

**MINUTES**  
Regular Meeting of Town Council

Tuesday, April 12, 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 April 12, 2016, in the Council Room of the Morristown Town Hall located at 200 South Street, Morristown, New Jersey, beginning at 7:36 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, Ms. Deeb, Mr. Elms, Ms. Foster, Ms. Harris, Mr. Iannaccone, Council President Armington

ABSENT: None.

Before proceeding Council President Armington advised that Ordinance O-16-2016 shall be withdrawn.

Council Member Iannaccone suggested that the Council President may wish to explain further. Council Member Harris suggested that it be discussed and considered in a separate meeting.

- C. Moment of Silence – The Town Clerk asked the assembly to observe a moment of silence asking that thoughts and well wishes extended to the Family of Heather Bendel, a Town Employee who passed away on April 1, 2016.
- D. Pledge of Allegiance – Council President Armington led the meeting in reciting the Pledge of Allegiance.
- E. Consent Agenda – The Town Clerk presented the Consent Agenda consisting of the following items:
  - 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.

Council President Armington made a motion that the Consent Agenda be

moved for Adoption. The motion was seconded by Council Members Foster and Harris and adopted on the following roll call vote.

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

NAYS: None

ABSTAIN: None

ABSENT: None

#### F. Public Hearing

1. Street Smart Morristown Pedestrian Safety Campaign Presentation, by Laura Cerutti of TransOptions (Transportation Management Company for Morris County).

Ms. Cerutti informed the Council that on Tuesday, March 29, 2016, TransOptions, the Town of Morristown and the Morristown Police Department launched the Street Smart Pedestrian Safety Campaign here at Town Hall. The Campaign which is sponsored by Town, County and State Officials as well as local businesses is attempting to promote and maintain a safe walking community in the Town of Morristown. The focus is to raise awareness and curb the risky behavior that many have observed when walking down Town streets; including, but not limited to: jaywalking; walking against traffic; failing to yield to pedestrians in the crosswalk; and speeding. Ms. Cerutti further stated that the program seeks to impact not only Morristown residents, but those who visit this great community but those who utilize the Downtown.

Ms. Cerutti sighted the number of accidents involving pedestrians and cited the progress that has been made: including, enforcement of traffic laws and the issuing of summonses, providing of literature and safety items. Ms. Cerutti stated that TransOptions is proud to be a partner and hopes to continue this. Ms. Cerutti thanked Council for allowing her to speak.

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 this matter.

There appearing no one further to be heard, the Council President closed the public portion of the meeting on this matter and thanked Ms. Cerutti for her comments.

2. All other interested members of the public wishing to address Council on any issue.

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. The Town Clerk advised members of the public to limit their comments to five minutes or less and that offensive and/or derogatory comments would be ruled out of order.

**Eddie L. Portis**, who represents himself to be a small taxi business owner here in the Town, inquired that the Town has allowed Uber to operate in the Town. Mr. Portis asked why; and why the Town did not consult the taxi owners who legally operate here in Town pursuant to the Town Code. Mr. Portis cited that Uber drivers have refused to comply with the requirements that mandate background checks. Mr. Portis asked for a copy of the Ordinance under which Uber drivers operate in the Town of Morristown.

**Christine Miller**, 15 Maxwell Court, Morristown, expressed concerns about Foote's Pond. Ms. Miller cited comments made by a resident at the March 8, 2016 Town Council Meeting. Ms. Miller cited another resident who read a letter to the Council at a previous meeting. Mr. Miller stated that Mayor Dougherty represented at the March 22, 2016 Meeting that he would have a report at this meeting (April 12, 2016). Ms. Miller stated that they look forward to the report. Ms. Miller showed Council a picture of the Pond from 1903 and displayed how it has recessed considerably.

**Isaac Portis**, owners of P&P Taxi in Morristown, stated that there appears to be no loyalty from the Town Officials to local business owners when Uber is allowed to operate in Town without regulation. Mr. Portis stated that the Town is allowing Uber an unfair advantage over local Town businesses and asked how Town Officials could have allowed this.

**Bill Byrne**, 100 Franklin Street, Morristown, stated that there are many safety concerns regarding Uber that he; as a member of the task force does not take lightly. Mr. Byrne stated that the local taxi businesses operating in Town are doing a good job. Mr. Byrne stated that there is an unfair advantage being presented to Uber in that they do not have to abide by the same laws as local taxi owners. Mr. Byrne stated that Uber drivers should have to submit to a background check, including criminal and driving records.

**Chuck Peoples**, owner of Peoples' Taxi Service, Morristown, stated for the Council requirements that Taxi owners have to abide by regarding insurance and licenses and the penalties that Taxi owners face. Mr. Peoples stated that if

Uber drivers wish to operate in Town; they should have to abide by the same requirements or face the same penalties.

**Stephen Pylypchuk**, 106 Early Street, Morristown, stated that while he understands the concerns of local taxi business owners; the service provided by Uber has been a benefit to Town residents and they provide a better service. Mr. Pylypchuk stated that it is a free market and that the needs of the consumers need to be addressed. Mr. Pylypchuk also expressed concerns regarding the high school street parking and how high school students are not abiding by the 2 hour parking limits.

**Greg Bruen**, formerly of 277 Speedwell Avenue, Morristown, stated that he has recently sold his residence and how the house has already been illegally converted to a multi-family dwelling. Mr. Bruen also stated that he is donating two (2) benches to the Town that Mr. Bruen handmade. Mayor Dougherty stated that the complaint shall be investigated and he appreciated Mr. Bruen's donation and stated that Mr. Bruen is an accomplished carpenter and wood-work specialist as well as an accomplished tennis player. Mr. Bruen received an applause from the Assembly.

**Sandra Wall**, speaking on behalf of Enslin's Taxi Service, Morristown, stated that Uber is a bigger issue that needs to be addressed and how Uber drivers are not being ticketed by the Morristown Police. Ms. Wall stated that she does not care that Uber is clean; she cares that Uber is illegal and the Town could be facing legal consequences.

**George Enslin**, owner of Enslin's Taxi Service, Morristown, stated that Uber does not care about the residents in Morristown.

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

#### G. Council Comments in Response to Comments Raised in Public Hearing.

Council raised no comments in response to public hearing comments; however, Council Members did comment during the report of the Mayor.

#### H. Mayor's Proclamations and Presentations

1. Arbor Day Proclamation. Mayor Dougherty presented a Proclamation for Arbor Day to the Morristown Shade Tree Commission proclaiming

April 30, 2016 as Arbor Day in the Town of Morristown and to encourage everyone to plant trees to insure future generations.

Accepting the Proclamation was Commissioner Kristen Ace, Chairperson of the Morristown Shade Tree Commission, who invited everyone to attend the Arbor Day celebration on April 30, 2016

#### I. Report of Mayor and Town Officials

The Mayor stated that one of the reasons why Council has been asked to waive the taxi owner and driver license fees is to give the taxi owners a better chance. Mayor Dougherty stated that if owners leave their contact information with the Town Clerk; the Mayor shall provide the research information prepared by the Town Attorney. The Mayor stated that the police have difficulty identifying Uber and this is a large issue. The Mayor is aware of some municipalities attempting to pass ordinances. However, Mayor Dougherty stated that the Town would successfully survive any litigation due to an Uber driver's liability.

Business Administrator Jillian Barrick stated that the Town Engineer did review the original Deed for Foote's Pond and that the purpose was to use it for public playground purposes. Ms. Barrick further stated that if it is no longer utilized for that purposes; it would revert back to the Foote's Estate. Ms. Barrick further stated that the Deed did not provide specific standards that require the Town to maintain or remediate the problems. Ms. Barrick further stated that the State Department of Environmental Protection and there is no legal obligation to maintain public bodies of water unless it causes a specific public safety threat. However, Ms. Barrick did state that if the Town chose to undertake the endeavor; there is a permitting process that the Town would have to follow. Ms. Barrick stated that the permitting process would take 18 months or more. Ms. Barrick further stated that they did speak with the outside engineer who would provide information from other Towns as well as a possible cost benefit.

Council Member Deeb asked Ms. Barrick the date of the Deed, Ms. Barrick replied 1942. Council Member Deeb asked for a copy of the Deed and asked if Ms. Barrick was aware of a 2001 Deed that did place restrictions for maintenance. Council Member Deeb read the terms and conditions of the 2001 Deed into the record. Ms. Barrick asked Council Member Deeb provide her with a copy. Council Member Harris asked that Ms. Barrick provide Council with a written copy of the verbal report that Ms. Barrick gave this evening.

Mayor Dougherty stated that he attempted to read the 2009 Study which is very voluminous. Mayor Dougherty further stated that he was referring the matter and the 2009 Study to the Town's Environmental Commission who is going to provide a report. Mayor Dougherty stated that the study shall have to be updated and the Town is looking into the cost stating that it was originally about \$7,000. Mayor Dougherty stated that the Administration would report back.

Council Member Deeb stated that the Town should look into companies other than Princeton Hydro who prepared the 2009 Study which Council Member Deeb states is very vague. Council Member Deeb asked for clarity as to the Deed Restrictions and asked for a written legal opinion at the next meeting.

Mayor Dougherty stated that former Council President Rebecca Feldman was very instrumental in Team 26 of the Bike Rider who ride on behalf of those killed at Sandy Hook Elementary School. Mayor Dougherty stated that the team stayed in Town and the Town provided a reception for them. Mayor Dougherty thanked them for selecting Morristown as one of their stops and he looks forward to having them back.

Mayor Dougherty stated that the Fishing Derby kicks off on Saturday, April 16, 2016 at Burnham.

Mayor Dougherty stated there was celebration at MPAC this evening for the 200<sup>th</sup> Anniversary of the Morristown Green and thanked the Council Members who attended. Mayor Dougherty cited 1776 when George Washington frequented Arnold's Tavern.

#### J. Council Liaison Reports

Council Member Harris stated that the Environmental Commission met recently and they have been notified by the Mayor about their requested assistance in the Foote's Pond issue.

Council Member Harris cited the Earth Townwide Clean-Up on April 23, 2016 and that the Commission is waiting on the Mayor's appointments which Mayor Dougherty replied have been made.

Council Member Davis stated that the Housing Authority met on March 28, 2016 after a brief hiatus. Council Member Davis stated that the Executive Director had been sick and the Authority is working to stay focused.

Council Member Deeb stated that she is working with Council President Armington to get a trails grant for Foote's Pond. However, the Pond is shrinking before everyone's eyes and the Administration has stated that they will study the matter. Council Member Dee stated that the residents are looking for a positive plan of action and asked Mayor Dougherty for his plan. Mayor Dougherty stated that it is important to his Administration, but he is not going to keep beating around the bush. Mayor Dougherty then left the room. Council Member Deeb stated that she would like a report within two weeks. Council President Armington asked Council Member Deeb to limit her comments to liaison reports.

K. Regular Business

**Ordinances for Introduction**

**Ordinance No. O-15-2016**

**Introduced** The Town Clerk offered 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 5<sup>th</sup> to April 5<sup>th</sup>.

Council President Armington made a motion that Ordinance O-15-2016 be introduced, read by title, passed on first reading and that a meeting be held on April 26, 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 Member Foster.

Called to question Ordinance No. O-15-2016 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 (left the room)

### **Ordinances for Public Hearing and Adoption**

#### **Ordinance No. O-10-2016**

**ADOPTED** The Town Clerk offered for public hearing and adoption Ordinance O-10-2016 entitled:

“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.

Council President Armington directed that the ordinance be read by title only.

The Town Clerk read the ordinance by title and stated that it had been published in the Morris County Daily Record, according to law.

Council President Armington moved for adoption of Ordinance No. O-10-2016 by title only on second reading and final adoption thereof. The motion was seconded by Council Member Foster.

Public Hearing: The Council-President opened the meeting for public hearing on the ordinance and invited all citizens and tax payers to speak in regard thereto.

There being no one to be heard, the Council President declared the public hearing closed.

There were no questions or comments from Council Members.

Called to question Ordinance No. O-10-2016 was adopted 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 (left the room)

The Town Clerk announced that the ordinance had been finally adopted, that notice of final adoption would be published in the Morris County Daily Record, as required by law.

**Ordinance No. O-11-2016**

**ADOPTED** The Town Clerk offered for public hearing and adoption Ordinance O-11-2016 entitled:

“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.

Council President Armington directed that the ordinance be read by title only.

The Town Clerk read the ordinance by title and stated that it had been published in the Morris County Daily Record, according to law.

Council President Armington moved for adoption of Ordinance No. O-11-2016 by title only on second reading and final adoption thereof. The motion was seconded by Council Member Foster.

Public Hearing: The Council-President opened the meeting for public hearing on the ordinance and invited all citizens and tax payers to speak in regard thereto.

There being no one to be heard, the Council President declared the public hearing closed.

There were no questions or comments from Council Members.

Called to question Ordinance No. O-11-2016 was adopted 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

The Town Clerk announced that the ordinance had been finally adopted, that notice of final adoption would be published in the Morris County Daily Record, as required by law.

**Ordinance No. O-12-2016**

**ADOPTED** The Town Clerk offered for public hearing and adoption

Ordinance O-6-2016 entitled:

“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.

Council President Armington directed that the ordinance be read by title only.

The Town Clerk read the ordinance by title and stated that it had been published in the Morris County Daily Record, according to law.

Council President Armington moved for adoption of Ordinance No. O-12-2016 by title only on second reading and final adoption thereof. The motion was seconded by Council Member Davis.

Public Hearing: The Council-President opened the meeting for public hearing on the ordinance and invited all citizens and tax payers to speak in regard thereto.

There being no one to be heard, the Council President declared the public hearing closed.

There were no questions or comments from Council Members.

Called to question Ordinance No. O-12-2016 was adopted 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

The Town Clerk announced that the ordinance had been finally adopted, that notice of final adoption would be published in the Morris County Daily Record, as required by law.

**Ordinance No. O-13-2016**

**ADOPTED** The Town Clerk offered for public hearing and adoption

Ordinance O-13-2016 entitled:

“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.

Council President Armington directed that the ordinance be read by title only.

The Town Clerk read the ordinance by title and stated that it had been published in the Morris County Daily Record, according to law.

Council Member Harris moved for adoption of Ordinance No. O-13-2016 by title only on second reading and final adoption thereof. The motion was seconded by Council President Armington.

Public Hearing: The Council-President opened the meeting for public hearing on the ordinance and invited all citizens and tax payers to speak in regard thereto.

There being no one to be heard, the Council President declared the

public hearing closed.

Council Member Foster asked if there is a sunset clause as to how long it will be in effect. Mayor Dougherty stated it would be indefinite. Council Member Foster further asked what criteria would be used.

Assistant Municipal Attorney Joni N. McDonnell, Esq., stated that the taxi owners shall come before Council every year at renewal and request a waiver on an annual basis. Mayor Dougherty stated that was not the intention and suggested that Council table the Resolution and rewrite it as it was his intention to grant a flat waiver. Council Member Iannaccone agreed.

Ms. Barrick stated that given there is no sunset clause; it was agreed that this would be annually. Furthermore, Ms. Barrick stated that granting or denying the waiver would be at Council's discretion.

Called to question Ordinance No. O-13-2016 was adopted 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 (left the room)

The Town Clerk announced that the ordinance had been finally adopted, that notice of final adoption would be published in the Morris County Daily Record, as required by law.

**Ordinance No. O-14-2016**

**ADOPTED** The Town Clerk offered for public hearing and adoption

Ordinance O-14-2016 entitled:

“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.

Council President Armington directed that the ordinance be read by title only.

The Town Clerk read the ordinance by title and stated that it had been published in the Morris County Daily Record, according to law.

Council President Armington moved for adoption of Ordinance No. O-14-2016 by title only on second reading and final adoption thereof. The motion was seconded by Council Member Harris.

Public Hearing: The Council-President opened the meeting for public hearing on the ordinance and invited all citizens and tax payers to speak in regard thereto.

There being no one to be heard, the Council President declared the public hearing closed.

There were no questions or comments from Council Members.

Called to question Ordinance No. O-14-2016 was adopted 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 (left the room)

The Town Clerk announced that the ordinance had been finally adopted, that notice of final adoption would be published in the Morris County Daily Record, as required by law.

## **Resolutions for Adoption**

### **Resolution No. R-63-2016**

#### **Passed**

Council President Armington moved the adoption of the following resolution: Here follows Resolution R-63-2016 entitled:

“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.

Council Member Elms stated that Ms. Swanston is a client and as such he shall recuse himself from the vote.

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

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

NAYS: None

ABSTAINING: Mr. Elms (recused)

ABSENT: Ms. Deeb (left the room)

### **Resolution No. R-64-2016**

#### **Passed**

Council President Armington moved the adoption of the following resolution: Here follows Resolution R-64-2016 entitled:

“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.

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 (left the room)

**Resolution No. R-65-2016**

**Passed**

Council President Armington moved the adoption of the following resolution: Here follows Resolution R-65-2016 entitled:

“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.

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 (left the room)

**Resolution No. R-66-2016**

**Passed**

Council President Armington moved the adoption of the following resolution: Here follows Resolution R-66-2016 entitled:

“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.

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 (left the room)

**Resolution No. R-67-2016**

**Passed**

Council President Armington moved the adoption of the following resolution: Here follows Resolution R-67-2016 entitled:

“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.

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 (left the room)

**Resolution No. R-68-2016**

**Passed**

Council President Armington moved the adoption of the following resolution: Here follows Resolution R-68-2016 entitled:

“Resolution approving the 2016 Temporary Appropriations.”

Purpose: Approves Temporary Appropriations per the attached Schedule A.

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 (left the room)

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

The Town Clerk advised the Council that nominations were being sought for appointment by the Town Council of a Full Member of the Board of Adjustment for an unexpired term ending December 31, 2016. Catherine Brown has withdrawn her name from consideration. Council President Armington stated that both the First Alternate and Second Alternate have expressed interest

Council Member Harris placed into nomination the name of Justin Davis (**passed**).

Council Member Iannaccone placed into nomination the name of Scott Wild (**not considered due to passing of previous nomination**).

No other names were submitted in nomination. Nominations were closed.

Taken in alphabetical order, the nomination of Justin Davis was considered for a vote and **passed** on the following roll call:

YEAS: Ms. Davis, Mr. Elms, Ms. Foster, Ms. Harris

NAYS: Ms. Deeb, Mr. Iannaccone, Council President Armington

ABSTAINING: None

ABSENT: None

The nomination of Justin Davis to serve as a Full Member of the Board of Adjustment for an unexpired term ending on December 31, 2016 is confirmed.

L. Unfinished 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).

Council President Armington stated that he brought this forward after speaking with Council Members some of whom wanted to see some modifications before moving forward. Council President Armington further stated that he shall continue to work with the Administration to draft a comprehensive ordinance.

Council Member Iannaccone stated that he would like to see this Ordinance introduced at the next meeting. Council Member Deeb agreed.

M. 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 Meeting).

Council President Armington stated that due to substantial changes to the Town policy; he wished to have Council view this Ordinance prior to being moved for introduction. Council President Armington stated the goals of the proposed Ordinance and stated that the Ordinance also reflects that the conflicts are in the Business District where no person under the age of 11

would be allowed unless accompanied by a parent or adult. Council President Armington stated that there are provisions as to the motorists giving bikers a safe berth and parked cars when drivers open their doors into an ongoing bike traffic.

Council Member Deeb stated that the purpose of the Ordinance would be better stated if it were rewritten to include two provisions: (1) to encourage the safe and proper operation of bikes on Town streets; and (2) to promote the safety of people walking on sidewalks. Council Member Deeb stated that pedestrian safety should also be considered and cycling on sidewalks should be regulated.

Mayor Dougherty stated that should children under 11 not be allowed on sidewalks. Council Member Deeb stated that she would be opposed to any bikes on sidewalks and she was merely stating her opinion.

Council President Iannaccone asked if the Ordinance should be left for discussion one final time before introduction; however, Council Member Iannaccone stated that it should be moved soon. Council President Armington stated that he would like to see moved at the next meeting with the modification suggested by Council Member Deeb.

Council Member Harris stated that it would also be nice to see training provided. Council President Armington stated that TransOptions and Morristown BikeWalk do provide training. Council Member Harris stated that she would like to see this in schools.

#### N. Correspondence Comments

Mayor Dougherty stated that he hoped everyone saw the grants that were awarded.

- O. 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 9:05 p.m..

Respectfully Submitted

ATTEST

APPROVED

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KEVIN D. HARRIS  
TOWN CLERK

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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, April 12, 2016, and duly passed and adopted by the Town Council of the Town of Morristown at the Regular Meeting of the Town Council held on October 25, 2016 in the Morristown Council Room, 200 South Street, Morristown, New Jersey, beginning at 7:30P.M., prevailing time.

DATED: \_\_\_\_\_

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Kevin D. Harris, Town Clerk