

MINUTES

Regular Minutes of Town Council

Tuesday, January 12, 2016

A. Call to Order

Statement of Compliance with Open Public Meetings Act

Minutes of the Town Council Regular Meeting of the Town of Morristown, held on January 12, 2016 in the council room, 200 South Street, Morristown, New Jersey, beginning at 7:00 p.m., prevailing time.

The Honorable Stefan Armington, Council President, presiding.

The Honorable Timothy P. Dougherty, Mayor was in attendance.

Statement of Compliance with Open Public Meetings Act:

"I, Kevin D. Harris, Town Clerk of the Town of Morristown, do hereby state that it is 7:09 pm, on January 12, 2016, and that we are at the Council Chambers, Town Hall, 200 South St., Morristown, New Jersey, and that adequate notice of this meeting was provided according to law, by written notice to the Morris County *Daily Record*, the official newspaper of the Town of Morristown, and to the Newark *Star Ledger*, both more than 48 hours ago, and posted on the bulletin board at Town Hall, and filed with the Town Clerk of the Town of Morristown."

"I do further state that I shall enter into the Minutes of this meeting a statement that such notice was furnished as particularly described by me in this public announcement."

B. Roll Call

The Town Clerk conducted the roll of Council Members in attendance:

PRESENT: Ms. Hiliary Davis, Mr. Michael Elms, Ms. Michelle Dupree Harris, Mr. Robert Iannaccone, Mr. Stefan Armington (Council President).

ABSENT: Ms. Alison Deeb, Ms. Toshiba Foster.

C. Executive Session

Council President Armington moved that the Council proceed into Executive Session to discuss matters of 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).

The motion was seconded by Mr. Michael Elms and passed on the following roll call:

YEAS: Ms. Hiliari Davis, Mr. Michael Elms, Ms. Michelle Dupree Harris,
Mr. Robert Iannaccone, Council President Armington.

NAYS: None

ABSTAINING: None

ABSENT: Ms. Alison Deeb, Ms. Toshiba Foster

Executive Session commenced at 7:04 p.m.. Executive Session ended at 7:27
p.m..

D. Roll Call of Council Members Prior to Resuming Regular Session

The Town Clerk conducted the roll of Council Members in attendance:

PRESENT: Ms. Hiliary Davis, Mr. Michael Elms, Ms. Michelle Dupree Harris,
Mr. Robert Iannaccone, Mr. Stefan Armington (Council President).

ABSENT: Ms. Alison Deeb, Ms. Toshiba Foster.

E. Resumption of Regular Session

Council President Armington moved that the Council resume Regular Session.

Council Member Harris seconded and the motion passed on the following roll
call.

YEAS: Ms. Hiliari Davis, Mr. Michael Elms, Ms. Michelle Dupree Harris,
Mr. Robert Iannaccone, Council President Armington.

NAYS: None

ABSTAINING: None

ABSENT: Ms. Alison Deeb, Ms. Toshiba Foster

The Regular Session resumed at 7:32 p.m., at which time Council Member Foster
arrived.

F. Moment of Silence & Salute to the Flag

Mr. Harris called first for a moment of silence.

The assembly then recited the Pledge of Allegiance.

G. Consent Agenda

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

1. Request for Approval of Minutes – January 5, 2016 Annual Organization Meeting.

Council President Armington moved that the Council resume Regular Session.

Council Member Harris seconded and the motion passed on the following roll call.

YEAS: Ms. Hiliari Davis, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Mr. Robert Iannaccone.

NAYS: None

ABSTAINING: None

ABSENT: Ms. Alison Deeb

Council Member Deeb arrived at 7:37 p.m..

H. Public Hearing

At this time, the Council President opened the meeting to members of the public, asking if there was anyone who wanted to address Council concerning any matter.

Marie Rozan, 40 West Park Place, Morristown – congratulated the newly elected and re-elected members of Council who ran on platforms featuring quality of life improvements for Town residents. Ms. Rozan also commended Mayor Dougherty for introducing his safety initiatives. Ms. Rozan then addressed Council about quality of life and safety issues in her neighborhood and she asked for Council's help dealing with late night bars, traffic (both traffic and pedestrian) and other safety issues. Ms. Rozan asked that restrictions and conditions presently in place on alcoholic beverage establishments be continued.

Ken Hoffman, 12 Hill Street, Morristown – wished to reiterate issues expressed by Ms. Rozan and wished to discuss that his neighborhood is also impacted by late night activities related to the operation of late night alcoholic beverage activities. Mr. Hoffman asked that the Council please take steps for better control to help control the noise. Mr. Hoffman also addressed the matter concerning the Lumberyard area at Hill and Elm Streets addressing the concept of condemnation and other methods to improve the condition and development of the property.

Christine Conte-Collins, 40 West Park Place, #702, Morristown – addressed concern regarding the need for traffic studies to be conducted in light of the new developments. Ms. Conte-Collins address that on Dehart Street, there were delivery trucks parked which interfered with traffic. Ms. Collins states that this is a serious problem and will only get worse with congestion.

Candace Hoffman, 12 Hill Street, Morristown – asked a question regarding declaring the Old Lumberyard designated in need of development. Ms. Hoffman requested that the Council consider input from local residents which Ms. Hoffman deems necessary and appropriate. Ms. Hoffman also asked if the Town is presently working with any developers on that location and the exact parameters with respects to the easement held open and the front and back parcels. Ms. Hoffman further stated that Council needs to consider in its deliberation that the area while not designated as being in a “National Registered Historic District”; it is in a “State Registered Historic District” and there may be protections afforded with that designation.

Seeing no other members of the public wishing to address Council; the Council President declared the public hearing of citizens closed and asked Mayor Dougherty to address some issues that were raised during the public hearing.

Mayor Dougherty gave a brief recitation of the history of Council activity with respects to the property and that there are no deals with developers and that the Council is merely being requested to ask the Planning Board to conduct a study and report back to the Council as to whether the area should be designated an area in need of development on a condemnation basis. Mayor Dougherty invited the attorneys to add information if they saw fit.

Town Attorney Vijayant Pawar added that because the most recent study was done years ago when the area was first designated an area in need of redevelopment; it was thought best to have more recent studies done. Mr. Pawar stated that last year Council adopted a resolution to allow the Planning Board to study the area on a non-condemnation basis. Mr. Pawar stated that the Planning Board conducted the study, reported back to the Council and Council passed a resolution designating the property on a non-condemnation basis. Mr. Pawar states that requested action this evening will merely give the Town another option.

Council Member Deeb asked if there was action taken by Council to expand the area to which Mr. Pawar responded that the two back lots were added which was the recommendation of the Planning Board.

Council President Armington stated that the project can only use condemnation on properties that are relevant to the project.

Council Member Iannaccone stated that this presents a planning challenge in that there is always going to be a high volume of activity in this area with the train station and activity on Morris Street. Council Member Iannaccone then asked if there were any alternative actions the Planning Board could take with special benefits of designating the zone or possible should the designation be withdrawn.

Mr. Pawar stated that the Planning Board shall examine the situation again and make a determination as to what is presently allowed and what may be further allowed when they conduct their study.

Mayor Dougherty stated that there is always an opportunity to look at the total area to come up with the right plan. Mayor Dougherty stated that if control can be exercised over a given area; it allows for the betterment of the entire area.

Council Member Deeb expressed concern that because previous Council action allowed for the addition of the two lots on Hill Street; might those properties be “taken back” by the Town and not have them part of the zone based on the Planning Board’s recommendation.

Council President Armington stated that Council can accept the Planning Board’s recommendation, or to amend them as long as it is consistent with what is in the Master Plan.

Council Member Deeb asked if possible if restrictions could be imposed for development on the lots.

Mr. Pawar stated that it is early in the process although that may be done at a later time.

- I. Mayor’s Presentation – None.
- J. Report of Mayor and Town Officials - Mayor Dougherty stated that Council Member Davis and he attended the most recent Housing Authority meeting and among other things there was discussion to change trash collectors for the Authority.
- K. Council Liaison Reports

Morristown Housing Authority – Council Member Davis reiterated comments made by the Mayor and further stated that there have been complaints with respect to parking at Senior Housing at 31 and 39 Early Street and with respect to the garbage collection; the Authority may be seeking to utilize the Town’s grant writing resources. Council Member Davis further stated that the Executive Director and Maintenance Manager were looking into options with respects to getting landscaping services for some of the facilities.

Morristown Partnership – Council Member Elms stated that there is a partnership meeting tomorrow morning, Wednesday, January 13, 2016, which Council Elms shall be attending and providing a report at the next Council meeting.

Morristown Parking Authority – Council Member Foster stated that the Parking Authority shall be meeting on Tuesday, January 19, 2016, at 6:00 p.m., and that Council Member Foster shall be attending and providing a report at the next Council meeting.

L. Regular Business

Ordinances for Introduction

The Town Clerk stated the following Ordinances were scheduled for introduction.

Ordinance No. O-1-2016

Introduced Council President Stefan Armington moved the Introduction of the following ordinance to be read by title only: Here follows “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 4 Thompson Street.”

Purpose: Self-Explanatory.

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

YEAS: Ms. Hiliari Davis, Ms. Alison Deeb, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Mr. Robert Iannaccone, Council President Stefan Armington.

NAYS: None

ABSTAINING: None.

ABSENT: None.

The Town Clerk announced that the Public Hearing and Date for possible further consideration by the Council shall be the Regular Meeting of the Town Council scheduled for Tuesday, January 26, 2016, beginning at 7:30 p.m..

Ordinance No. O-2-2016

Introduced Council President Stefan Armington moved the Introduction of the following ordinance to be read by title only: Here follows “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 22 Columba Street.”

Purpose: Self-Explanatory.

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

YEAS: Ms. Hiliari Davis, Ms. Alison Deeb, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Mr. Robert Iannaccone, Council President Stefan Armington.

NAYS: None.

ABSTAINING: None.

ABSENT: None.

The Town Clerk announced that the Public Hearing and Date for possible further consideration by the Council shall be the Regular Meeting of the Town Council scheduled for Tuesday, January 26, 2016, beginning at 7:30 p.m..

Ordinances for Adoption

The Town Clerk stated there were none on the agenda for the evening.

Resolutions for Adoption

Council President Armington stated that the Resolutions discussed in Executive Session would be considered as Resolutions R-28-2016 through R-32-2016.

Resolution No. R-21-2016

Adopted Council President Stefan Armington moved the adoption of the following resolution: Here follows “Resolution Authorizing Renewal of Plenary Retail Consumption License 1424-33-021-005 Issued To Callallo, Inc., for the 2015 – 2016 License Term.”

Purpose: Allows Council to vote to renew an “inactive” or “pocket” license for the 2015 – 2016 license term pursuant to Resolution R-153-2014.

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

YEAS: Ms. Hiliari Davis, Ms. Alison Deeb, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Mr. Robert Iannaccone, Council President Stefan Armington.

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-22-2016

Adopted Council President Stefan Armington moved the adoption of the following resolution: Here follows “Resolution approving the 2016 Temporary Debt Service Report.”

Purpose: Self-Explanatory.

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

YEAS: Ms. Hiliari Davis, Ms. Alison Deeb, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Mr. Robert Iannaccone, Council President Stefan Armington.

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-23-2016

Adopted Council President Stefan Armington moved the adoption of the following resolution: Here follows “Resolution approving the Cash Management Plan.”

Purpose: Self-Explanatory.

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

YEAS: Ms. Hiliari Davis, Ms. Alison Deeb, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Mr. Robert Iannaccone, Council President Stefan Armington.

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-24-2016

Adopted Council President Stefan Armington moved the adoption of the following resolution: Here follows “Resolution setting interest penalties on tax and sewer payment delinquencies for 2016.”

Purpose: Self-Explanatory.

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

YEAS: Ms. Hiliari Davis, Ms. Alison Deeb, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Mr. Robert Iannaccone, Council President Stefan Armington.

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-25-2016

Adopted Council President Stefan Armington moved the adoption of the following resolution: Here follows “Resolution authorizing award of contract for Professional Services to the firm McManimon, Scotland and Baumann, LLC as Bond Counsel.”

Purpose: Self-Explanatory.

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

YEAS: Ms. Hiliari Davis, Ms. Alison Deeb, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Mr. Robert Iannaccone, Council President Stefan Armington.

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-26-2016

Adopted Council President Stefan Armington moved the adoption of the following resolution: Here follows “Resolution of the Town Council of the Town of Morristown authorizing the Planning Board of the Town of Morristown to conduct a preliminary investigation to determine whether a certain area within the municipality is a condemnation area in need of redevelopment.”

Purpose: Authorizes the Planning Board to conduct a preliminary investigation to determine if the properties located along Elm Street and Hill Street, known as Block 3702, Lot 18 (63 Elm Street); Block 3702, Lot 17 (57 Elm Street); Block 3702, Lot 8 (26 Hill Street); and Block 3702, Lot 9 (22 Hill Street) is a condemnation area in need of redevelopment.

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

YEAS: Ms. Hiliari Davis, Ms. Alison Deeb, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Mr. Robert Iannaccone, Council President Stefan Armington.

NAYS: Ms. Alison Deeb

ABSTAINING: None

ABSENT: None

Resolution No. R-27-2016

Adopted: Council President Stefan Armington moved the adoption of the following resolution: Here follows “Resolution authorizing and approving a contract with ATON Computing for Information Technology Support Services.”

Purpose: Authorizes contract for IT Services for the year 2016.

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

YEAS: Ms. Hiliari Davis, Ms. Alison Deeb, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Mr. Robert Iannaccone, Council President Stefan Armington.

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-28-2016

Adopted: Council Member Alison Deeb moved the adoption of the following resolution: Here follows “Resolution of the Mayor and Town Council of the Town of Morristown in the County of Morris authorizing settlement of the 2015 Tax Appeal entitled Cristina Maffei, Executor for estate of Teresa Sgaramella et al v. Town of Morristown, Docket No: 009298-2015 of the tax assessment of Block 4002, Lot 3 known as One Shady Lane, in the Town of Morristown, Morris County, New Jersey.”

Purpose: Authorizes the Tax Appeal Settlement for 2015: \$325,950.

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

YEAS: Ms. Hiliari Davis, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Mr. Robert Iannaccone, Council President Stefan Armington.

NAYS: None

ABSTAINING: Ms. Alison Deeb

ABSENT: None

Resolution No. R-29-2016

Adopted: Council Member Alison Deeb moved the adoption of the following resolution: Here follows “Resolution of the Mayor and Town Council of the Town of Morristown in the County of Morris authorizing settlement of the 2015 Tax Appeal entitled NK RE Development LLC v. Town of Morristown, Docket No: 000305-2015 of the tax assessment of Block 7901, Lots 12 and 11 known as 95 Washington Street and 93 Washington Street, in the Town of Morristown, Morris County, New Jersey.”

Purpose: Authorizes the Tax Appeal Settlement 2015, Lot 12: \$1,000,000 and Lot 11: \$350,000.

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

YEAS: Ms. Hiliari Davis, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Mr. Robert Iannaccone, Council President Stefan Armington.

NAYS: None

ABSTAINING: Ms. Alison Deeb

ABSENT: None

Resolution No. R-30-2016

Adopted: Council Member Alison Deeb moved the adoption of the following resolution: Here follows “Resolution of the Mayor and Town Council of the Town of Morristown in the County of Morris authorizing settlement of the 2010, 2011, 2012 and 2013 Tax Appeals entitled Daniel Tammaro et al v. Town of Morristown, Docket Nos: 015034-2010; 013177-2011; 013442-2012; 011852-2013 of the tax assessment of Block 7103, Lot 13 known as 50 Dogwood Road, in the Town of Morristown, Morris County, New Jersey.”

Purpose: Authorizes the Tax Appeal Settlement for 2010: \$375,000; 2011: \$350,000; 2012: \$350,000; 2013: Withdrawn.

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

YEAS: Ms. Hiliari Davis, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Mr. Robert Iannaccone, Council President Stefan Armington.

NAYS: None

ABSTAINING: Ms. Alison Deeb

ABSENT: None

Resolution No. R-31-2016

Adopted: Council Member Alison Deeb moved the adoption of the following resolution: Here follows “Resolution of the Mayor and Town Council of the Town of Morristown in the County of Morris authorizing settlement of the 2011 and 2012 Tax Appeals entitled James Clark et al v. Town of Morristown, Docket Nos: 012957-2011; 013424-2012 of the tax assessment of Block 7401, Lot 4 known as 1 Farragut Place, in the Town of Morristown, Morris County, New Jersey.

Purpose: Authorizes the Tax Appeal Settlement for 2011: \$646,170; 2012: \$682,040.

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

YEAS: Ms. Hiliari Davis, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Mr. Robert Iannaccone, Council President Stefan Armington.

NAYS: None

ABSTAINING: Ms. Alison Deeb

ABSENT: None

Resolution No. R-32-2016

Adopted: Council Member Alison Deeb moved the adoption of the following resolution: Here follows “Resolution of the Mayor and Town Council of the Town of Morristown in the County of Morris authorizing settlement of the 2010, 2011, 2012 and 2013 Tax Appeals entitled Matthew Williams et al v. Town of Morristown, Docket Nos: 015326-2010; 013176-2011; 013436-2012; 011858-2013 of the tax assessment of Block 1101, Lot 13

known as 15 Rosemilt Place, in the Town of Morristown, Morris County, New Jersey.

Purpose: Authorizes the Tax Appeal Settlement for 2010: \$450,000; 2011: \$400,000; 2012: \$400,000; 2013: \$400,000.

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

YEAS: Ms. Hiliari Davis, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Mr. Robert Iannaccone, Council President Stefan Armington.

NAYS: None

ABSTAINING: Ms. Alison Deeb

ABSENT: None

M. Unfinished (Old) Business

1. Appointment by the Council President of a Council Member to serve on the appointment to the Morris County Community Development Revenue Sharing Committee (CDRS) for the 2016 year.

Council President Armington announced that he was appointing Council Member Iannaccone to serve as the Council's Representative to the Morris County Community Development Revenue Sharing Committee (CDRS) for the 2016 year.

Mayor Dougherty advised Council Member Iannaccone that he may wish to reach out to Wayne Cresta from the Administration for information and further advisement.

2. Amendment of the Code of the Town of Morristown concerning "Noise" (Requested by Council Member A. Deeb, and Council President S. Armington).

The Town Clerk presented a copy of a draft ordinance and supporting documentation from the December 22, 2015 and stated that at the December 22, 2015 meeting, Council President Armington had some suggestions and thoughts that he wished to share with Council Member Deeb.

Council Member Deeb stated that she sees no reason why it should not be introduced, and that follow up with Whole Foods and Kings could be done prior to adoption. Council Member Deeb stated that it is her desire that it be introduced at the next meeting.

Council President Armington stated that in the interest of transparency that he felt that it would be good to have other business interest weigh in because it affects businesses town wide. Council President Armington further stated that what he did not want was to have the ordinance quickly adopted then have objections raised. Council President Armington further stated that there may be concerns that have to be researched in terms of trash collection. Council President Armington requested that the Administration weigh in and perhaps reach out to the Morristown Partnership.

Mayor Dougherty agreed with Council President Armington's analysis and suggested that Council Member Elms raise the issue with the Morristown Partnership at the next meeting.

Council Member Elms agreed and stated that he would do so. Council Member Elms further stated that further study should be done as Ms. Conte-Collins raised the issue earlier in the evening about trucks on Dehart Street and the thought of a trash truck as well would only further complicate matters.

Mayor Dougherty further stated once the ordinance is adopted; it does become a primary matter of enforcement. Mayor Dougherty suggested that Council Member Foster echo these sentiments to the Executive Director of the Parking Authority.

Council Member Deeb requested that the matter be listed on the next agenda as "Unfinished Business".

N. New Business – None for the evening.

O. Adjournment

With no further business before Council, Council President Armington moved to adjourn, Council Member Foster seconded and the motion passed on voice vote. The meeting was adjourned at 8:29 p.m.. The Town Clerk announced that the next meeting of the Town Council would be Tuesday, January 26, 2016, beginning at 7:30 p.m..

I, Kevin D. Harris, Town Clerk of the Town of Morristown, hereby certify that the above reflect the true and accurate minutes from the Morristown Town Council Meeting, held on Tuesday, January 12, 2016 and approved by the Morristown Town Council at the Town Council Meeting held on Tuesday, February 9, 2016.

Date: February 9, 2016

KEVIN D. HARRIS, Town Clerk