*** AMENDED – 06/14/2016**
(Amended Items are Denoted by an Asterisk - *)

EXECUTIVE SESSION BEGINS AT 7:00 PM

THE REGULAR MEETING WILL BEGIN AT 7:30 PM
AND IMMEDIATELY AFTER THE CONCLUSION OF EXECUTIVE SESSION

Regular Meeting of Town Council

Tuesday, June 14, 2016

Statement of Compliance with Open Public Meetings Act

A. Roll-Call

B. Executive Session

1. Resolution to Enter Into Executive Session to discuss matters concerning collective bargaining agreements and/or negotiations pursuant to N.J.S.A. 10:4-12b(4). In addition, to discuss matters of current and/or pending litigation and contract negotiations other than those of collective bargaining, or matter with the Attorney/Client privilege pursuant to N.J.S.A. 10:4-12b(7).

2. Resolution authorizing the execution of a Memorandum of Agreement between the Town of Morristown and the Firefighters Mutual Benevolent Association Local No. 243 Morristown Fire Superior Officers,

   Purpose: Authorizes execution of a MOA for the period of January 1, 2015 through December 31, 2017.

3. Litigation/Tax Appeal Matters.

   a. Resolution of the Mayor and Town Council of the Town of Morristown in the County of Morris authorizing settlement of the 2012, 2013 and 2014 Tax Appeals entitled Thomas, Duleep & Alla v. Town of Morristown, Docket Nos: 013685-2012; 012807-2013; 010947-2014 of the tax assessment of Block 5801, Lot 3.307, known as 7 Prospect Street, #307 , in the Town of Morristown, Morris County, New Jersey.

      Purpose: Authorizes the Tax Appeal Settlement for Block 5801, Lot 3.307 in the amounts of: $352,500 (2012); $352,500 (2013);$325,000 (2014).

   b. Resolution of the Mayor and Town Council of the Town of Morristown in the County of Morris authorizing settlement of the 2011, 2012, 2013, 2014 and 2015 Tax Appeals entitled Marvin Estates @ Morristown, LLC v. Town of Morristown, Docket Nos: 013191-2011; 012840-2012; 011403-2013; 008153-2014; 008745-2015 of the tax assessment of Block 4402, Lot 4, known as 55 Ford Avenue, in the Town of Morristown, Morris County, New Jersey.

Purpose: Authorizes the Tax Appeal Settlement for Block 4402, Lot 4 in the amounts of: $303,100 (2011, 2012, 2013); $270,000 (2014); $280,000 (2015).

c. Resolution of the Mayor and Town Council of the Town of Morristown in the County of Morris authorizing settlement of the 2009, 2010, 2012, 2013, 2014, 2015 and 2016 Tax Appeals entitled Richards & Robbins v. Town of Morristown, Docket Nos: 010139-2009; 006281-2010; 001839-2012; 000535-2013; 002086-2014; 004611-2015; 000339-2016 of the tax assessment of Block 6102, Lot 14, known as 20 Community Place, in the Town of Morristown, Morris County, New Jersey.

Purpose: Authorizes the Tax Appeal Settlement for Block 6102, Lot 14 in the amounts of: $1,750,000(2009 and 2010); $1,850,000 (2012); Withdrawn (2013 and 2014); $1,850,000 (2015) and $1,850,000 (2016).

d. Resolution of the Mayor and Town Council of the Town of Morristown in the County of Morris authorizing settlement of the 2013, 2014 and 2015 Tax Appeals entitled Hollo, Thomas P. & Mary Elizabe v. Town of Morristown, Docket Nos: 012693-2013; 010504-2014; 010681-2015 of the tax assessment of Block 8803, Lot 14, known as 17 Vanderpool, in the Town of Morristown, Morris County, New Jersey.

Purpose: Authorizes the Tax Appeal Settlement for Block 8803, Lot 14 in the amounts of: $520,000 (2013); $520,000 (2014); $520,000 (2015).

e. Resolution of the Mayor and Town Council of the Town of Morristown in the County of Morris authorizing settlement of the 2011, 2012 and 2013 Tax Appeals entitled Charles Cryan et al v. Town of Morristown, and Cathal Seamus Holdings LLC v. Town of Morristown, Docket Nos: 013143-2011; 013465-2012; 011856-2013 of the tax assessment of Block 3701, Lot 5, known as 197 Morris Street in the Town of Morristown, Morris County, New Jersey.

Purpose: Authorizes the Tax Appeal Settlement for Block 3701, Lot 5 in the amounts of: $296,000 (2011); $275,000 (2012); $275,000 (2013).

C. Resumption of Regular Meeting

D. Moment of Silence

E. Pledge of Allegiance

F. Consent Agenda

1. May 31, 2016 Email from Mary Morse, requesting permission for the Continental Avenue Block Party, to be held on Saturday, July 9, 2016, with a rain date of Sunday, July 10, 2016, from 1:00 p.m. – 8:00 p.m., in front of 37, 38 & 39 Continental Avenue. Street block-off / barricades are requested from South Street to Sand Hill Road.

2. June 1, 2016 Letter from Glann Agee, requesting permission to hold the 6th Annual Liberty Street Block Party, to be held on Saturday, August 6, 2016, with a rain date of Sunday,

August 7, 2016, from 3:00 p.m. – 8:00 p.m., in front of 17 Liberty Street. Street block-off / barricades are requested from Linden Street to Mt. Airy Place.

3. May 17, 2016 Letter from Minister Samaria A. Tillman, Director of Church Operations, requesting permission to have a Mobile Testing Van (to conduct oral swab testing) around the area of the Morristown Green on Saturday, June 25, 2016, from 10:00 a.m. – 2:00 p.m., in observation of National HIV Testing Day (Applicant was also referred by the Municipal Clerk, to the Trustees of the Morristown Green for approval, if van is to be actually located on the Green).

G. Public Hearing

H. Council Comments to Items Discussed at Public Hearing

I. Mayor's Proclamations and Presentations

1. Proclamation Recognizing the Pi Theta Omega Chapter of the Alpha Kappa Alpha Sorority, Inc., for thirty (30) years of service to the Morristown community.

2. Presentation by Frank V. Mason, Chief Financial Officer for the Town of Morristown on the status of municipal debt in the Town of Morristown.

3. Presentation by Frank Piazza of Piazza & Associates addressing Council and the Public on the Affordable Housing Application Process in the Town of Morristown.

J. Report of Mayor and Town Officials

K. Council Liaison Reports

L. Regular Business

1. Ordinances for Introduction

*** Ordinance No. O-19-2016 * - Amended 6/14/2016**

"Bond Ordinance providing for various Capital Improvements in and by the Town Of Morristown, in the County Of Morris, New Jersey, appropriating $3,795,000 therefor and authorizing the issuance of $2,795,000 Bonds or Notes of the Town to finance part of the cost thereof."

Purpose: For various improvements within the Administration, Building, Dams, Department of Public Works, Parks, and Road Department.

Ordinance No. O-20-2016

"Ordinance of the Town of Morristown, in the County of Morris, State of New Jersey, for compensation for the elected Mayor, Town Council Members and Council President in the Town of Morristown, New Jersey and amending all Ordinances concerning such compensation heretofore adopted."

Purpose: Establishes compensation for the Mayor, Town Council Members and Council President for 2016.

Ordinance No. O-21-2016
"Ordinance of the Town of Morristown, in the County of Morris, State of New Jersey, for compensation for Management/Non-Union positions in the Town of Morristown, New Jersey and amending all ordinances concerning such compensation heretofore adopted."

Purpose: Establishes compensation ranges for Management/Non-Union positions for 2016.

2. Ordinances for Adoption

Ordinance No. O-17-2016 (Requested by the Clerk to be tabled until June 28, 2016 due to publication error).
"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.

3. Resolutions for Adoption

Resolution No. R-93-2016
"Resolution authorizing purchase of certain software, hardware, and peripherals from SHI International through State Contract."

Purpose: Self Explanatory

Resolution No. R-94-2016
"Resolution authorizing the award of contract to Intercounty Paving Associates to construct Runway 5/23 Keel Rehabilitation (Phase III) at the Morristown Municipal Airport."

Purpose: Authorizes award of contract to Intercounty Paving Associates to construct Runway 5/23 Keel Rehabilitation (Phase III) at the Morristown Municipal Airport in the amount of $1,795,475.00.

Resolution No. R-95-2016
Resolution authorizing Task Order #7 for Contract with Delta Airport Consultants, Inc. for Professional Services for Engineering Services in the amount of $204,525 at the Morristown Municipal Airport.

Purpose: Authorizes Task Order #7 for Contract with Delta Airport Consultants, Inc. in the amount of $204,525 for Engineering Services at the Morristown Municipal Airport.

Resolution No. R-96-2016
"Resolution authorizing execution of agreement with Valley Health Medical Group for Alcohol and Drug Testing Services."

Purpose: Authorizes execution of agreement with Valley Health Medical Group for Alcohol and Drug Testing Services for two-year period beginning July 1, 2016 and ending June 30, 2018.

*** Resolution No. R-97-2016 * - Amended 6/14/2016**
"Resolution authorizing and approving a contract with Alaimo Group for the Martin Luther King Avenue Streetscape Improvement Project."

Purpose: Authorizes contract in the amount of $236,875.

Resolution No. R-98-2016
"Resolution authorizing and approving a contract with Alaimo Group for the Washington Avenue Streetscape Improvement Project."

Purpose: Authorizes contract in the amount of $112,000.

Resolution No. R-99-2016
"Resolution authorizing and approving a contract with Arterial, LLC for the Washington Avenue Streetscape Improvement Project."

Purpose: Authorizes contract in the amount of $17,550.

Resolution No. R-100-2016
"Resolution authorizing and approving a contract with PS&S for Licensed Site Remediation Professional Oversite Services on the Coal Avenue Parking Lot Improvement Project.

Purpose: Self-Explanatory.

Resolution No. R-101-2016
""Resolution Adopting the 2016 Budget of the Morristown Partnership Special Improvement District."

Purpose: Self-Explanatory.

M. Unfinished (Old) Business – None.

N. New Business – None.

O. Correspondence Comments

P. 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: June 9, 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 June 14, 2016.

A. Mayor's Correspondence

B. Correspondence and Reports, Counsel and Department Heads

C. General Correspondence

- June 14, 2016 Memorandum from Jillian C. Barrick, Town Administrator, detailing Check List & Wire Disbursement List for the month of May 2016 (a copy of this list is attached).

D. Department Reports

- June 1, 2016 Memo to Mayor and Council from Frank Mason, CFO regarding Bond Anticipation Note (BAN) $4,005,000 – Maturity Date June 9, 2017.

- June 1, 2016 Memo to Mayor and Council from Frank Mason, CFO regarding Bond Sale $10,924,000.

E. Resolutions of Other Jurisdictions

F. Meeting Notices

G. Confidential Correspondence

*** MODIFIED – 6/09/2016**

TOWN OF MORRISTOWN

ORDINANCE O – 19 – 2016

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF MORRISTOWN, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING $3,795,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $2,795,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MORRISTOWN, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Town of Morristown, in the County of Morris, New Jersey (the "Town") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to $3,795,000, and further including the aggregate sum of $1,000,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of $2,795,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond

anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

Purpose	Appropriation & Estimated Cost	Estimated Maximum Amount of Bonds & Notes	Period of Usefulness
a) Administration Department			
1) The acquisition of multi-purpose property software, including all related costs and expenditures incidental thereto.	$106,000	$78,070	5 years
2) The acquisition and installation of a telephone system, including all related costs and expenditures incidental and further including all work and materials necessary therefor and incidental thereto.	$95,000	$69,965	10 years
b) Building Department			
1) Refinish floor at Speedwell Firehouse Apparatus Area and the acquisition and installation of sallyport lights, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	$31,500	$23,200	10 years

2) Refurbish Town Hall 1st floor bathrooms, including all work and materials necessary therefor and incidental thereto.	$10,000	$7,365	15 years
c) <u>Dams Department</u> The acquisition of a rung ladder for the Speedwell Dam Gate House, including all related costs and expenditures incidental thereto.	$6,500	$4,785	15 years
d) <u>Department of Public Works</u> 1) The acquisition of a pick-up truck with plow and a dump truck with plow and spreader, including all related costs and expenditures incidental thereto.	$183,000	$134,780	5 years
2) The acquisition of a front end loader, a brush bandit, recycling compactors and electrical hookup and a snow thrower, including all related costs and expenditures incidental thereto.	$336,000	$247,465	15 years
e) <u>Park Department</u> Gramby Playground improvements, landscape beautification projects at miscellaneous locations, Park Art Phase 2, and the acquisition and installation of sand filter material for Burnham Pool, including all work and materials necessary therefor and incidental thereto and further including all work and materials necessary therefor and incidental thereto.	$222,000	$163,500	15 years
f) <u>Road Department</u> 1) Improvements to Coal Avenue parking lot, Co-op castings, Co-op milling and resurfacing of various streets, all as set forth on a list on file in			

the Office of the Clerk, Co-op striping, crack sealing, curb, sidewalk and drainage improvements, interns time and engineering overtime, MLK promenade settlement, police traffic directors, traffic signal improvements and the acquisition of a sewer television, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.	$2,775,000	$2,043,775	10 years
2) Tree planting, including all work and materials necessary therefor and incidental thereto.	$30,000	$22,095	15 years
TOTAL:	$3,795,000	$2,795,000	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the

bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Town may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.41 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $2,795,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding $380,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further

authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

TOWN OF MORRISTOWN

ATTESTED:

_____
Kevin D. Harris,
Town Clerk

_____
Timothy P. Dougherty,
Mayor

DATED:_____

TOWN OF MORRISTOWN

RESOLUTION R-__97____-2016

A RESOLUTION AUTHORIZING AND APPROVING A CONTRACT WITH ALAIMO GROUP FOR THE MARTIN LUTHER KING AVENUE STREETSCAPE IMPROVEMENT PROJECT

WHEREAS, the Town of Morristown (the "Town") desires to retain an engineering firm capable of providing engineering services in connection with the Martin Luther King Avenue Streetscape Improvement Project; and

WHEREAS, on May 25, 2016, the Alaimo Group provided a proposal to provide the following engineering services in connection with this project:

Field Surveying:	$46,500
Design Phase:	$190,375
TOTAL:	**$236,875**

WHEREAS, Alaimo Group has the necessary experience and personnel to complete the tasks required in a satisfactory manner; and

WHEREAS, the Town of Morristown desires to retain Alaimo Group to provide the above referenced services; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law contracts for professional services are exempt from public bidding; and

WHEREAS, funds are available for this contract and a Certificate of Availability has been filed by the Chief Financial Officer of the Town of Morristown with the Town Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C: 5:34-5.2; and

WHEREAS, Alaimo Group has completed and submitted a Business Entity Disclosure Certification at least ten (10) days prior hereto, as required by P.L. 2005, c.271, which certifies that neither it nor any member nor principle of the firm has made any reportable contributions to a political or candidate committee in the Town of Morristown in the previous one year that would violate either N.J.S.A. 19:44A-20.5, or the Town's Local Unit Pay to Play Ordinance adopted by referendum, or any and all relevant Executive Orders, or the New Jersey Election Law Enforcement Commission disclosure requirements, and that the contract will bar any member of the firm from making any reportable contributions through the term of the contract;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Morristown, County of Morris and State of New Jersey that the Mayor and the Town Clerk are hereby authorized and directed to sign a contract with Alaimo Group, 2 Market Street, Paterson, New Jersey 07501 for an amount not to exceed $236,875.00 for engineering services in connection with the Martin Luther King Avenue Streetscape Improvement Project; and

BE IT FURTHER RESOLVED, that Alaimo Group will comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 (Affirmative Action), and N.J.S.A. 52:32-44, (Business Registration), and the Town's insurance requirements; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be published if required by law within ten (10) days of its passage.

ATTEST:

_____

KEVIN D. HARRIS,
TOWN CLERK

ADOPTED:

_____

STEFAN ARMINGTON
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 June 14, 2016 in the Morristown Council Room, 200 South Street, Morristown, New Jersey, beginning at _____ P.M., prevailing time.

DATED: June 14, 2016

_____

Kevin D. Harris, Town Clerk