

MINUTES
Regular Meeting of Town Council

Tuesday, May 24, 2016
7:30pm

A. Statement of Compliance with Open Public Meetings Act

Minutes of a regular meeting of the Town Council of the Town of Morristown, held on May 24, 2016, in the Council Room of the Morristown Town Hall located at 200 South Street, Morristown, New Jersey, beginning at 7:35 p.m., prevailing time.

Council President Armington presiding.

Town Clerk Kevin D. Harris read the following statement: Notice of this meeting was provided in compliance with the Open Public Meetings Act in accordance with a Resolution adopted by the Council of the town of Morristown at the Organization Meeting on January 5, 2016 setting forth the time, date and location of each meeting. A copy of the Resolution was distributed to the Morris County Daily Record and the Star Ledger, filed with the Town Clerk, posted on the Bulletin Board at the Municipal Building and mailed to any person who has requested and prepaid the established fee for such meeting notice.

The Honorable Timothy P. Dougherty, Mayor was in attendance.

B. Roll Call

ATTENDANCE:

PRESENT: Ms. Davis, Mr. Elms, Mr. Iannaccone, Council President Armington

ABSENT: Ms. Foster (arrived at 7:37 p.m.), Ms. Harris (initially absent; however arrived at 8:21 p.m.)

C. Moment of Silence – The Town Clerk asked the assembly to observe a moment of silence.

D. Pledge of Allegiance – Council President Armington led the meeting in reciting the Pledge of Allegiance

(Following the Pledge of Allegiance; the Town Clerk informed the Council that Council Member Foster arrived at 7:37 p.m.).

E. Consent Agenda – The Town Clerk presented the Consent Agenda consisting of the following items:

1. May 16, 2016 request by Sophia Pendergrast of Bethel AME Church to block off Bishop Nazery Way from 10:00am to 7:30pm to hold their annual Block Party on Sunday, September 4, 2016.
2. May 3, 2016 request by Father Hernan Arias, Pastor of Saint Margaret of Scotland Church requesting permission to have a procession from the church to Columba Street, Bellevue Terrace, Grant Street (towards Sussex Avenue) and ending at the church on Sunday, May 29, 2016 in observance of the Feast of Corpus Christi.
3. May 16, 2016 request by Sharitha Dawkins, of Clyde Potts Drive to hold the annual “Break Bread With Thy Neighbor” event on Sunday, July 3, 2016 with a raindate of Saturday, July 9, 2016.

Council President Armington made a motion that the items on the Consent Agenda be adopted which was seconded by Council Member Foster.

There being no questions, the motion was adopted on the following roll call vote.

YEAS: Ms. Davis, Ms. Deeb, Mr. Elms, Ms. Foster, Mr. Iannaccone, Council President Armington

NAYS: None

ABSTAIN: None

ABSENT: Ms. Harris

F. Mayor’s Presentations and Proclamations

1. Presentation by DM Airports, Ltd., of the Morristown Municipal Airport (MMU) on the State of Affairs of the airport.

Darren Large, Manager, Facilities and Projects, provided a presentation to the Council on the state of affairs at Morristown Municipal Airport (hereafter “MMA”, or “Airport”) by way of background. Mr. Large described how MMA is one of 268 “Designer Reliever” airports in the nation meaning that it can provide relieve when a primary commercial airport in the region reaches capacity. In

addition, MMA is one of 84 “National” airports meaning that the Supports the national and state system by providing communities with access to national and international markets in multiple states and throughout the United States.

Mr. Large described the current fleet based at MMA which consists of 199 aircraft (79 of which are jet aircraft). Mr. Large described the current operation as of 2015 as 66,871 flights which is down from 220,000 in 2005 which Mr. Large attributed to the “downturn in the economy” among other things.

Mr. Large described the organizational structure of his company DM Airports, Ltd., which runs the current day-to-day operations at MMA providing 24 hour coverage. Mr. Large further described the additional services his company provides; including, but not limited to: facilities management, maintenance and security; environmental monitoring; and grant writing and administration on behalf of the Town.

Mr. Large informed the Council that to finance various projects through funding through the Federal Aviation Administration and what he also described as “discretionary” funding. Mr. Large stated that the Town submits capital improvement requests through the budget, contracts approved by the Council and participates in the Annual Audit.

Mr. Large then concluded his presentation with an overall analysis of various projects that have taken place and future projects in development at MMA. Mr. Large further commented the success of MMA’s service to the people who work at MMA and the support received from the Town Administration and Council and he thanked the Council for providing same.

Council President Armington then opened the floor to questions of Mr. Large from Council Members and the Administration.

Council President Armington began by asking Mr. Large about the issue of noise at MMA and the impact. Council President Armington asked how the MMA management addressed those issues to be compliant with the Town’s Master Plan. Mr. Large responded that among other things, there is an “noise abatement hotline” and a “noise abatement officer” who research, respond and attempt to remedy the

situation. At the request of the Council President, Mr. Large provided the hotline number 973-538-6400.

Council Member Iannacone asked if the projects had any residual effects and obligations of the Town after the lease ended with Mr. Large's company. Mr. Large responded that there may be in that many grants have a 20 year provision. However, Mr. Large informed the Council that DM Airports, Ltd., is only 30 years into its 99 year lease with the Town.

Council Member Elms inquired about the costs of the projects. Mr. Large responded that the larger numbers were the original estimates which were based on environmental impacts. However, the actual numbers are significantly less after feasibility studies were conducted.

Mayor Dougherty stated that while the Town has the ultimate approval of projects and funding for MMA; the main funding does not come from taxpayer dollars. Mayor Dougherty then asked Mr. Large what is the largest aircraft the airport could accommodate for takeoff and landing. Mr. Large replied the airport receives many corporate and smaller jet aircraft. However, in an emergency situation MMA could accommodate an aircraft as large as a Boeing 767. Mayor Dougherty encouraged the public to tour the airport.

Council Member Deeb asked if MMA had a curfew as to times that takeoffs and landings could not occur. Mr. Large replied no.

2. Presentation from the Administration on the MLK Streetscape.

Phil Abramson, Town Planner addressed the Council on the status of the MLK Streetscape improvements that the Town has been working on for some time.

Mr. Abramson talked about the area around Patriots Path, Coal Avenue & the Whippany River and how that plan is tied together. Mr. Abramson also discussed the parking analysis that was conducted. Mr. Abramson by way of background described how the project began in October 2014 with the first meeting of the Steering Committee which was well attended and included participants from many neighborhood and faith based organizations. Mr. Abramson discussed how a great deal of discussion and detail went into the Plan which he then presented in detail for the Council through the Consultant

Arterial, LLC, based in Montclair, New Jersey. Mr. Abramson described how the Plan was divided into three segments:

- 1) Spring Street → Flagler Street: which Mr. Abramson described as the “Downtown/Mixed-Use” segment of the roadway;
- 2) Park Drive (Parkway): which Mr. Abramson described as going over the Whippany River and bisects Patriots Path before getting to the rail tressel; and
- 3) The Gateway segment: which Mr. Abramson describes as coming from the lower end of MLK towards the center of Town.

Mr. Abramson cited traffic calming/pedestrian safety as one of the main focuses of the project. Mr. Abramson further discussed how the parking lot falls into place and it would stabilize parts of Patriot’s Path that suffered damage due to Hurricane Irene. Ms. Abramson discussed how the project would create a traffic slowdown area and force motorists to realize that this is a pedestrian safe area. A traffic study was done and Mr. Abramson discussed the results.

Mr. Abramson then went into the trade-offs in that there are no parking on the west side of the street although people do park there. Mr. Abramson then shared some photos with the Council. Mr. Abramson stated that he was excited about the project and all that it offers.

Council President Armington then opened the floor to questions of Mr. Abramson from Council Members.

Council Member Deeb asked Mr. Abramson if the Dismal Harmony Natural Cross the States’ Garden and what the regular name was. Mr. Abramson stated that he did not know; it came off of GIS.

Council President Armington stated that the intent is that the parking lot would be available to the public. Mr. Pawar replied that the Church has the lease, but the Town has the authority to allow parking in the lot as long as it not on Sunday from 7:00 a.m. to 3:00 p.m..

Council Member Iannaccone asked if the thought of working with the Parking Authority was considered as the costs would not be the Town’s obligation alone, but could be shared with the Parking Authority. Mr. Pawar stated that he did not know if it was explored, but to keep in mind that if the Parking Authority became involved; the

Town may have to contend with meters and other possible issues.

Council Member Deeb suggested that the Town may wish to look into Summit that has a very successful model with a Church parking lot that is used as a paid lot during the week except on Sunday.

Council Member Iannaccone that if this a public improvement for the Town; why not have the Town take the lot back, include it in the streetscape and allow all churches to use our lot. Council Member Iannaccone stated that he believed this would serve the public improvement plan and be true to the mission of the streetscape.

Council Member Foster asked about the terms of the lease. Mr. Pawar stated that he would get back to her with the terms. Council Member Foster stated that maybe someone from the Church should express to the Town that the Church does not object to allowing other uses of the parking lot.

Council Member Iannaccone posed the question to Mr. Pawar, is there a legal issue with doing a leasehold improvement. Council Member Iannaccone believes that it can be done.

(The Town Clerk informed the Council that Council Member Harris arrived at 8:21 p.m.)

Mr. Pawar stated that there are no legal impediments in that the Town owns the property and can improve the property with the consent of the Church. Mr. Pawar then provided Council with the terms of the lease as requested by Council Member Foster which is a 2 year lease from 2015 – 2017 (with renewal options). Mr. Pawar informed Council that either party can terminate the lease with 60 days notice to the other party.

Council Member Harris asked if an inquiry was made of DEP was graveled. Council Member Harris was under the impression that a written statement would be provided from the Administration. Ms. Barrick asked Town Engineer Anthony Devizio to provide a response. Mr. Devizio stated that the contaminated soil was required and then covered. Mr. Devizio stated that the lot was not paved because it was not required. Council Member Harris stated that unless she has the report; she cannot support anything concerning this. Mr. Devizio then

stated that different controls were put into place because of the different depths of the contaminated soil. Mr. Devizio stated that a membrane was used because using gravel, although an option was not required. Council Member Harris expressed apprehension that the soil could again become contaminated. Mr. Devizio stated that a company that specializes in environmental remediation was utilized in an attempt to insure contamination does not happen again. Council Member Harris again asked for a written report.

G. Public Hearing

1. The 2016 Municipal Budget (January 1, 2016 – December 31, 2016).

At this time, the Council President opened the meeting to the public asking if there were any citizen of taxpayer who wished to be heard regarding the 2016 Municipal Budget.

Brian Sullivan, 35 Maxwell Court, Morristown, requested that the funding be put into place for the remediation of Foote's Pond. Mr. Sullivan stated that the Pond has a significant value and the Pond needs to be preserved. Mr. Sullivan presented a petition signed by over 50 people requesting that Foote's Pond be preserved stating the importance for maintaining the resource which Mr. Sullivan also referred to as a significant part of our "infrastructure". Mr. Sullivan presented the petition to the Town Clerk.

There appearing no one further to be heard, the Council President closed the public portion of the meeting as to the 2016 Municipal Budget.

2. Any other item or issue members of the Public wish to address Council regarding.

At this time the Council President opened the meeting to the public asking if there were any citizen or taxpayer who wished to be heard concerning any matter.

John Jones, 15 ½ Grant Street, Morristown, addressed Council request the need for "Speed Bumps" on Grant Street as high school students break the speed limit laws frequently. Mr. Jones also stated that residential parking stickers should be limited to residents with New Jersey stickers only. Mr. Jones requested that when he calls the Town; he would like a call-back. Mr. Jones stated that he would provide a list with other concerns.

Linda Carrington, 49 Macculloch Avenue, Morristown, addressed Council related to Foote's Pond. Ms. Carrington gave a history that in 2008, a group

was granted permission to monitor geese nests at Foote's Pond. Ms. Carrington stated that in 2008 there were approximately 24 geese present. However, today there are no resident pond geese which are different from migratory geese. Resident Geese reside on the pond from March, April and May at which time they are joined by migratory birds which Ms. Carrington stated was good. However, Ms. Carrington stated that the Town of Morristown does not maintain the paths and Ms. Carrington requested that if any work be done to remediate the Pond; that some work be dedicated to landscaping.

Keith Cervelle, 15 Kerstin Drive, Morristown, addressed Council regarding Foote's Pond stating the Pond is disappearing. Mr. Cervelle stated that continued inaction shall have a devastating impact. Mr. Cervelle stated that it is the equivalent of stating that the Town does not care and the Pond can disappear. Mr. Cervelle requested that the Council and Administration take the necessary steps before it is too late.

Maggie Goodwin, 18 Erskine Drive, Morristown, addressed Council regarding the overall maintenance of the infrastructure in the Town of Morristown. Ms. Goodwin cited several instances where she has observed property owned by the Town not being properly maintained which has had an effect on her property.

Bill Byrne, 100 Franklin Street, Morristown, addressed Council regarding the Bicycle Ordinance and the need to enforce it

There appearing no one further to be heard, the Council President closed the public portion of the meeting.

H. Council Comments to Comments made during Public Hearing

Council Member Deeb requested that Public Works look into the issues raised by Ms. Goodwin. Mayor Dougherty asked Ms. Goodwin a couple of questions and stated that it would be look into. Council Member Deeb requested that item #2 on the Old Business Section be moved up for discussion.

Council President Armington moved that the Rules be suspended to allow item #2 on the Unfinished (Old) Business section of the agenda to be discussed during Council Comments. The motion was seconded by Council Members Davis and Harris and passed on the following roll call:

YEAS: Ms. Davis, Ms. Deeb, Mr. Elms, Ms. Foster, Ms. Harris, Mr. Iannaccone, Council President Armington

NAYS: None

ABSTAINING: None

ABSENT: None

The Rules were deemed suspended.

Council Member Deeb stated that she requested that as part of this evening's discussion regarding Foote's Pond, Council Member Deeb requested the April 13, 2016 Memorandum from Ms. Barrick as well information from the May 17, 2016 meeting of the Environmental Commission. Mayor Dougherty replied that the Environmental Commission received that matter and that at the May 17, 2016 Environmental Commission meeting; there was only one resident from Maxwell Court present. No other residents of the Foote's Pond area was present. Mayor Dougherty stated that a lot has to be done and for those who believe that a pond can be immediately dredged are mistaken. Mayor Dougherty requested that Council allow the Environmental Commission a wide berth to do their job and urged the Council to be very careful as to making a determination as to funding.

Council Member Deeb stated that she was unable to attend the Environmental Commission meeting. Council Member Deeb stated that she wished to introduce three items on the record that she doesn't believe that the Environmental Commission has:

- 1) 2005 Dredging Plan from Schoor DePalma. Council Member Deeb stated that while Schoor DePalma is no longer in business, Omni International has taken over a lot of their work. Council Member Deeb stated that this is in the Town Engineer's Office;
- 2) 2001 Architect's Plan – Lisa Rappaport study that addresses Foote's Pond; and
- 3) 2009 Sediment Testing Report.

Council Member Deeb provided these items to the Town Clerk for copying and distribution to the Council Members. Council Member Deeb stated that she does not know how much more studying needs to be done. The issue has been studied at great length. Council Member Deeb also recalled a conversation that she had with the New Jersey Department of Environmental Protection where 4 permits were filed with a 5 year life. The Dredging Report has already been filed. Council Member Deeb citing dredging restrictions, but stated that that dredging could take place between August 1 and December 31, 2016. Council Member Deeb stated that the permit needs to be filed and requested that Council allocate \$1,000 to file for a GP 13 dredging permit. Council Member Deeb asked that the Environmental Commission consider the impact on the downstream residents.

Mayor Dougherty stated that the reports submitted by Council Member Deeb

suggest how to proceed. Mayor Dougherty stated that his Administration shall assist the Environmental Commission in providing the necessary information and allowing Council to make an informed decision and that is all that he is requesting.

(Council Member Deeb excused herself for the evening at 9:01 p.m.)

Council Member Harris stated that at the Environmental Commission, she witnessed a presentation provided by an environmental consultant and the issue is deeper than others may think. Council Member Harris that she agrees with the Mayor on letting the Environmental Commission do what is necessary. Council Member Harris stated that the Environmental Commission is dynamic and people with exceptional qualifications serve on the Commission.

Council Member Foster stated that she agrees and that Council should not act very quickly without having the full range of information necessary to make the best decision.

Council President Armington expressed an interest to resolve the matter in an efficient and expedient manner. Mayor Dougherty stated that the trail should be maintained. Mayor Dougherty stated that he appreciates the passion that Council Member Deeb and the interested residents have shown. Mayor Dougherty further encouraged all to attend Environmental Commission meetings citing that he has learned more than he knew before.

Council Member Foster asked Mayor Dougherty to address the issues raised by Mr. Jones. Mayor Dougherty and Ms. Barrick discussed the changes that the Clerk's Office has implemented.

Council Member Davis asked how long are traffic study results good for. Ms. Barrick stated that things are in the works.

I. Report of Mayor and Town Officials

The Mayor stated that the 4th of July fireworks are coming and he met recently with the Morris County Tourism Board and the fireworks display shall be spectacular.

Mayor Dougherty provided a list of events that occurred throughout the Town since the last meeting. Mayor Dougherty cited the benefits of all of the events and thanked all that participated.

Mayor Dougherty noted a couple of upcoming events, specifically May 26, 2016 "Morris Arts – Meet Me in Morristown", from 4:00 p.m. – 9:00 p.m.. Mayor Dougherty also informed the Council that on March 31, 2016, students

from the Peck School will be planting scrubs as part of “Adopt A Spot” at Bob Tracy Park.

Mayor Dougherty noted George Fiore’s retirement as Executive Director of the Parking Authority stating that he shall be missed and has done a great job.

Mayor Dougherty then turned this portion over to Ms. Barrick who addressed Council regarding the Town’s credit rating. Ms. Barrick stated that while our rating is still a “AA”; we were updated to a “positive outlook”. Ms. Barrick stated that maintaining a substantial fund balance and sound financial practices shall only help to improve our credit rating going forward.

J. Council Liaison Reports

Council Member Davis stated that the Housing Authority Board of Commissioners did not have a meeting. Council Member Davis stated that one of the issues facing the Housing Authority is a problem with the landscape vendor and the respective contract. However, Council Member Davis stated that she has seen Housing Authority employees attempting to fill the void which was very positive. Council Member Davis inquired about the Housing Authority Board of Commissioners appointments. The Town Clerk discussed who makes appointments. Council President Armington stated that the By-Laws also govern. Council Member Davis asked that the Clerk provide her with a copy of the By-Laws. Council Member Harris also stated that the Housing Authority has a contract pending for security cameras.

Mayor Dougherty asked Council Member Davis to have Mr. Rogers as the Executive Director of the Housing Authority reach out to Chief Demnitz.

Council Member Harris stated that she shall have a report from the Environmental Commission as soon as it is generated.

Council Member Elms stated that the “Meet Me in Morristown” program was beginning on May 26 and provided other dates (4th Thursday of every month – May through September).

Council Member Iannaccone stated that in Mr. Abramson’s presentation; Mr. Abramson discussed how the trails are broken often ending in Morristown. Council Member Iannaccone stated that funding has been made available to connect some of these trails and he shall inquire of the County Clerk to keep her interested in these trails and continued projects

for future grant funding.

Foster stated that she attended the Meeting of the Morristown Parking Authority and provided an update that Executive Director George Fiore shall soon be retiring at the end of May. Council Member Foster commended Mr. Fiore on his years of service. Council Member Foster also advised that the monthly rate at the Dehart Street Garage shall be increasing.

Council Member Elms stated that last week was Restaurant Week and that although the weather was not cooperating; it was a success. Council Member Elms also informed the Council that the Morristown Partnership shall have their meeting on Wednesday, May 11, 2016.

Council President Armington stated that the Planning Board is looking forward to continuing the development of the Form-Based Code. Council Member Deeb asked if the meeting on April 28, 2016 was cancelled. Council Member Deeb asked questions regarding the item on for discussion and when the meeting would be rescheduled. Town Attorney Vijayant Pawar stated that the matter has not been scheduled for another hearing. However, Mr. Pawar stated that the project application is available in the Zoning Office.

K. Regular Business

Ordinances for Introduction

Ordinance No. O-17-2016

Introduced The Town Clerk offered for introduction

Ordinance No. O-17-2016

“Ordinance amending and supplementing Chapter 11 “Parks and Recreation Areas” Section 5 “Field Playground and Court Permits”.

Purpose: Amends Chapter 11, Section 5 of the Town Code to include the requirement of a Morristown Recreation Key Agreement and a fifty dollar (\$50.00) deposit at the time of permit issuance for the use of the Lidgerwood Park restrooms.

Council President Armington made a motion that Ordinance O-17-2016 be introduced, read by title, passed on first reading and that a meeting be held on June 14, 2016 at 7:30 pm, in the council room, 200 South

Street for a second reading and consideration of final passage of said ordinance. The motion was seconded by Council Members Davis and Foster.

Called to question Ordinance No. O-17-2016 was introduced on the following roll call:

YEAS: Ms. Davis, Mr. Elms, Ms. Foster, Ms. Harris, Mr. Iannaccone, Council President Armington

NAYS: None

ABSTAINING: None

ABSENT: Ms. Deeb

Ordinances for Public Hearing and Adoption

The Town Clerk informed Council Members that there are no Ordinances scheduled for adoption this evening.

Resolutions for Adoption

Resolution No. R-82-2016 (Tabled from May 10, 2016 Regular Meeting)
Passed Council President Armington moved that Resolution No. R-82-2016 be lifted from the table. The Motion was seconded by Council Member Foster and passed on the following Roll Call:

YEAS: Ms. Davis, Mr. Elms, Ms. Foster, Mr. Iannaccone, Council President Armington

NAYS: Ms. Harris

ABSTAINING: None

ABSENT: Ms. Deeb

Council President Armington moved the adoption of the following resolution: Here follows Resolution R-82-2016 entitled:

“Resolution awarding bid to Ralph Checchio, Inc. for Coal Avenue Parking Lot Improvements.”

Purpose: Awards bid for Coal Avenue parking lot improvements in the amount of \$162,350.65.

Council Member Iannaccone expressed reservation about the method on how this is conducted. Although valuable to both the Church and Town; Council Member Iannaccone thought there were other ways of accomplishing the task without the Town having to provide the funding.

Council President Armington asked if the Town shall have the right to designate who may park there. Mr. Pawar agreed stating that is the Town’s right.

Council Member Iannaccone asked if the Town was going to be the sole insurance provider. Mr. Pawar stated that the Church also has to maintain insurance and keep the Town as an additional insured.

The motion was seconded by Council Member Foster and passed on the following roll call:

YEAS: Ms. Davis, Mr. Elms, Ms. Foster, Mr. Iannaccone,
Council President Armington

NAYS: Ms. Harris

ABSTAINING: None

ABSENT: Ms. Deeb

Resolution No. R-89-2016

Passed

Council President Armington moved the adoption of the following resolution: Here follows Resolution R-89-2016 entitled:

“Resolution Adopting the 2016 Municipal Budget (January 1, 2016 – December 31, 2016).”

Purpose: Self Explanatory

Council Member Harris questioned the funding for a new position and asked for clarification given that past Administrators have never requested the need for the position. Ms. Barrick stated that the position is one of Program Coordinator which is a Civil Service position; the duties and the benefits of having the position. Council Member Harris asked if this position is for a specific term. Mayor Dougherty answered the question in terms of the Mayor's authority to appoint and cited Ms. Barrick's goals and achievements and his commitment to helping Ms. Barrick improve the quality of the Town.

Council Member Iannaccone stated that the Capital Improvement Budget is not fixed and monies may still be available for devotion to other projects.

The motion was seconded by Council Member Foster and passed on the following roll call:

YEAS: Ms. Davis, Mr. Elms, Ms. Foster, Ms. Harris, Mr. Iannaccone, Council President Armington

NAYS: None

ABSTAINING: None

ABSENT: Ms. Deeb

Resolution No. R-90-2016

Passed

Council President Armington moved the adoption of the following resolution: Here follows Resolution R-90-2016 entitled:

“Resolution Designating Basking Ridge Towing, LLC as an Official Tow Company for the Town of Morristown for the Calendar Year 2016.”

Purpose: Authorizes the license for towing and grants towing privileges from private property.

The motion was seconded by Council Member Foster and passed on the following roll call:

YEAS: Ms. Davis, Mr. Elms, Ms. Foster, Mr. Iannaccone, Council President Armington

NAYS: None

ABSTAINING: Ms. Harris

ABSENT: Ms. Deeb

The Town Clerk announced that Resolution No. R-82-2016 is hereby tabled until the Regular Meeting of the Town Council scheduled for May 24, 2016.

Resolution No. R-91-2016

Passed

The Town Clerk presented the following resolution for Council consideration: Here follows Resolution R-91-2016 entitled: "Resolution Approving the Person-to-Person Transfer of Plenary Alcoholic Retail Consumption License No. 1424-33-018-003 117 KTP Holding Co., Inc., to Market Street Hospitality Ventures, LLC."

Purpose: Self-explanatory.

Council President inquired as to the process as there were objections to the transfer. Mr. Pawar discussed the process and stated that the objections raised may not be applicable in that this is a transfer from one entity to another and it is a "pocket" or inactive license not attached to any particular location. Mr. Pawar discussed the process for a person-to-person transfer, he further discussed a place-to-place transfer. Mr. Pawar advised the Council that the objections raised deal with the location and not the person-to-person transfer; there shall be an opportunity when the owner comes before the Council for an approval of a place-to-place transfer application. Council President Armington asked if there was legal precedent for the Council to ignore the objections. Mr. Pawar stated there is not; however, he believes that the application is ripe.

Council Member Iannaccone stated that the matter should be tabled until the next meeting because there may not have been enough time for Council to review as the Application was not provided until just prior to the meeting. The Town Clerk informed the Council that the Notice to Purchase was published by the applicant twice in the Daily Record. Council Member Iannaccone asked that the matter be tabled. Mayor Dougherty stated that this is a person-to-person

application. Council Member Harris stated that Council should vote and any person objecting should have been present at this meeting.

Council President Armington asked the attorney for the applicant to come forward. Frank Vitolo, Esq., addressed the Council on behalf of the applicant. Mr. Vitolo stated that if the Town Council does not approve the transfer this evening the deal may fall through. Mr. Vitolo also explained by background how the application is time sensitive. Mr. Vitolo thanked Council for considering the matter.

Council President Armington conducted a “straw poll” as to tabling the matter. Council Member Iannaccone stated that the applicant being under a time constraint should not be the fault of the Council and moved to table. However, there was no second and Council Member Iannaccone’s Motion to Table failed.

Council President Armington moved for adoption Resolution No. R-91-2016. The motion was seconded by Council Member Harris and passed on the following roll call:

YEAS: Ms. Davis, Mr. Elms, Ms. Foster, Ms. Harris,
Council President Armington

NAYS: Mr. Iannaccone

ABSTAINING: None

ABSENT: Ms. Deeb

Resolution No. R-92-2016

Passed

Council President Armington moved the adoption of the following resolution: Here follows Resolution R-84-2016 entitled:

“Resolution Authorizing the Disposal of Surplus Property at Public Auction.”

Purpose: Authorizes the public sale of twenty-three (23) found, confiscated, unclaimed or abandoned bicycles.

The motion was seconded by Council Member Harris and passed on the following roll call:

YEAS: Ms. Davis, Mr. Elms, Ms. Foster, Ms. Harris, Mr. Iannaccone, Council President Armington

NAYS: None

ABSTAINING: None

ABSENT: Ms. Deeb

L. Unfinished Business

- 1) Discussion on a Proposed Ordinance Regulating Bed and Breakfast Establishments in the Town of Morristown (Requested by Council President S. Armington).

Council President Armington stated that by now Council Members have had opportunity to review the Maplewood Ordinance and he would be interested in working with the Administration in drafting an Ordinance to limit the number to two (2). Mr. Pawar stated that the Administration shall work with the Council President. However, there would be two (2) ordinances in that one Ordinance would deal with the restriction. There would also have to be an Ordinance changing the Zoning Code.

- 2) Discussion regarding Status and any Updates related to the Preservation of Foote's Pond (Requested by Council Member A. Deeb).

This matter was previously discussed as part of the Council Comments after a motion was passed to suspend the Rules

M. New Business – The Town Clerk informed Council that there were no unfinished business scheduled for the evening.

However, Council Member Iannaccone stated that he would like to see the draft Ordinances regarding limiting alcoholic license transfers and zoning ordinances move. Council Member Iannaccone stated that while other Ordinances are good; these are equally important.

Council Member Harris asked if these are matters that the Partnership is working with. Council Member Harris stated there should be a separate public hearing (open discussion) before an Ordinance is even drafted. Council Member

Iannaccone stated that the proper forum for such is the public hearing during the Ordinance process.

- N. Adjournment. There being no further business, a motion to adjourn was made by Council President Armington and seconded by Council Member Foster and passed by acclamation. The meeting was adjourned at 10:06 p.m..

Respectfully Submitted

ATTEST

APPROVED

KEVIN D. HARRIS
TOWN CLERK

STEFAN P. ARMINGTON
COUNCIL PRESIDENT

I do hereby certify the above to be a true and exact copy of the Minutes of the Regular Meeting of the Town Council held on Tuesday, May 24, 2016, duly passed and adopted by the Town Council of the Town of Morristown at the Regular Meeting of the Town Council held on January 10, 2017 in the Morristown Council Room, 200 South Street, Morristown, New Jersey, beginning at 7:30P.M., prevailing time.

DATED: _____

Kevin D. Harris, Town Clerk