9,311	23,185
14 Maple Ave. PILOT			36,000	
<b>TOTAL</b>				
Metropolitan (122 units x 135,307 unit est.) (Morristown Plaza value)		16,507,454	167,716	417,639
<b>TOTAL</b>			<b>1,262,485</b>	<b>3,054,138</b>

## TownClerk

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**From:** Rebecca P. Feldman [rapid.fire@verizon.net]  
**Sent:** Monday, March 15, 2010 10:07 AM  
**To:** TownClerk  
**Cc:** Rogers, Michael  
**Subject:** Please include in Council Packet for the MPA Liaison Report



Attachment Chart\_v1.XLS  
PA Supported (30 KB)