

MINUTES
Regular Meeting of Town Council

Tuesday, April 14, 2015
7:00pm

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 14, 2015, in the Council Room of the Morristown Town Hall located at 200 South Street, Morristown, New Jersey, beginning at 7:00pm, prevailing time.

Council President Feldman presiding.

Deputy Town Clerk Robin J. Kesselmeyer 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 6, 2015 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 Mayor was in attendance

B. Roll Call

ATTENDANCE:

PRESENT: Mr. Elms, Ms. Foster, Ms. Harris, Mrs. Smith-Reid, Council President Feldman

ABSENT: Ms. Deeb (Mr. Armington joined the
Meeting at 7:35pm)

C. Executive Session

CLOSED SESSION At this time, the clerk read the following resolution:

BE IT RESOLVED by the council of the Town of Morristown, County of Morris, State of New Jersey, as follows:

That pursuant to Sections 7 and 8 of the "Open Public Meetings Act", the following subject to be discussed in a meeting of the Council to be held on this date and closed to the public:

1. Resolution Authorizing Execution of a Developer's Agreement by and between the Town of Morristown and Whole Foods Market

Purpose: Authorizes execution of a Developer's Agreement between the Town and Whole foods Market located at 104 and 110 Washington Avenue, Morristown, NJ

The information to be discussed in closed session shall be made available to the public within thirty (30) days and/or at the conclusion of said litigations and negotiations, as determined by council.

Council President Feldman moved the adoption of the foregoing resolution, which motion was seconded by Ms. Foster and passed on the following roll call:

YEAS: Mr. Elms, Ms. Foster, Ms. Harris, Mrs. Smith-Reid, Council President Feldman

NAYS: None

ABSENT: Ms. Deeb, Mr. Armington

Upon reconvening in Open Session

D. Moment of Silence

The Council asked for the members of the Armed Forces serving around the world to be remembered, as well as any member of the Morristown community who has had a relative or close friend pass away.

E. Pledge of Allegiance

F. Consent Agenda

The Deputy Town Clerk presented the Consent Agenda consisting of the following items:

1. Letter of Request March 18, 2015 from Jennifer Wehring, Director of Marketing,

- Morristown Partnership, for permission for appropriate street closures and to hold their annual community events – Morristown Festival on the Green on Sunday, September 27, 2015, and Santa’s Arrival & the lighting of the Morristown Green on Sunday, November 29, 2015.
2. Letter of Request dated March 18, 2015 from Jennifer Wehring, Morristown Partnership & Kadie Dempsey, Morristown Arts, requesting permission for town-wide sidewalk permits and permission to hold the “Meet Me in Morristown” campaign on May 28, June 25, July 30, and August 27, 2015.
 3. Request of George and Martha, LLC, 67-69 Morris Street, Morristown, NJ for permission to extend the licensed premises to the rear of the restaurant on May 2, 2015 from 12:00 am – 10:00 pm., and May 3, 2015 from 12:00 am – 10:00 pm, in observance of Cinco de Mayo celebration.
 4. Letter dated April 7, 2015 from James A. Cavanaugh, Principal of 579 South Street Holdings (d.b.a. Iron Bar) requesting permission to extend services of alcoholic beverages to patrons of the Iron Bar’s licensed sidewalk café.
 5. Letter dated March 26, 2015 from Sondra V. Lasky, Esq., Assistant General Counsel of the Office of Morristown, LLC requesting a sidewalk permit and permission to extend its alcohol consumption beverage license to the sidewalk café.
 6. Letter dated March 28, 2015 from David Prusin and Todd Redmond, Principals of T&D Restaurants, LLC (t/a David Todd’s City Tavern) requesting permission to extend services of alcoholic beverages to David & Todd’s licensed sidewalk café.
 7. Letter dated April 1, 2015 from Chester Grabowski, Officer/Shareholder of Vail Liquor License Corp. (t/a Urban Table) requesting permission to extend services of alcoholic beverages to patrons of Urban Table’s licensed sidewalk café.

YEAS: Mr. Elms, Ms. Foster, Ms. Harris, Mrs. Smith-Reid, Council President Feldman

NAYS: None

ABSENT: Mr. Armington, Ms. Deeb

G. Public Hearing

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.

James Jones, Washington Valley Road, Owner of J&J Limo in Morristown, addressed the Council regarding the UBER situation in the Town. He stated on any given weekend night the Town is over come with UBER drivers/cars. He stated they do not have a permit to operate in the Town, no limo/taxi mandated insurance for the Town and are having a huge impact on the legally licensed limos and taxi’s here in Morristown. He stated the licensed companies are faced with losing their businesses due to the lack of enforcement against these unlicensed UBER drivers and asked the Town to please do something about this ongoing situation.

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

The Mayor asked our attorney's to please research this situation to find an answer on how we can deal with UBER and have an answer in the near future.

Mr. Pawar, Esq. stated there is a Bill currently pending in the Assembly regarding the UBER situation, and many municipalities are experiencing this same problem.

The Mayor asked this to be put on the agenda in unfinished business for next week and hopefully we will have a few answers on how to deal with this situation.

H. Mayor Presentations

1. Proclamation by Mayor Dougherty of April 18, 2015 as Arbor Day in the Town of Morristown.

The Mayor presented a Proclamation to the Shade Tree Commission proclaiming April 18, 2015 Arbor Day. He also stated the Town allocated an extra \$40,000 in the budget for trees this year.

2. Presentation by Mayor Dougherty of a "Sustainable Jersey" Plaque

The Mayor presented Paul Miller of Sustainable Jersey a plaque for all the hard work in helping the Town achieve bronze certification in sustainability. Mr. Miller stated this is a community award and should be shared by everyone.

Mr. Miller stated next Wednesday, April 22 is the 45th Anniversary of Earth Day.

J. Report of Mayor and Town Officials

Swearing in for the Police Department

The Acting Town Clerk, Robin J. Kesselmeyer swore in the following police officers:

1. Police Officer Brendan Murphy
2. Police Officer Mark Underhill

K. Council Liaison Reports

Mr. Elms, Council Liaison, Morristown Partnership, stated next week, April 27th – May 3rd is Restaurant Week and many of the restaurants throughout the Town will be offering great deals.

Council President Feldman, Liaison to the Parking Authority stated the Ordinance regarding the meter upgrades and the rate changes will be coming back to the Council within the next couple of months.

L. Regular Business

Distribution and Presentation of the 2015 Municipal Budget (Mayor Dougherty)

The Mayor thanked the Council, Departments Heads and especially Michael Rogers, Business Administrator for all the hard work and countless hours spent this year preparing this budget.

Mayor Dougherty stated 2014 was one of the safest years recorded in Morristown history. The Mayor stated the proposed 2015 Municipal budget reflects no increase in municipal tax rate.

The Mayor stated the budget will be posted on the Town website tomorrow.

Ordinances for Introduction

Ordinance No. O-5-2015

Introduced The Deputy Town Clerk offered for introduction Ordinance No. O-5-2015 entitled:

“Ordinance to exceed the Municipal Budget Appropriation Limits and to establish a CAP Bank “The Council President directed that the ordinance be read by title only.

Purpose: Allows the municipality to increase its CY 2015 budget by up to 3.5% over the previous year’s final appropriation in the interest of promoting the health, safety and welfare of the citizens

Council President Feldman made a motion that Ordinance O-5-2015 be introduced, read by title, passed on first reading and that

a meeting be held on April 28, 2015 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 Ms. Foster.

Called to question Ordinance No. O-5-2015 was introduced on the following roll call:

YEAS: Mr. Armington, Mr. Elms, Ms. Foster, Ms. Harris, Mrs. Smith-Reid, Council President Feldman

NAYS: None

ABSTAINING: None

ABSENT: Ms. Deeb

Ordinances for Public Hearing and Adoption

Ordinance No. O-3-2015

ADOPTED The Deputy Clerk offered for public hearing and adoption Ordinance O-3-2015 entitled:
“An Ordinance Repealing Chapter 5, “Animal Control” and Adopting a New Chapter 5 “Animal Control” of the Code of the Town of Morristown”

Purpose: Replaces outdated and inconsistent provisions with current state statutes and the New Jersey Department of Health provisions

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

The Deputy Clerk read the ordinance by title and stated that it had been published in the Morris County Daily Record, in the edition of April 4 ,2015, according to law.

Council President moved the adoption of Ordinance No. O-3-2015 by title only on second reading and final adoption thereof. The motion was seconded by Ms. 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.

Called to question Ordinance No. O-3-2015 was adopted on the following roll call:

YEAS: Mr. Armington, Ms. Foster, Ms. Harris, Mrs. Smith-Reid, Council President Feldman

NAYS: Mr. Elms

ABSTAINING: None

ABSENT: Ms. Deeb

The Deputy 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-63-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-63-15 entitled:

Resolution authorizing submission of an application for the FY 2016 Morristown Pedestrian Safety Grant

Purpose: Authorizes the submission of a grant application to engage in education outreach, engineering procedures, and enforcement actions.

The motion was seconded by Ms. Foster and passed on the following roll call:

YEAS: Mr. Armington, Mr. Elms, Ms. Foster, Ms. Harris, Mrs. Smith-Reid, Council President Feldman

NAYS: None

ABSTAINING: None

ABSENT: Ms. Deeb

Resolution No. R-64-15

Passed Council President Feldman moved the adoption of the following resolution. Here follows Resolution R-64-15 entitled:
Resolution authorizing execution of agreement with Revenue Guard for Third Party Billing Services

Purpose: Authorizes agreement with Revenue Guard from April 1, 2015 through March 31, 2016 as claims collectors to administer third party ambulance transportation collection and recovery provided by the Morristown Fire Protection Emergency Medical Service.

The motion was seconded by Ms. Foster and passed on the following roll call:

YEAS: Mr. Armington, Mr. Elms, Ms. Foster, Ms. Harris, Mrs. Smith-Reid, Council President Feldman

NAYS: None

ABSTAINING: None

ABSENT: Ms. Deeb

Resolution No. R-65-15

Passed Council President Feldman moved the adoption of the following Resolution, R-65-15 entitled:
Resolution authorizing the 201 Temporary Appropriations for the Current Fund and Sewer Utility

Purpose: Authorizes the 2015 Temporary Appropriations for the Current Fund in the amount of \$12,115,100 and for Sewer Utility in the amount of \$963,900.

The motion was seconded by Ms. Foster and passed on the following roll call:

YEAS: Mr. Armington, Mr. Elms, Ms. Foster, Ms. Harris, Mrs. Smith-Reid, Council President Feldman

NAYS: None

ABSTAINING: None

ABSENT: Ms. Deeb

Resolution No. R-66-15

Passed Council President Feldman moved the adoption of the following Resolution, R-66-15 entitled:
Resolution authorizing submission of a grant application to the Association of New Jersey Environmental Commissions Open Space Stewardship Grant Program

Purpose: Authorizing the submission of a grant application to the Association of New Jersey Environmental Commissions Open Space Stewardship Grant Program to obtain funding that can be used to purchase the materials needed to create a welcome sign at Kleitman Woods/20 Hillcrest Avenue

The motion was seconded by Ms. Foster and passed on the following roll call:

YEAS: Mr. Armington, Mr. Elms, Ms. Foster, Ms. Harris, Mrs. Smith-Reid, Council President Feldman

NAYS: None

ABSTAINING: None

ABSENT: Ms. Deeb

Resolution No. R-67-15

Passed Council President Feldman moved the adoption of the following Resolution, R-67-15 entitled:
Resolution authorizing submission of 2014 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 Ms. Foster and passed on the following roll call:

YEAS: Mr. Armington, Mr. Elms, Ms. Foster, Ms. Harris, Mrs. Smith-Reid, Council President Feldman

NAYS: None

ABSTAINING: None

ABSENT: Ms. Deeb

Resolution No. R-68-15

Passed Council President Feldman moved the adoption of the following Resolution, R-68-15 entitled:
Resolution supporting the Tax Reimbursement Certification for the year 2014

Purpose: Supports the Tax Reimbursement Certification that encourages local separation and recycling programs

The motion was seconded by Ms. Foster and passed on the following roll call:

YEAS: Mr. Armington, Mr. Elms, Ms. Foster, Ms. Harris, Mrs. Smith-Reid, Council President Feldman

NAYS: None

ABSTAINING: None

ABSENT: Ms. Deeb

Resolution No. R-70-15 (added from Executive Session)

Passed Council President Feldman moved the adoption of the following Resolution, R-70-15 entitled:
Resolution authorizing execution of a Developer's Agreement between the Town of Morristown and Whole Foods Market.

Purpose: Authorizes execution of a Developer's Agreement between the Town and Whole Foods Market located at 104 and 110 Washington Ave., Morristown, NJ

The motion was seconded by Ms. Foster and passed on the following roll call:

YEAS: Mr. Armington, Mr. Elms, Ms. Foster, Ms. Harris, Mrs. Smith-Reid, Council President Feldman

NAYS: None

ABSTAINING: None

ABSENT: Ms. Deeb

Resolution No. R-69-15

Passed Council President Feldman moved the adoption of the following Resolution, R-69-15 entitled:
Resolution Introducing and Approving the 2015 Municipal Budget (January 1, 2015 – December 31, 2015)

Purpose: Self-Explanatory

The motion was seconded by Ms. Foster and passed on the following roll call:

YEAS: Mr. Armington, Mr. Elms, Ms. Foster, Ms. Harris, Mrs. Smith-Reid, Council President Feldman

NAYS: None

ABSTAINING: None

ABSENT: Ms. Deeb

M. Unfinished Business

1. Survey of NJ Alcohol-Related Zoning Definitions (Council President Feldman)

The Council President asked for another copy of this survey from Zoning and Planning dated February 14th. This survey compared how other communities defined bars and restaurants.

2. Pipeline Report for Redevelopment Areas (Council President Feldman)

The Council President want to thank the Administration and Zoning Department for this pipeline report which was handed out at the last redevelopment meeting. This pipeline is helpful in keeping the Council up to date with all the projects going on in Town.

N. New Business

1. Modification to the Noise Ordinance to change the permitted use of leaf blowers and other motorized landscaping equipment – offered by Council President Feldman (see attached “draft flyer”) Council President Feldman and Councilman Armington wanted to figure out the best way to inform/educate the residents and landscapers with regard to the new rule of 8:00 am start time and not 7:00am for motorized landscaping equipment.
2. Request by the Administration for a Special Meeting of the Town Council Redevelopment Authority on Thursday, May 7, 2015 at 7:00 pm. – The Administration stated there is no need for a special meeting at this point.

There being no further business, a motion to adjourn was made by Council President Feldman seconded by Ms. Harris and passed unanimously by acclamation.

Respectfully Submitted

ATTEST

APPROVED

KEVIN D. HARRIS
TOWN CLERK

REBECCA FELDMAN
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 14, 2015, duly passed and adopted by the Town Council of the Town of Morristown at the Regular Meeting of the Town Council held on August 9, 2016 in the Morristown Council Room, 200 South Street, Morristown, New Jersey, beginning at _____7:30P.M., prevailing time.

DATED: _____

Kevin D. Harris, Town Clerk