

AMENDED – APRIL 8, 2016

AMENDED ITEMS SHALL BE DENOTED BY AN ASTERISK (*)

**ONLY AMENDED ITEMS ARE ATTACHED – ALL OTHER ITEMS
ARE THE SAME AS IN THE AGENDA PREVIOUSLY SUBMITTED**

THE REGULAR MEETING WILL BEGIN AT 7:30 PM

Regular Meeting of Town Council

Tuesday, April 12, 2016

Statement of Compliance with Open Public Meetings Act

- A. Roll-Call
- B. Moment of Silence
- C. Pledge of Allegiance
- D. Consent Agenda
 - 1. Request from Karen Winlund at the American Red Cross for Town Council approval to reschedule their Annual Coin Toss for Sunday, May 15, 2016, from 10:00 a.m. – 4:00 p.m., on Elm Street at the Franklin Street Traffic Light (The original coin toss approved by Council on March 22, 2016 was scheduled for Saturday, April 2, 2016; however, it was cancelled due to adverse weather conditions).
 - 2. Request from Dan Brannen, Race Director for the Verizon Corporate Classic for Town Council approval to modify the course or route for the Verizon Corporate Classic 5K footrace scheduled for Thursday, July 14, 2016 (Council approved the request for the race on December 22, 2016; however, the course was modified due to proposed construction at the original event gathering site).
 - 3. Request from the Morristown Partnership and the Morris Arts for Town Council approval for a town-wide sidewalk permit the last Thursday in May (26), June (30), July (28) and August (25) for events associated with Meet Me in Morristown; as well as establishing “rain dates” on the following Fridays: May (27), July (1), July (29) and August (29) in the event of inclement weather.
 - 4. Request from the Morristown Partnership (hereafter “Partnership”) for Town Council approval of appropriate road closures essential to the operation of the Morristown Partnership’s annual community events. Specific events include the Morristown Festival on the Green Event on Sunday, September 26, 2016; and the “Santa Arrival & the Lighting of the Morristown Green” Event on Sunday, November 27, 2016. Also requested is a letter of support from the Council to accompany the Partnership’s application to the New Jersey Department of Transportation.

E. Public Hearing

1. Street Smart Morristown Pedestrian Safety Campaign Presentation, by Laura Cerutti.
2. All other interested members of the public wishing to address Council on any issue.

F. Council Comments on Items Discussed at Public Hearing

G. Mayor's Proclamations and Presentations

1. Arbor Day Proclamation.

H. Report of Mayor and Town Officials

I. Council Liaison Reports

J. Regular Business

1. Ordinances for Introduction

Ordinance No. O-15-2016

“Ordinance amending and supplementing the Code of the Town of Morristown Chapter XX Water and Sewer.”

Purpose: Revises the date when private meter readings are to be remitted to the Town from March 5th to April 5th.

*** Ordinance No. O-16-2016 ***

“An Ordinance Amending and Supplementing Chapter 30 “Land Use Regulations” and Chapter 6 “Alcoholic Beverage Control”.”

Purpose: Amends the land use regulations to clarify definitions of bar/tavern, nightclub and restaurant with and without liquor licenses and to establish certain requirements for conditional use. Further amends Chapter 6 to identify certain factors the Town Council may consider when deciding on a liquor license issuance, transfer or renewal.

(* - Added April 8, 2016 at the request of Council President Armington).

2. Ordinances for Adoption

Ordinance No. O-10-2016

“Ordinance Amending and Supplementing the Code of the Town of Morristown Chapter 7 “Traffic”, Section 40.2 “Handicapped Parking on Streets for Private Residences” to Add a Dedicated Handicapped Parking Space for a Resident of 29 Columba Street.”

Purpose: Self-explanatory.

Ordinance No. O-11-2016

“Ordinance Amending and Supplementing the Code of the Town of Morristown Chapter 7 “Traffic”, Section 40.2 “Handicapped Parking on Streets for Private Residences” to Add a Dedicated Handicapped Parking Space for a Resident of 31 Western Avenue.”

Purpose: Self-explanatory.

Ordinance No. O-12-2016

“Ordinance Amending and Supplementing the Code of the Town of Morristown Chapter 7 “Traffic”.”

Purpose: Amends Code to modify parking restrictions located north of the Administration and Records Building main entrance on Court Street, pursuant to March 1, 2016 request by the County of Morris.

Ordinance No. O-13-2016

“Ordinance Amending and Supplementing Chapter 4 “Licensing and Business Registration” Section 26 “Taxicabs”.”

Purpose: Amends Chapter 4, Section 26.12 of the Morristown Town Code to include a provision that permits these license fees to be waived upon approval from the Town Council.

Ordinance No. O-14-2016

“Ordinance Amending and Supplementing the Code of the Town of Morristown Chapter 13 “Housing and Property Maintenance”.”

Purpose: Amends the Town Code requiring the registration of vacant and abandoned properties for pest control services.

3. Resolutions for Adoption

Resolution R- 63 -2016

“Resolution re-appointing Angela Swanston as Registrar of Vital Statistics of the Town of Morristown.”

Purpose: Re-Appoints Angela Swanston as Registrar of Vital Statistics for a term of three (3) years.

Resolution No. R- 64 -2016

“Resolution authorizing the cancellation of checks against the Town of Morristown Municipal Court ATS General Account with an issuance date of greater than six months.”

Purpose: Self Explanatory

Resolution No. R- 65 -2016

“Resolution authorizing the cancellation of checks against the Town of Morristown Municipal Court ATS Bail Account with an issuance date of greater than six months.”

Purpose: Self Explanatory

Resolution No. R- 66 -2016

Resolution authorizing submission of 2015 Tonnage Grant Application.

Purpose: Authorizes the submission of a grant application to the New Jersey Department of Environmental Protection to implement the Mandatory Source Separation and Recycling Act.

Resolution No. R- 67 -2016

“Resolution for the Tax Identification Statement.”

Purpose: Certifies expenditures on recycling disposal pursuant to Tonnage Grant Application requirements. Resolution is required boilerplate language provided by the State of NJ.

Resolution No. R- 68 -2016

“Resolution approving the 2016 Temporary Appropriations.”

Purpose: Approves Temporary Appropriations per the attached Schedule A.

4. Selection of the Town Council of a Full Member of the Board of Adjustment for an unexpired term ending December 31, 2016.

K. Unfinished (Old) Business

1. Proposed Ordinance Amending and Supplementing Chapter 6 “Alcoholic Beverage Control” to include a New Section Entitled “Expansion of License” (Requested by Council President Armington, Council Member Deeb and Council Member Iannaccone, with additional discussion on Liquor License Expansion requested by Council Member Harris).

L. New Business

1. **Ordinance No. O-9-2016**

“Ordinance amending and supplementing Chapter 3 “Police Regulation” and Chapter 8 “Streets and Sidewalks” of the Code of the Town of Morristown.”

Purpose: Amends Chapter 3 Police Regulation and Chapter 8 Streets and Sidewalks to encourage the safe and proper operation of bicycles on town streets.

(Requested by Council President Armington and tabled at the March 8, 2016 Town Council Member).

M. Correspondence Comments

N. Adjournment

CORRESPONDENCE

The correspondence portion of the agenda is now on the web. To view the ordinances, resolutions and correspondence, go to the town's web site www.townofmorristown.org and click on the Agenda's & Minutes.

All the correspondence, ordinances and resolutions are listed at the end of the agenda document.

MEMORANDUM

To: Stefan Armington, Council President
All Members of Council

From: Kevin D. Harris, Town Clerk

Sub: Correspondence

Date: April 7, 2016

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 April 12, 2016.

A. Mayor's Correspondence

B. Correspondence and Reports, Counsel and Department Heads

C. General Correspondence

- Check List & Wire Disbursement List for the month of March 2016.
- March 29, 2016 letter from Jennifer Ayanian, Business Administrator for the Presbyterian Church in Morristown advising the Town of the Church's award of a \$219,168 Morris County Historic Preservation Trust Fund Grant.
- March 22, 2016 letter from Deborah Hirt, Regional Manager, Community and Constituent Relations with the New Jersey Department of Transportation regarding the Route 287 Northbound Pavement Resurfacing Project.
- March 21, 2016 letter from Laura Cummings, P.E., Executive Director / Chief Engineer at the Southeast Morris County Municipal Utilities Authority regarding a drinking water quality outreach program in schools and child care facilities within its service area.
- March 24, 2016 letter from Richard T. Hammer, Acting Commissioner of the State of New Jersey Department of Transportation informing the Town that our community has been selected to receive \$245,000 in funding from the NJDOT Fiscal Year 2016 Municipal Aid Program for Washington Street Streetscape, Phase III.
- March 29, 2016 letter from the Richard T. Hammer, Acting Commissioner of the State of New Jersey Department of Transportation informing the Town that the Morristown Municipal Airport has been selected to receive \$117,900 in funding from the NJDOT's Airport Improvement Program for a State Grant funded by the Airport Safety Fund for the Obstruction Removal R/W 31 Project.
- March 14, 2016 letter from Michael E. Mihalic, Supervisor, Traffic Investigations, Bureau of Traffic Engineering, New Jersey Department of Transportation requesting a Resolution of Support from the Town Council for NJDOT's establishment of a new Traffic Regulation Order establishing and consolidating new bus stops on Route NJ 124 in the Town of Morristown.

D. Department Reports

E. Resolutions of Other Jurisdictions

F. Meeting Notices

G. Confidential Correspondence

TOWN OF MORRISTOWN

ORDINANCE O - 16 - 2016

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 30 "LAND USE REGULATIONS" AND
CHAPTER 6 "ALCOHOLIC BEVERAGE CONTROL"**

WHEREAS, the Town of Morristown desires to amend its land use regulations to clarify the definition of a bar/tavern, nightclub and restaurant with and without a liquor license and to establish certain requirements for such conditional uses; and

WHEREAS, the Town of Morristown also desires to amend Chapter 6 of the Town Ordinances to identify certain factors the Town Council may consider when deciding on a liquor license issuance, transfer or renewal;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Morristown, County of Morris, State of New Jersey, being the governing body thereof, that Chapter 30 Land Use Regulations and Chapter 6 Alcoholic Beverage Control be and hereby are amended and supplemented to read as follows :

30-301 DEFINITIONS.

Bar/Tavern shall mean a place of business duly licensed by the Morristown Alcoholic Beverage Control Board and where the principal use (during any hour) or function is the selling of alcoholic beverages and incident thereto may be the retail sale or consumption of food as a permitted use, consistent with N.J.S.A. 33:12 et seq.

Nightclub shall mean a commercial establishment dispensing food and beverages for consumption on premises in which music, dancing and/or entertainment is provided and where the occupancy limit is thirty percent (30%) greater than the number of seats available for guests and there is less than twelve (12) square feet per person permitted within the establishment. Entertainment, for purposes of this definition, shall not include background music, whether live or recorded whose primary purpose is to create an atmosphere or ambiance where the volume of the music does not interfere with normal conversations.

Restaurant shall mean an eating establishment that at all times maintains cooking facilities and serves its customers at tables employing waiters or waitresses, as opposed to a fast food establishment or cafeteria.

Restaurant with Liquor License shall mean any premises licensed to provide for the on-premises consumption of alcoholic beverages, and which at all times meets all of the following elements: (a) the gross proceeds derived each quarter from the sale of alcohol are less than the gross proceeds derived during that same quarter from the sale of food. (For purposes of this section, gross proceeds shall be deemed to be those amounts reported to the State of New Jersey in connection with the licensed premises on excise and sales tax returns); (b) the proprietor of the licensed premises does not engage in off-

premises advertising with respect to the price of its alcoholic beverages, or with respect to any special offers or features, (e.g., "Happy Hour") that relate to the sale or service of alcoholic beverages; (c) no "cover" or other minimum fee is charged to enter the premises at any time, provided, however that this provision shall not be construed to apply to fixed price meals, or complimentary glasses of champagne on holiday occasions such as Thanksgiving or New Year's Eve; (d) patrons are not at any time checked at the door for identification as to their age; and (e) on-premises consumption of alcoholic beverages shall be limited to patrons seated at tables and/or patrons seated in a bar area. The bar area referenced within this definition shall be designated and approved by the Morristown Alcoholic Beverage Control Board.

30-702 PROVISIONS APPLICABLE TO CERTAIN SPECIFIC CONDITIONAL USES.

In addition to the general requirements of subsection 30-701.1, the additional minimum requirements shall be met for approval of particular conditional uses as are listed in this section.

30-702.5 Bar/Taverns and Nightclubs.

It is the overall purpose of these provisions to provide specific zoning conditions and standards for the location and operation of bars/ taverns and nightclubs within the Town of Morristown and they shall be as follows:

1. No such establishment shall be within two hundred feet (200ft) (in any direction) of the property line of any residence or residential building and five hundred feet (500 ft) from any school.
2. All garbage and recyclables shall be collected and stored in an enclosed area within the establishment at all times.
3. Adequate security shall be stationed at the entrance and exit of the establishment during all hours of operation including an hour after closing.
4. There shall be no outdoor bar areas allowed.
5. Primary pedestrian entrances and exists shall be located on public streets. All doors at secondary and emergency entrances and exits not oriented toward commercial streets shall be closed by 10:00 p.m. except during bona fide emergencies.
6. Maximum occupancy calculations shall be submitted to the approving authority, either the Planning Board or the Zoning Board of Adjustment, and no Certificate of Occupancy shall be granted in excess of the calculations submitted at the time of approval.
7. Site Plans presented to the Planning Board or Zoning Board of Adjustment for approval shall be the same as the site plan presented to the governing body for

approval of any establishment with a liquor license. If the site plan presented to the Planning Board or Zoning Board of Adjustment is different from the site plan presented to the governing body (i.e increases or decreases by greater than 10% in number of tables and chairs, bar stools, length of bar, square footage, etc.) the licensee must return to the governing body for subsequent review and approval.

8. New facilities should include sufficient space to accommodate queuing for patrons. This space should be provided on-site to the greatest extent possible. If the public right-of-way is proposed for queuing, a management plan to control crowds and litter as well as to ensure adequate pedestrian circulation shall be submitted to the approving entity. Any such facilities shall be Americans with Disabilities Act compliant.
9. Off street parking shall comply with the requirements in section 30-803.
10. Daily cleaning of a place of businesses' public right-of-way up to 200 feet of the site of the establishment is required. This cleaning should occur before 8:00 a.m. each day.
11. All tables and chairs within the establishment shall be stationary and shall be affixed to the ground. Exceptions for rearranging tables to accommodate larger groups is permitted. A seating plan shall be a component of the site plan approval.

30-702.6 Restaurant with Liquor License

1. Restaurants with liquor licenses shall not serve alcoholic beverages after 11PM.
2. All tables and chairs within the establishment shall be stationary and shall be affixed to the ground. Exceptions for rearranging tables to accommodate larger groups is permitted. A seating plan shall be a component of the site plan approval.
3. Maximum occupancy calculations shall be submitted to the approving authority, either the Planning Board or the Zoning Board of Adjustment, and no Certificate of Occupancy shall be granted in excess of the calculations submitted at the time of approval.
4. Daily cleaning of a place of businesses' public right-of-way up to 200 feet of the site of the establishment is required. This cleaning should occur before 8:00 a.m. each day.

6-11 CONDITIONS TO LICENSE ISSUANCE, TRANSFER OR RENEWAL

As a way of safeguarding the public good, the Town Council, sitting as the Town of Morristown Alcoholic Beverage Control Board, may, pursuant to N.J.S.A. 33:1-32, impose limits on the number of persons permitted in any licensed premises and in any designated area or room therein as a condition to the issuance, transfer or renewal of any license. The Council may consider the following factors in deciding whether such a condition is warranted in any given case.

1. The public interest as determined by the number and size of existing licensed premises, the size and proximity of other licensed premises, and the impact on Municipal and public services; and
2. Compliance with zoning ordinances, with particular emphasis on the availability of off-street parking; and
3. Occupancy limits set forth in the certificate of occupancy for the premises or as required by the Municipal Zoning Official, Construction Code Official, and Fire Official; and
4. The licensee's ability to safely and lawfully operate the premises, as determined by required police services and police incidents on and in the immediate area around the premises; and
5. Public sentiment expressed at any license or license renewal hearing; and
6. Any other evidence relevant to the issue of occupancy.

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, This Ordinance shall take effect upon passage.

ATTEST:

ADOPTED:

Kevin D. Harris,
Town Clerk

Timothy P. Dougherty,
Mayor
Date: _____