

MINUTES
Regular Meeting of Town Council

Tuesday, December 8, 2015
7:30pm
with Executive Session
beginning at 7:00 p.m.

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 December 8, 2015, in the Council Room of the Morristown Town Hall located at 200 South Street, Morristown, New Jersey, beginning at 7:09 p.m., prevailing time.

Council President Feldman 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 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 Honorable Timothy P. Dougherty, Mayor was in attendance.

B. Roll Call

ATTENDANCE:

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

ABSENT: None.

C. Executive Session – The Town Clerk read a Resolution to Enter into Executive session to discuss matters related to collective bargaining and contract negotiations pursuant to N.J.S.A. 10:4-12b(4) and present and/or pending litigation; as well as matters under the attorney client privilege pursuant to N.J.S.A. 10:4-12b(7).

Council President Feldman offered a motion to enter into Executive

Session which was seconded by Council Member Foster and approved on the following roll call vote:

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

NAYS: None

ABSTAINING: None

ABSENT: None

Council entered into Executive Session at 7:11 p.m. to discuss the following:

(1) Matters of contract negotiations related to collective bargaining terms and conditions pursuant to N.J.S.A. 10:4-12b(4); as well as current and/or pending litigation and contract negotiations other than those of collective bargaining pursuant to N.J.S.A. 10:4-12b(7).

(2) Collective Bargaining Contract Negotiations

Resolution authorizing the execution of an Agreement between the Town of the Morristown and Policeman's Benevolent Association, Local No. 43 (Patrol Officers).

Purpose: Self-explanatory.

(3) Pending Litigation – “Iron Bistro”

D. Resumption of Regular Meeting – The Regular Meeting resumed at 9:21 p.m., with the Roll Call of Council Members as follows:

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

ABSENT: None

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

F. Pledge of Allegiance – Council President Feldman led the meeting in reciting the Pledge of Allegiance.

G. Following comments from Police Chief Demnitz; the Town Clerk administered oaths of office to the following:

- Police Lieutenant Matthew Rawding
- Police Lieutenant David Tissot
- Police Officer Ross Dillon
- Police Officer Bryan Holmes
- Police Officer Bruce La Fera
- Police Officer Robert Mazza
- Police Officer Mark Poplawski

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

1. Request by Saint Margaret of Scotland Church to hold an annual procession and celebration in honor of the Divine Child King, an Ecuadorian devotion, on Sunday, January 10, 2016 beginning at 10:30am starting on Early Street and ending at the church.
2. Halloween Half Marathon Request by Superhero Events, LLC for Sunday, October 15, 2016 (rain date: October 22, 2016).
3. Request by Saint Patrick’s Day Parade of Morris County, Inc. for permission to hold the 2016 Morris County Saint Patrick’s Day Parade in Morristown on Saturday, March 12, 2016.

Council President Feldman made a motion that the Consent Agenda be moved for Adoption which was seconded by Council Members Armington, Deeb and Elms and adopted on the following roll call vote.

YEAS: Mr. Armington, Ms. Deeb, Mr. Elms, Ms. Harris,
Council President Feldman

NAYS: None

ABSTAIN: None

ABSENT: Ms. Foster, Mrs. Smith-Reid (both temporarily left the room).

I. Mayor’s Proclamations and Presentations – None for the evening.

J. Public Hearing

1. Morris County Office of Community Development 2016 HOME Investment Partnership Program Grant Application in the amount of \$100,000 submitted by Morris Habitat for Humanity for 10 Willow Street, Block 2303, Lot 3.

Addressing the Council on this issue was Ms. Gayle Kraynck of Morristown Habitat who provided information to Council that what was needed to complete the application was affirmation from the Mayor that the matter was discussed at a 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 this matter.

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

2. Morris County Office of Community Development Grant Application in the amount of \$48,960 submitted by the Morristown Neighborhood House for School Age Child Care for Low Income Families.

Addressing the Council on this issue was David Haggerty who provided information to Council that what was needed to complete the application was affirmation from the Mayor that the matter was discussed at a 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 this matter.

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

3. All other interested parties who desire to address Council.

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.

Pete Tamburro, 22 Budd Street, Morristown, read a statement regarding quiet enjoyment of property and stated that his quiet enjoyment is being interrupted due to activity at Whole Foods. Mr. Tamburro states that the proposed Noise Ordinance would cover issues raised.

Pastor Sidney Williams, 39 Hillairy Avenue, Morristown, expressed thanks to Council Member Smith-Reid for her 16 years of service to the Morristown community.

Michelle Harris, Morristown, gave comments of appreciation to Council Member Smith-Reid.

Council Member Smith-Reid offered comments and stated that she shall continue to champion Second Ward issues including Affordable Housing.

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

K. Report of Mayor and Town Officials

The Mayor commented on the “Santa on The Green”, which was well attended and commended the Partnership and all involved for their hard work. Mayor Dougherty also asked Council to mark their date for December 14, 2015, between 6:00 p.m. – 8:00 p.m., which shall be the Headquarters Plaza Public Design Workshop also known as Pioneer Plaza. The Workshop shall feature Ken Smith Architects. Mayor Dougherty stated that public participation and feedback is requested and encouraged.

L. Council Liaison Reports

Council President Feldman stated that although the Parking Authority meets next week; a vacancy on the Board shall occur on December 31, 2015. Council President Feldman also stated that a Request for Proposals was issued by the Parking Authority for Redevelopment Real Estate Services.

M. Regular Business

Ordinances for Introduction

Ordinance No. O-31-2015

Introduced The Town Clerk offered for introduction Ordinance No. O-31-2015

“Ordinance accepting dedication of Public Road, Right-of-Way and related improvements for a portion of Prospect Street.”

Purpose: Provides for the acceptance of dedication of Public Road, Right-of-Way and related improvements for a portion of Prospect Street.

Council Member Armington made a motion that Ordinance O-31-2015 be introduced, read by title, passed on first reading and that a meeting be held on December 22, 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 Council President Feldman and Council Member Foster.

Called to question Ordinance No. O-31-2015 was introduced on the following roll call:

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

NAYS: None

ABSTAINING: None

ABSENT: None

Ordinances for Public Hearing and Adoption

Ordinance No. O-29-2015

ADOPTED The Town Clerk offered for public hearing and adoption

Ordinance O-29-2015 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 55 Madison Street.”

Purpose: Self-explanatory.

Council President Feldman 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 Deeb moved for adoption of Ordinance No. O-29-2015 by title only on second reading and final adoption thereof. The motion was seconded by Council President Feldman.

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-29-2015 was adopted on the following roll call:

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

NAYS: None

ABSTAINING: None

ABSENT: None

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-30-2015

ADOPTED The Town Clerk offered for public hearing and adoption

Ordinance O-30-2015 entitled:

“Ordinance providing for certain Capital Improvements at the Morristown Municipal Airport by the Town of Morristown, in the County of Morris, State of New Jersey, and appropriating \$2,000,000 therefor to finance part of the cost thereof.”

Purpose: Provides for the Runway 5-23 Keel Rehabilitation Project. See attached October 27, 2015 letter from Darren S. Large, Airport Manager, Facilities & Projects.

Council President Feldman 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 moved for adoption of Ordinance No. O-

30-2015 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.

Called to question Ordinance No. O-30-2015 was adopted on the following roll call:

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

NAYS: None

ABSTAINING: None

ABSENT: None

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

A Motion to Add Resolutions R-197-15 to Resolution Items for Consideration on the Regular Agenda

Proposed Resolutions R-197-15 was discussed in Executive Session with Council deciding to consider the item this evening. Council President Feldman moved that Resolutions R-197-15 be added to the list of Resolutions to be considered for the evening. Council Member Deeb seconded and the Motion was adopted by the following Roll Call vote:

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

NAYS: None

ABSTAINING: None

ABSENT: None

Council President Feldman determined and announced that this Resolution would be placed at the end of the Resolution items on the agenda.

Resolution No. R-191-15

Passed

Council Member Deeb moved the adoption of the following resolution: Here follows Resolution R-191-15 entitled:
“Resolution Expressing Appreciation and Commendation of the Efforts of those Officials and Personnel involved with the Settlement of the Tax Appeals Entitled AHS Hospital Corp. d/b/a Morristown Memorial Hospital v. Town of Morristown, Docket Nos. 010900-2007, 010901-2007, 000406-2008, 005006-2009 and 012884-2011; Morristown Town v. Morristown Memorial Hospital / AHS, Docket Nos. 011955-2009, 015921-2010, 013545-2012, 000978-2013, 001019-2014 and 001147-2015; and AHS Hospital Corp. v. Town of Morristown, Docket Nos. 005004-2009, 04910-2010, 009061-2011, 010888-2012, 005783-2013, 008293-2014 and 008301-2015.”

Purpose: Self-explanatory.

The motion was seconded by Council President Feldman and passed on the following roll call:

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

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-192-15

Passed

Council Member Deeb moved the adoption of the following resolution: Here follows Resolution R-192-15 entitled:
“Resolution appointing Jillian C. Barrick as the Plan Administrator and as the individual to act on behalf of Town plan for VALIC / AIG Federal Savings Bank.”

Purpose: Self Explanatory

The motion was seconded by Council President Feldman and passed on the following roll call:

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

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-193-15

Passed

Council Member Deeb moved the adoption of the following resolution: Here follows Resolution R-193-15 entitled:

“Resolution awarding bid to Eagle Equipment Corporation for Furnishing, Delivering and Installing two (2) new 2015 Marathon Model RJ 225 (2.0 Cubic Yard Capacity) Stationary Compactors (or approved equal) and one (1) new 2015 Marathon Model RJ325 (3.0 Cubic Yard Capacity) Stationary Compactors (or approval equal).”

Purpose: Awards bid to Eagle Equipment Corporation in the amount of lump sum bid price of \$60,700.00.

The motion was seconded by Council President Feldman and passed on the following roll call:

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

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-194-15

Passed

Council Member Deeb moved the adoption of the following resolution: Here follows Resolution R-194-15 entitled:

“Resolution awarding bid to R & D Trucking, Inc. for Sewage Sludge

Removal and Hauling two (2) year contract.”

Purpose: Awards bid to R & D Trucking, Inc. in the Bid Price Per Gallon of \$0.0290.

The motion was seconded by Council President Feldman and passed on the following roll call:

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

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-195-15

Passed

Council Member Deeb moved the adoption of the following resolution: Here follows Resolution R-195-15 entitled: “Resolution authorizing the Appropriations Transfer.”

Purpose: Self Explanatory.

The motion was seconded by Council President Feldman and passed on the following roll call:

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

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-196-15

Passed

Council Member Deeb moved the adoption of the following resolution: Here follows Resolution R-196-15 entitled: “Resolution requesting approval for insertion of a Special Item of Revenue in the 2015 Budget pursuant to N.J. 40A:4-87 for the Department of Housing and Urban Development Gramby Park

Improvements Grant.”

Purpose: Authorizes the acceptance of the Department of Housing and Urban Development, Gramby Park Improvements Grant in the amount of \$17,470 and to amend the 2015 budget with the insertion of a Special Item of Revenue for these funds.

The motion was seconded by Council President Feldman and passed on the following roll call:

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

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-197-15

Passed

Council Member Deeb moved the adoption of the following resolution: Here follows Resolution R-197-15 entitled: “Resolution authorizing the execution of an Agreement between the Town of the Morristown and Policeman’s Benevolent Association, Local No. 43 (Patrol Officers).”

Purpose: Self-explanatory.

The motion was seconded by Council President Feldman and passed on the following roll call:

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

NAYS: None

ABSTAINING: None

ABSENT: None

**Appointment by the Town Council of a Member to the
Board of Commissioners of the Morristown Housing Authority
For An Unexpired Term Ending December 31, 2018**

The Town Clerk advised the Council that nominations were being sought for appointment by the Town Council of a Member of the Board of Commissioners of the Morristown Housing Authority for an unexpired term ending December 31, 2018, created by the resignation of Commissioner Mary Dougherty.

Council President Feldman asked if the Commissioner appointed could be a resident as defined by the guidelines established by the U.S. Department of Housing and Urban Development (hereafter "HUD") and adopted and followed by the Morristown Housing Authority.

Assistant Municipal Attorney Elnardo J. Webster, II, Esq., replied yes.

Council Member _____ placed into nomination the name of Towanna Cotten (Ms. Cotton is a resident of the Morristown Housing Authority) (**failed**).

Council Member _____ placed into nomination the name of Teresa Rodriguez (Ms. Rodriguez is a resident of the Morristown Housing Authority) (**passed**).

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

Taken in alphabetical order, the nomination of Towanna Cotton was considered for a vote and **failed** on the following roll call:

YEAS: Ms. Foster, Council President Feldman

NAYS: Mr. Armington, Ms. Deeb, Mr. Elms, Ms. Harris,
Mrs. Smith-Reid

ABSTAINING: None

ABSENT: None

Next the nomination of Teresa Rodriguez was considered for a vote and **passed** on the following roll call:

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

NAYS: Ms. Foster

ABSTAINING: None

ABSENT: None

The nomination of Teresa Rodriguez to serve as a Commissioner on the Board of Commissioners for the Morristown Housing Authority for an unexpired term ending on December 31, 2018 is confirmed. Ms. Rodriguez pursuant to U.S. HUD Regulations is designated as the Resident Commissioner.

**Appointment by the Town Council of a Member to the
Board of Commissioners of the Morristown Housing Authority
For A Full Five (5) Year Term Ending December 31, 2020**

The Town Clerk advised the Council that nominations were being sought for appointment by the Town Council of a Member of the Board of Commissioners of the Morristown Housing Authority for a full five (5) year term ending December 31, 2020, created by the expiration of the previous term of Michael Cherello.

Council Member Deeb placed into nomination the name of Michael Cherello.

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

The nomination of Michael Cherello was considered for a vote and **passed** on the following roll call:

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

NAYS: Ms. Foster

ABSTAINING: None

ABSENT: None

The nomination of Michael Cherello to serve as a Commissioner on the Board of Commissioners for the Morristown Housing Authority for a full five (5) year term ending on December 31, 2020 is confirmed.

N. Unfinished Business

1. Update of all Boards and Commission term appointments due to expire on December 31, 2015 (requested by Council President R. Feldman).

The Town Clerk informed Council that deadline for all Board and Commission Vacancies on December 31, 2015 is Friday, December 11, 2015 at the end of business (4:30 p.m.).

O. New Business

1. Amendment of the Code of the Town of Morristown concerning “Noise” (Requested by Council Member A. Deeb, and Council President R. Feldman).

Council Member Deeb commented on background information and Mr. Tamburro’s letter as well as the condition of the current Code. Council Member Deeb further expressed concerns and complaints received from residents and inquired of the Mayor and Administration as to what more can be done.

Mr. Pawar responded and advised as to possible courses of action.

Council Member Deeb requested that the item be listed for “Unfinished Business” at the December 22, 2015.

2. Appointment of a Council Representative to the Morris County Department of Human Services, Division of Community & Behavioral Health Services, Office of Community Development CDRS Committee.

Council President Feldman stated that the matter shall be considered at the next Council Meeting and the appointment shall be a Council Member.

3. The 2016 Annual Organization Meeting of the Town Council of the Town of Morristown and 2016 Regular Town Council and Town Council Redevelopment Entity Meeting Dates.

Council President Feldman stated that the matter with regards to 2016 Meeting Dates shall be considered at the Reorganization Meeting in January 2016. Council Members polled agreed that the Reorganization Meeting shall be held on Tuesday, January 5, 2016 at 7:00 p.m..

- P. Adjournment. There being no further business, a motion to adjourn was made by Council Member Foster seconded by Council President Feldman and passed by acclamation. The meeting was adjourned at 10:37 p.m..

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, December 8, 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