

MINUTES
Regular Meeting of Town Council

Tuesday, February 9, 2016
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 February 9, 2016, in the Council Room of the Morristown Town Hall located at 200 South Street, Morristown, New Jersey, beginning at 7:11 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.

C. Executive Session – The Town Clerk read a Resolution to Enter into Executive session to discuss matters related to 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 Member Deeb offered a motion to enter into Executive Session which was seconded by Council Member Foster and

approved on the following roll call vote:

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

NAYS: None

ABSTAINING: None

ABSENT: None

Council entered into Executive Session at 7:15 p.m. to discuss the following:

(1) Matters of contract negotiations related to 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) Matters concerning the application and approval of a Long-Term Tax Exemption of Morristown Development Urban Renewal Phase II, LLC.

Purpose: Self-explanatory.

(3) Pending Litigation – “Iron Bistro”

D. Resumption of Regular Meeting – The Regular Meeting resumed at 8:17 p.m., with the Roll Call of Council Members as follows:

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

ABSENT: None

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

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

G. Consent Agenda – The Town Clerk presented the Consent Agenda

consisting of the following items:

1. Request for Approval of Meeting Minutes – January 12, 2016 Executive Session and Regular Meeting.
2. Request for Approval of Meeting Minutes – January 26, 2016 Regular Meeting.
3. Letter dated February 4, 2016 from Miriam Banks, Event Coordinator of the George Gramby Observance Committee requesting permission to change the date of their proposed walk and other events from September 17, 2016 to September 10, 2016. From 8:00 a.m. – 5:00 p.m. (with a rain date of September 18, 2016, from 3:00 p.m. – 8:00 p.m.).

Council President Armington made a motion that the Consent Agenda be moved for Adoption which was seconded by Council Member Foster and Elms 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

H. Public Hearing

1. Zufall Health 2016 CDBG Grant Application in the amount of \$32,328.00 for Flooring Replacement at 2 Atno Avenue, Morristown, New Jersey 07960. (On Page 11, Section IX of the Application; the Mayor of the Town of Morristown must certify that this matter was discussed in a public hearing on a given date).

Addressing the Council on this issue was Ms. Eva Turbiner of Zufall Health Center 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. Presentation from Verizon on proposed cellular site at Burnham Park.

Addressing the Council on this issue was Susan Stocker, Esq., who provided information to Council. Mr. Stocker did take questions from members of Council and provided answers. Council asked that Ms. Stocker come back to a future meeting to make a more formal presentation. Ms. Stocker stated that she would do that.

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.

Bill Byrne, 100 Franklin Street, Morristown, addressed Council stated that a good job was done regarding snow removal, but more needs to be done. Mr. Byrne referenced crosswalks and curb cuts particularly at Ford Avenue where he recently had a difficult time crossing. So more needs to be done.

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

I. Council Comments to Comments made during the Public Hearing

Council Member Davis agreed with the comments made by Mr. Byrne and stated that more needs to be done specifically for the children trying to get on buses or get to school.

Council Member Deeb agreed and stated that a few years back; homeowners, were fined and the backlash that occurred. Council Member Deeb further referenced the Code and stated that it is either going to be enforced or ignored.

Council President Armington stated that he attended a meeting last evening of Bike Walk in Morristown and steps have been taken to identify priority walking routes. Council Member Armington stated that while more needs to be done; there have been improvements.

J. Mayor's Proclamations and Presentations – None for the evening.

K. Report of Mayor and Town Officials

The Mayor commented on the snow removal and complimented DPW on the outstanding work done in the face of a daunting task. Mayor Dougherty stated that he understands that some street corners and cur cuts may have been recovered; all in all it was a good job. Mayor Dougherty stated that some residents may be having issues with sewer bills. The Mayor invited residents that have an issue with their bill to contact the Tax Collector and provided her contact information. Mayor Dougherty stating that the matter is being investigated and they hope to have a full report shortly.

Mayor Dougherty also commented on the “Zika” virus and a website that links you to information and there shall be a hearing on February 10, 2016 at the Morris County Administration Building.

Mayor Dougherty further commented on a presentation on George Washington by the Morristown Masonic Foundation.

L. Council Liaison Reports

Council Member Davis stated that she was unable to attend the Morristown Housing Authority Meeting, but she will find out what was on the agenda.

Council Member Elms stated that the Partnership would be having a meeting on Wednesday, February 10, 2016.

Council President Armington asked about the status of the corner property on South Street (where Liberty Travel used to be). The Mayor responded that it’s an approved project and the Planning Board needs to review the final architectural design. Council Member Deeb commented on the building on Ann Street. Council President stated that he is not aware, but would look into it.

M. Regular Business

Ordinances for Introduction

Ordinance No. O-4-2016

Introduced The Town Clerk offered for introduction
Ordinance No. O-4-2016

“Ordinance of the Town of Morristown in the County of Morris, New Jersey, to authorize the purchase of real property located at 95-97 Martin Luther King Avenue, Block 3501, Lots 13 and 14.”

Purpose: Authorizes the purchase of 95-97 Martin Luther King Avenue, Block 3501, Lots 13 and 14 for \$330,000.00.

Council President Armington made a motion that Ordinance O-4-2016 be introduced, read by title, passed on first reading and that a meeting be held on February 23, 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-4-2016 was introduced on the following roll call:

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

NAYS: None

ABSTAINING: None

ABSENT: None

Ordinance No. O-5-2016

Introduced The Town Clerk offered for introduction Ordinance No. O-5-2016

“Bond Ordinance providing for the acquisition of property in and by the Town of Morristown, in the County of Morris, New Jersey, appropriating \$355,000 therefor and authorizing the issuance of \$337,000 bonds or notes of the town to finance part of the cost thereof.”

Purpose: Provides for the acquisition of property located at 95-97 Martin Luther King Avenue, Block 3501, Lots 13 and 14 for \$330,000.00.

Council President Armington made a motion that Ordinance O-5-2016 be introduced, read by title, passed on first reading and that a meeting be held on February 23, 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-5-2016 was introduced on the following roll call:

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

NAYS: Ms. Deeb, Ms. Harris

ABSTAINING: None

ABSENT: None

**Motion to Suspend the Rules for Council to Consider
Resolution R-44-2016 Out of Order (discussed in Executive Session)**

The Town Clerk entertained a motion which was offered by Council President Armington and seconded by Council Member Foster which passed on the following roll call:

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

NAYS: None

ABSTAINING: None

ABSENT: None

The Rules were thus deemed suspended.

Resolution No. R-44-2016

Passed

Council President Armington moved the adoption of the following resolution: Here follows Resolution R-44-2016 entitled:

“Resolution Approving the Application of a Long-Term Tax Exemption of Morristown Development Urban Renewal Phase II, LLC.”

Purpose: Prior to first reading of the accompanying ordinance;

approves the application to the New Jersey Division of Local Government Services for a Financial Agreement for long term tax exemption for Block 5803, Lots 1, 2, 3, 4, 5, 6, 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 7.07, 7.08, 7.09, 29, 30, 31, 32, 33, 34, 35, 36 37, 38, 39, 40, 41, 42, 43, 44, 44.01, 44.02 and 44.03; Block 5702, Lots 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29; and Block 5001, Lots 4, 5, 6, 7, 7.01, 8, 9, 10, 11 and 12, all as shown on the official Tax Maps of the Town of Morristown.

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

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

NAYS: Ms. Harris

ABSTAINING: None

ABSENT: None

Ordinance No. O-6-2016

Introduced The Town Clerk offered for introduction

Ordinance No. O-6-2016

“Ordinance approving the Financial Agreement for Long Term Tax Exemption by and between the Town of Morristown and Morristown Development Urban Renewal Phase II, LLC.”

Purpose: Approves the Financial Agreement for long term tax exemption for Block 5803, Lots 1, 2, 3, 4, 5, 6, 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 7.07, 7.08, 7.09, 29, 30, 31, 32, 33, 34, 35, 36 37, 38, 39, 40, 41, 42, 43, 44, 44.01, 44.02 and 44.03; Block 5702, Lots 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29; and Block 5001, Lots 4, 5, 6, 7, 7.01, 8, 9, 10, 11 and 12, all as shown on the official Tax Maps of the Town of Morristown.

Council President Armington made a motion that Ordinance O-6-2016 be introduced, read by title, passed on first reading and that a meeting be held on February 23, 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-6-2016 was introduced on the following roll call:

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

NAYS: Ms. Harris

ABSTAINING: None

ABSENT: None

Ordinances for Public Hearing and Adoption

Ordinance No. O-3-2016

ADOPTED The Town Clerk offered for public hearing and adoption Ordinance O-3-2016 entitled:

“Ordinance amending and supplementing Chapter 19 “Solid Waste Management” Section 2 “Collection of Garbage and Trash”.”

Purpose: Amends Chapter 19 of the Town Code to include requirements for the proper disposal of items that are or may be infested with bed bugs or other pests.

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-3-2016 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.

Called to question Ordinance No. O-3-2016 was adopted on the following roll call:

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

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

Resolution No. R-45-2016

Passed

Council President Armington moved the adoption of the following resolution: Here follows Resolution R-45-2016 entitled:

“Resolution Authorizing the Town of Morristown to join with the Morris County Adaptive Recreation Program.”

Purpose: Authorizes the Town to join MCARP at the annual cost of \$2,460.00.

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

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

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-46-2016

Passed

Council President Armington moved the adoption of the following resolution: Here follows Resolution R-46-2016 entitled:

“Resolution authorizing the execution of an agreement with ACCELA Legislative Management for Government Meeting Management Software.”

Purpose: Authorizes the execution of an agreement in the amount of \$14,400 for Government Meeting Management Software.

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

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

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-47-2016

Passed

Council President Armington moved the adoption of the following resolution: Here follows Resolution R-47-2016 entitled:

“Resolution authorizing execution of a Memorandum of Understanding between the Town of Morristown, Division of Health and the City of Paterson, Division of Health for Public Health Nurse Case Management Services for Childhood Lead Poisoning.”

Purpose: Renews annual agreement for Public Health Nurse Case Management Services for Childhood Lead Poisoning for an additional one (1) year period.

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

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

NAYS: None

ABSTAINING: None

ABSENT: None

N. Unfinished Business – None for the evening.

O. New Business

1. Consideration of Council for dates to hold a Public Hearing/Special Meeting concerning the application for a Place-to-Place Transfer (Expansion of an Alcoholic Retail Consumption Licensee).

License Number: 1424-33-022-010

License Holder: Dehart Associates, LLC d/b/a Tashmoo.

The Town Clerk informed Council Members that the application had been received and asked for input from Council Members as to a date for a Public Hearing/Special Meeting. Council President Armington suggested that the meeting be held during the last week of March 2016 and for the Town Clerk to poll Council Members by email as to their availability during that week.

- P. 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 9:33 p.m..

Respectfully Submitted

ATTEST

APPROVED

KEVIN D. HARRIS
TOWN CLERK

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, February 9, 2016, duly passed and adopted by the Town Council of the Town of Morristown at the Regular Meeting of the Town Council held on September 27, 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