

# MINUTES

## Regular Minutes of Town Council

Tuesday, January 26, 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 26, 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 7:35 pm, on January 26, 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, Ms. Alison Deeb, Mr. Michael Elms, Ms. Toshiba Foster, Mr. Robert Iannaccone, Mr. Stefan Armington (Council President).

ABSENT: Ms. Michelle Dupree Harris (Excused by the Council President).

### C. Moment of Silence & Salute to the Flag

Mr. Harris called first for a moment of silence.

Prior to the observation of the Moment of Silence; Council Member Deeb asked that Leo Sardi, a longtime resident of the Town who had recently passed away at the age of 91 be remembered.

The assembly then recited the Pledge of Allegiance.

D. Consent Agenda

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

1. Application of the Fraternal Order of Eagles Aerie #1311, for a Social Affairs Permit on March 12, 2016 from 10:00 a.m. – 3:00 p.m., on March 12, 2016 with a Rain Date TBD by Morristown & Morris Township St. Patrick's Day Parade Committee (if necessary).

Council President Armington moved that items on the Consent Agenda be passed.

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

YEAS: Ms. Hiliari Davis, Ms. Alison Deeb, Ms. Toshiba Foster, Mr. Robert Iannaccone, Council President Armington.

NAYS: None

ABSTAINING: Mr. Michael Elms

ABSENT: Ms. Michelle Dupree Harris (Excused)

E. Public Hearing – the following items were scheduled for public hearing in advance:

1. Application of Success for All Families Program @ St. Peter's Church for a 2016 Morris County CDBG Application in the amount of \$47,150.00 for Childcare Scholarship at 107-121 South Street, Morristown (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).

The matter was opened for public hearing and members of the public were invited to speak. No members of the public came forward to speak and the public hearing on the matter was closed.

2. Application of the Town of Morristown for a 2016 Morris County CDBG Application in the amount of \$80,000.00 for the Martin Luther King Avenue Streetscape Improvements (Spring Street to Flagler Street) (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).

The matter was opened for public hearing and members of the public were invited to speak. No members of the public came forward to speak and the public hearing on the matter was closed.

3. Application of Church of the Redeemer for a 2016 Morris County CDBG Application in the amount of \$71,530.00 for a new floor, air conditioning and repainting at 36 South Street, Morristown (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).

The matter was opened for public hearing and members of the public were invited to speak. No members of the public came forward to speak and the public hearing on the matter was closed.

At the conclusion of the scheduled items, the Council President then opened the meeting to members of the public, asking if there was anyone who wanted to address Council concerning any matter.

**Deborah King**, 19 Wetmore Avenue, Morristown – a 13 year Town resident who also owns a franchise in Morristown “Discovery Map”. Ms. King discussed the map and its contents, including points of reference and business sponsors. Ms. King stated that in addition to a paper version, they are also available online. Ms. King stated that several local colleges use them to give out to new students and several realtors use them to give to new residents. Mr. King stated that reason for having them is to drive people to the Town and its businesses. Ms. King then asked if there were any questions.

Council Member Elms asked Ms. King for the website address.

Council Member Deeb asked if Ms. King worked with the Morristown Partnership. Ms. King stated that she reached out to the Partnership. Council Member Deeb asked how one takes out an advertisement. Council Member Deeb stated that when she was on the Partnership; she discussed the idea with Partnership Executive Director Michael Fabrizio and Council Member Deeb is glad that it has finally come to fruition.

**Pete Tamburro**, 22 Budd Street, Morristown – wished to express thanks at the fact that the proposed Noise Ordinance regarding Trash Pickup in commercial area immediately next to residential areas. Mr. Tamburro further states that moving the ordinance forward allows him to state to others that the Council is responsive to issues no matter how small or trivial (not saying that Council Members view this as same).

**Bill Byrne**, 100 Franklin Street, Morristown – expressed appreciation to the Public Works Department for making sure that streets and sidewalks have been cleared since the snowstorm. Mr. Byrne also thanked Mayor Dougherty and everyone on Council.

**Greg Bruen**, 277 Speedwell Avenue, Morristown – stated that he has spoken to the Council for a number of years about stacking and how the Town has failed to address the issue allowing homeowners in violation to get away with it. Mr. Bruen then

outlined a list of methods one may utilize to circumvent the process. On at least two occasions, the Town Clerk asked Mr. Bruen to address his comments to the Council President. Mr. Bruen expressed his belief that the Town is protecting the liberties of undocumented residents over the legitimate homeowners and residents of the Town.

Council Member Deeb on behalf of **Brian Sullivan**, 35 Maxwell Court, Morristown – a 21 year resident of the Town who could not attend summarized a letter written by Mr. Sullivan to the Council regarding Footes Pond and the decrease of the water level due to sediment deposits. Council Member Deeb read in Mr. Sullivan’s letter that the Town contribute the necessary funding to dredge the pond so that less mosquito born illnesses are created.

Council Member Elms reiterated comments made by Council Member Deeb. Council Member Elms stated that in the 10 years he has lived by Footes Pond, the water level has decreased.

F. Mayor’s Presentation or Proclamations – None.

G. Report of Mayor and Town Officials - Mayor Dougherty stated that with the amount of snow that has been received; the Department of Public Works has done a great job. Mayor Dougherty asked that residents continue to be present; they are trying to remove as much snow as possible.

Mayor Dougherty asked Joseph Costa, Director of the Department of Code Enforcement if every complaint filed is thoroughly checked and followed up on. Mayor Dougherty wanted all to know that none of Mr. Bruen’s complaints fall on deaf ears and all are thoroughly investigated in manners beyond a near drive by.

Mayor Dougherty also informed the Council of the Grand Opening of Be Well; the MLK Breakfast and a small ribbon cutting at CVS. Mayor Dougherty ended his comments by expressing his initiative with Residents and Visitors enjoy pedestrian safety. Mayor Dougherty introduced his Pedestrian Safety Initiative and outlined highlights of same which shall involve a collaboration of information between the Police Bureau and the Partnership. Mayor Dougherty states that quality of life is important and that all have to observe the law which shall be enforced. Mayor Dougherty expressed that this is an important initiative to his Administration and he thanked the Council in advance for its support and for keeping constituents informed.

H. Council Liaison Reports

Council Member Deeb expressed that the “Grow It Green” is have a public forum on Thursday, January 28, 2016, in light of developments in Flint, Michigan. Council President Armington stated that a request has been made of the Water Authority to come before Council and provide a report.

**Morristown Parking Authority** – Council Member Foster stated she attended the last Parking Authority meeting and that she took many of the items discussed at the last meeting and discussed them with George Fiore, Executive Director. Council Member Foster further stated that the Parking Authority was taking steps to increase security in light of some incidents that occurred in one of the garages and updates made in other garages.

**Morristown Housing Authority** – Council Member Davis stated that the Housing Authority meeting was cancelled. Council Member Davis expressed thanks to the Administration and the Police Chief for their assistance in helping a housing authority resident shovel snow. A uniformed officer came out the location and shoveled snow for the resident which moved Council Member Davis about the sensitivity expressed by Town employees to residents after the snowstorm

**Morristown Partnership** – Council Member Elms stated that the Partnership met and upcoming items. Council Member Elms expressed that two members of the Partnership have suffered health issues. Council Member Elms further stated that there was an event upcoming at the Hyatt.

#### I. Regular Business

#### **Ordinances for Introduction**

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

#### **Ordinance No. O-3-2016**

**Introduced** Council President Stefan Armington moved the Introduction of the following ordinance to be read by title only: Here follows “Ordinance amending and supplementing 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.

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, Mr. Robert Iannaccone, Council President Stefan Armington.

NAYS: None

ABSTAINING: None.

ABSENT: Ms. Michelle Dupree Harris (Excused).

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, February 9, 2016, beginning at 7:30 p.m..

### **Ordinances for Adoption**

The Town Clerk stated there were two items on the Agenda for the evening.

#### **Ordinance No. O-1-2016**

**Adopted** Council President Stefan Armington moved the Adoption 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.

**Public Hearing:** Public Hearing was opened for any member of the public wishing to address Council on this Ordinance. No members of the public came forward and the Public Hearing was closed.

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, Mr. Robert Iannaccone, Council President Stefan Armington.

NAYS: None.

ABSTAINING: None.

ABSENT: Ms. Michelle Dupree Harris (Excused).

#### **Ordinance No. O-2-2016**

**Adopted** Council President Stefan Armington moved the Adoption 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.

Public  
Hearing:

Public Hearing was opened for any member of the public wishing to address Council on this Ordinance. No members of the public came forward and the Public Hearing was closed.

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, Mr. Robert Iannaccone, Council President Stefan Armington.

NAYS: None.

ABSTAINING: None.

ABSENT: Ms. Michelle Dupree Harris (Excused).

### **Resolutions for Adoption**

The Town Clerk informed the Council President and members of Council that the following Resolutions were on for Council consideration and action.

#### **Resolution No. R-33-2016**

**Adopted** Council President Stefan Armington moved the adoption of the following resolution: Here follows “Resolution authorizing release of Performance Bond for on-site improvements at 48 South Street, Block 4802, Lot 12.01.”

Purpose: Authorizes release of Performance Bond in the amount of \$13,233.51.

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, Mr. Robert Iannaccone, Council President Stefan Armington.

NAYS: None.

ABSTAINING: None.

ABSENT: Ms. Michelle Dupree Harris (Excused).

**Resolution No. R-34-2016**

**Adopted** Council President Stefan Armington moved the adoption of the following resolution: Here follows “Resolution of the Town of Morristown authorizing the submission of a grant application to the County of Morris Community Development Block Grant Program.”

**Purpose:** Authorizes the submission of a grant application to the Morris County Community Development Block Grant Program requesting funding in the amount of \$80,000 for Martin Luther King Avenue Streetscape Improvements.

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

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

NAYS: None.

ABSTAINING: None.

ABSENT: Ms. Michelle Dupree Harris (Excused).

**Resolution No. R-35-2016**

**Adopted** Council President Stefan Armington moved the adoption of the following resolution: Here follows “Resolution accepting a grant from the County of Morris Community Development Block Grant Program for improvements to the Gramby Park Playground.”

**Purpose:** Accepts \$17,470.00 grant from the Morris County Community Development Block Grant Program for improvements to the Gramby Park Playground.

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

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

NAYS: None.

ABSTAINING: None.

ABSENT: Ms. Michelle Dupree Harris (Excused).

**Resolution No. R-36-2016**

**Adopted** Council President Stefan Armington moved the adoption of the following resolution: Here follows “Resolution awarding bid to Frank’s Truck Center, Inc. for furnishing and delivering one (1) new 2016 GMC Model TK 35903, 10,700 LB GVWR, 4WD Sierra 8 FT., wide side pickup (or approved equal) with Western 8.0’ Pro Plow Snow Plow (or approved equal).”

**Purpose:** Awards bid to Frank’s Truck Center, Inc. for the purchase of a new GMC Pick Up with Snow Plow for the DPW in an amount not to exceed \$35,449.00.

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

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

NAYS: None.

ABSTAINING: None.

ABSENT: Ms. Michelle Dupree Harris (Excused).

**Resolution No. R-37-2016**

**Adopted** Council President Stefan Armington moved the adoption of the following resolution: Here follows “Resolution authorizing the Town Engineer to Execute TWA-1 and WQM-003 forms on behalf of the Town of Morristown.”

**Purpose:** Self-explanatory.

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

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

NAYS: None.

ABSTAINING: None.

ABSENT: Ms. Michelle Dupree Harris (Excused).

**Resolution No. R-38-2016**

**Adopted** Council President Stefan Armington moved the adoption of the following resolution: Here follows “Resolution authorizing approval to enter into contract with the Morris County Cooperative Pricing Council for the purchase of goods exceeding the bid limit.”

**Purpose:** Self-explanatory.

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

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

NAYS: None.

ABSTAINING: None.

ABSENT: Ms. Michelle Dupree Harris (Excused).

**Resolution No. R-39-2016**

**Adopted** Council President Stefan Armington moved the adoption of the following resolution: Here follows “Resolution authorizing application for AIP Grant and Execution of Grant Agreement with the Federal Aviation Administration for Taxiway B East Rehabilitation Improvements in connection with Airport Improvements at the Morristown Municipal Airport.”

**Purpose:** Authorizes AIP Grant Application and Execution of Grant Agreement with the FAA for the Taxiway B East Rehabilitation Improvements at the Morristown Municipal Airport.

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

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

NAYS: None.

ABSTAINING: None.

ABSENT: Ms. Michelle Dupree Harris (Excused).

**Resolution No. R-40-2016**

**Adopted** Council President Stefan Armington moved the adoption of the following resolution: Here follows “Resolution authorizing application for New Jersey Airport Improvement Program (NJAIP) Grant and Execution of NJAIP Grant Agreement with the New Jersey Department of Transportation in connection with the Runway 31 Obstruction Removal Project at the Morristown Municipal Airport.”

**Purpose:** Authorizes NJAIP Grant Application and Execution of Grant Agreement with the NJDOT for the Runway 31 Obstruction Removal Project at the Morristown Municipal Airport.

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

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

NAYS: None.

ABSTAINING: None.

ABSENT: Ms. Michelle Dupree Harris (Excused).

**Resolution No. R-41-2016**

**Adopted** Council President Stefan Armington moved the adoption of the following resolution: Here follows “Resolution authorizing purchase of 2016 Chevrolet Tahoe with Lights and Sirens for the Morristown Fire Bureau through State Contract.”

**Purpose:** Authorizes the purchase of a 2016 Chevrolet Tahoe with Lights and Sirens for the Morristown Fire Bureau in the amount of \$52,308.94.

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, Mr. Robert Iannaccone, Council President Stefan Armington.

NAYS: None.

ABSTAINING: None.

ABSENT: Ms. Michelle Dupree Harris (Excused).

**Resolution No. R-42-2016**

**Adopted** Council President Stefan Armington moved the adoption of the following resolution: Here follows “Resolution authorizing purchase of goods and services through state contract.”

**Purpose:** Authorizes the Morristown Sewer Utility to purchase goods from Applied Analytics, Inc via state contract.

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

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

NAYS: None.

ABSTAINING: None.

ABSENT: Ms. Michelle Dupree Harris (Excused).

**Resolution No. R-43-2016**

**Adopted** Council President Stefan Armington moved the adoption of the following resolution: Here follows “Resolution authorizing the appointment of Anthony M. Devizio as Acting Director of the Department of Public Works for the Town of Morristown.”

**Purpose:** Self-explanatory.

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

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

NAYS: None.

ABSTAINING: None.

ABSENT: Ms. Michelle Dupree Harris (Excused).

J. Unfinished (Old) Business

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

Council Member Deeb stated that she wishes to have this item introduced at the next meeting. Council Member Deeb thanked the Administration and the Attorney. Council Member Deeb has some modifications based on input from Whole Foods, Kings and the Morristown Partnership. Council Member Deeb stated that she wishes to see the Ordinance introduced with the noted corrections.

K. New Business – None for the evening.

L. Correspondence Comments – None for the evening.

L. 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 8:31 p.m.. The Town Clerk announced that the next meeting of the Town Council would be Tuesday, February 9, 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 26, 2016 and approved by the Morristown Town Council at the Town Council Meeting held on Tuesday, February 9, 2016.

Date: February 9, 2016

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KEVIN D. HARRIS, Town Clerk