

MINUTES
Regular Meeting of Town Council

Tuesday, July 14, 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 July 14, 2015, in the Council Room of the Morristown Town Hall located at 200 South Street, Morristown, New Jersey, beginning at 7:05p.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 of contract negotiation or current or anticipated litigation in which the municipality may become a party 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 7:08 p.m. to discuss the following:

1) Litigation: Hopkins v. Morristown, et al.

“A Resolution Authorizing Settlement Agreement With Shawn G. Hopkins.”

Purpose: Self Explanatory.

D. Resumption of Regular Meeting – The Regular Meeting resumed at 7:32 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. Consent Agenda

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

1. Approval of Executive Session Minutes – Town Council Meeting, Tuesday, October 14, 2014.

2. Approval of Regular Session Minutes – Town Council Meeting, Tuesday, October 14, 2014.
3. Approval of Regular Session Minutes – Town Council Meeting, Tuesday, October 28, 2014.
4. Approval of Regular Session Minutes – Town Council Meeting, Tuesday, November 12, 2014.
5. Approval of Executive Session Minutes – Town Council Meeting, Tuesday, December 9, 2014.
6. Approval of Regular Session Minutes – Town Council Meeting, Tuesday, December 9, 2014.
7. Request by Deanna Agee to hold the 5th Annual Liberty Street Block Party on Saturday, August 8, 2015 from 3pm to 9pm.
8. Request by Bethel AME Church of Morristown to hold the annual block party on Sunday, August 30, 2015 on Bishop Nazery Way from 11:00am to 7:30pm, with a rain date of Sunday, September 6, 2015.
9. Request by Tracy E. Mendola of Community Options, Inc., to hold their annual Cupid’s Chase 5K run in Morristown on Saturday, February 13, 2016 from 8:00 a.m. (race start: 10:30 a.m.) to approximately 1:00 p.m., with a rain date of Saturday, February 27, 2016.

Council Member Smith-Reid made a motion that the Consent Agenda be moved for Adoption which was seconded by Council Member Foster and adopted 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

ABSTAIN: None

ABSENT: None.

H. Mayor’s Proclamations and Presentations

The Honorable Timothy P. Dougherty, Mayor of the Town of Morristown, presented a Proclamation to Margaret Brady, 1 Franklin Place, Morristown, New Jersey on the Occasion of Her 80th Birthday. Mayor Dougherty thanked Ms. Brady for her tireless effort and passion in serving the residents of Morristown formerly in other endeavors and presently as a Commissioner on the Morristown Parking Authority.

Ms. Brady then made remarks thanking the Mayor for presenting her with the proclamation and encouraging Morristown residents to be active and involved in affairs of the community.

I. Public Hearing

1. (Proposed) Resolution establishing Sewer Connection Fees.

Purpose: Per Chapter 168 of the Town Code, establishes Sewer Connection Fees which represent the sum of money that a party must pay to the Town for their share of the Sewer Capital expenditures the town has invested into the sewer facilities and delivery system.

Council President Feldman asked Town Business Administrator Michael Rogers if he wished to comment on the matter. Mr. Rogers replied that it was a separate public hearing and should be conducted as such.

Council President Feldman stated that for those who had not read the Memorandum from the Administration that there would be no change in the fees.

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 related to this item.

Council decided to move the matter for consideration this evening as Resolution R-105-15

2. Any matter the public wishes to bring before 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.

Catherine Brown, 41 Mt. Kemble Avenue, Unit 103, Morristown, introduced herself to the Council as she is a candidate for the position of Alternate Member on the Board of Adjustment that will be considered this evening. Ms. Brown stated that she wanted Council to associate a face with the name, and Ms. Brown thanked the Council for allowing her an opportunity to speak.

Rob Walton, representing J.C.P & L, 52 Chatham Road, Summit, wishes to provide Council with an update as to work that was being done on the Green last evening. Mr. Walton reported that while installing a conduit; a gas line was nicked causing evacuation of several hundred residents in the area. Mr. Walton stated that J.C.P & L states that the problem was fixed and that J.C.P & L would notify the municipality on road openings.

Ken Hoffman, 12 Hill Street, Morristown, ask if the Triangle Park will be opened at some point. Mr. Hoffman stated that it has been closed since the fire and it would be nice to be opened.

Mr. Rogers stated that in response to Mr. Hoffman's remarks; the two (2) property owners have hired demolition contractors who have submitted applications for permits. However, Mr. Rogers stated that he would speak with the Director of DPW and he hopes to have an answer with the next week. Mr. Rogers stated that as soon as property is deemed safe; it would be opened.

Michael Quatro, 164 Franklin Street, Morristown, has asked "...why does the Property Maintenance Code apply to the residence of Franklin Street, but not the Morristown Medical Center?" Mr. Quatro referenced an event on May 20, 2015, where a Property Maintenance Inspector put notices on residents' property to cut lawns, but not the Medical Center where discarded cigarette butts have been left. Mr. Quatro stated that he has attempted to resolve this with Property Maintenance; however, he has received no satisfaction to date.

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

Council President Feldman thanked Mr. Quatro for being to the Council's attention a problem that many have been aware of.

Council Member Deeb asked if the Administration had a response. Mr. Rogers said that clearly residence have a responsibility to maintain their properties. Mr. Rogers stated that he would find out who Mr. Quatro spoke with and make sure there is proper enforcement.

Mayor Dougherty asked about the location of the discarded cigarette butts (i.e., are they by the hospital or are they across the street. Mr. Quatro responded that the butts are in several locations on the hospital side. However, some employees do cross the street. Mr. Quatro estimated that approximately 90% of the butts are on the hospital side. Mayor Dougherty suggested that in the future, if Mr. Quatro or any other resident does not receive satisfaction from the applicable department that they come to either the Business Administrator or the Mayor's Office to state concerns.

J. Report of Mayor and Town Officials

The Mayor stated that the 4th of July event was successful despite the weather.

Mayor Dougherty reminded all about the Verizon 5K race scheduled for Thursday, July 16, 2015 and the Jazz Festival to be held on August 15, 2015.

Mayor Dougherty also expressed appreciation to members of Calvary Baptist Church who turned out at tonight's meeting in support of Ordinance O-20-2015.

K. Council Liaison Reports

Council Member Deeb asked Mr. Rogers about the "improvement work" scheduled to begin tomorrow on James Street and approximately how long would it be happening. Mr. Rogers stated that he doesn't believe that it would last more than one week.

Council Member Elms, Council Liaison, Morristown Partnership, stated the Partnership Meeting for last week was postponed. However, it was rescheduled for tomorrow morning (Wednesday, July 15, 2015). Council Member Elms reminded all about "Meet Me in Morristown" which is scheduled to continue on Thursday, July 30, 2015 and it is a wonderful event. Council Member Elms stated that the event continues on the fourth Thursday of every month and that all should come out and enjoy themselves.

Council Member Harris, Council Liaison, Morristown Environmental Commission stated that the Commission's last meeting was held on July 7, 2015 and their main concern was the "Pilgrim Pipeline" and they would like to make a presentation to the Council to explain their opposition to the Pipeline and to request that the Council adopt a resolution opposing same.

Mayor Dougherty stated that there was a tragic fire last evening where there was a fatality. Mayor Dougherty stated that while lives were saved; one life was lost. Mayor Dougherty stated "hearts and prayers go out to the victim and her family." His Honor further stated that it is important to have smoke detection devices on one's home, as they are crucial in getting out of a home once a fire starts; and if residents do not have smoke detection devices; to go to the Morristown Fire Department and the residents will be provided with them.

Council President Feldman gave comments from the Parking Authority Meeting that the Ann/Bank Parking Garage will receive an exit on Schuyler Place which shall reduce congestion from Bank. Council President Feldman also stated that while she was hoping to have good news with respects to parking for theater events; that the VNA denied a request to allow parking in their lot on evenings when theater events occur. Council President Feldman expressed appreciation to all who attempted to negotiate to accomplish this but stated that it was not meant to be.

L. Regular Business

Appointment by the Town Council of an Alternate Member to the Morristown Board of Adjustment

The Town Clerk advised the Council that nominations were being sought for appointment by the Town Council of an Alternate Member of the Board of Adjustment for an unexpired term ending December 31, 2015, created by the resignation of Naveen Nadipuram.

Council Member Deeb placed into nomination the name of Catherine Brown (**failed**).

Council Member Foster placed into nomination the name of Susan Glover (**passed**).

Council Member Armington placed into nomination the name of Carolyn Hand (**not considered due to passing of previous nomination**).

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

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

YEAS: Ms. Deeb, Mrs. Smith-Reid, Council President Feldman

NAYS: Mr. Armington, Mr. Elms, Ms. Foster

ABSTAINING: Ms. Harris

ABSENT: None

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

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

NAYS: Mr. Armington, Ms. Deeb, Ms. Harris

ABSTAINING: None

ABSENT: None

The nomination of Susan Glover to serve as an Alternate Member of the Board of Adjustment for an unexpired term ending on December 31, 2015 is confirmed.

Ordinances for Introduction

Ordinance No. O-19-2015

Introduced The Town Clerk offered for introduction Ordinance No. O-19-2015

“Ordinance amending and supplementing Chapter 11 ‘Parks and Recreation Areas’ Section 4 ‘Conduct in Park and Recreation Areas’”.

Purpose: Amends the Town Code to permit the use of canoes and kayaks on Speedwell Lake.

Council Member Armington made a motion that Ordinance O-19-2015 be introduced, read by title, passed on first reading and that a meeting be held on August 11, 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-19-2015 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

Ordinance No. O-20-2015

Introduced The Town Clerk offered for introduction
Ordinance No. O-20-2015

“Ordinance authorizing the lease of a parking area at the corner of Cole Avenue and Martin Luther King Avenue to the Calvary Baptist Church of Morristown Inc.”.

Purpose: Authorizes the lease of parking area at the corner of Cole Avenue and Martin Luther King Avenue to the Calvary Baptist Church of Morristown Inc. for the term of two (2) years and in the amount of One Dollar (\$1) per month.

Council Member Smith-Reid made a motion that Ordinance O-20-2015 be introduced, read by title, passed on first reading and that a meeting be held on August 11, 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-20-2015 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

Ordinance No. O-21-2015

Introduced The Town Clerk offered for introduction

Ordinance No. O-21-2015

“Ordinance appropriating \$670,000 from the Sewer Capital Improvement Fund for various sewer improvements in and by the Town of Morristown, in the County of Morris, New Jersey.

Purpose: Self-explanatory.

Council Member Smith-Reid made a motion that Ordinance O-21-2015 be introduced, read by title, passed on first reading and that a meeting be held on August 11, 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.

Called to question Ordinance No. O-21-2015 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

The Town Clerk informed the Council President that there were no Ordinances on the agenda for Introduction this evening.

Resolutions for Adoption

A Motion to Add Resolutions R-104-15 and R-105-15 to Resolution Items for Consideration on the Regular Agenda

Proposed Resolution R-104-15 was discussed in Executive Session with Council deciding to consider it this evening. Proposed Resolution R-105-15 was open for discussion to the Public prior to Council agreeing to consider it this evening.

Council President Feldman moved that Resolutions R-104-15 and R-105-15 be added to the list of Resolutions to be considered for the evening. Council Member Smith-Reid 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

Resolution No. R-98-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-98-15 entitled:

“Resolution authorizing and approving a contract with Millennium Strategies, LLC.”

Purpose: Authorizes contract with Millennium Strategies, LLC for Grant Consulting Services for a twelve (12) month period in the amount of \$3,000 per month for a total yearly amount not to exceed \$36,000.

The motion was seconded by Ms. Foster 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-99-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-99-15 entitled:

“Resolution authorizing supplemental Task Order # 1 to contract with McFarland Johnson, Inc. for Professional Services for Environmental & Engineering Services in the amount of \$6500, thereby increasing the Task Order #1 Payment to \$587,238 at the Morristown Municipal Airport.”

Purpose: See attached June 18, 2015 letter from Darren S. Large, A.A.E., Manager of Facilities and Projects.

The motion was seconded by Ms. Foster 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-100-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-100-15 entitled:

“Resolution decreasing the payment to DM Airports, LTD., for Administrative Fees from \$188,598 for costs associated with the Environmental Assessment Study for the Runway 5-23 Rehabilitation Project at the Morristown Municipal Airport.”

Purpose: See attached June 18, 2015 letter from Darren S. Large, A.A.E., Manager of Facilities and Projects.

The motion was seconded by Ms. Foster 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-101-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-101-15 entitled:

“Resolution rejecting bid received for Washington Street Streetscape Improvements.”

Purpose: Rejects bid for Washington Street Streetscape Improvements as both the Base Bid and the Alternate #1 substantially exceeds the engineer’s estimate for the project.

The motion was seconded by Ms. Foster 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-102-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-102-15 entitled:

“Resolution authorizing the award of bid to George S. Coyne Chemical Co. Inc. for Furnishing and Delivering Zetag 7848 Cationic Emulsion Polymer or equal.”

Purpose: Authorizes award of bid in the amount of \$1.5995 per gallon.

The motion was seconded by Ms. Foster 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-103-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-103-15 entitled:

“Resolution authorizing the award of bid to George S. Coyne Chemical Co. Inc. for Furnishing and Delivering Liquid Ferric Chloride.”

Purpose: Authorizes award of bid in the amount of \$1.397 per gallon.

The motion was seconded by Ms. Foster 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-104-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-104-15 entitled:

“A Resolution Authorizing Settlement Agreement with Shawn G. Hopkins.”

Purpose: Self Explanatory.

The motion was seconded by Ms. Foster 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-105-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-105-15 entitled:

“Resolution establishing Sewer Connection Fees.”

Purpose: Per Chapter 168 of the Town Code, establishes Sewer Connection Fees which represent the sum of money that a party must pay to the Town for their share of the Sewer Capital expenditures the town has invested into the sewer facilities and delivery system.

The motion was seconded by Ms. Foster 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

The Regular Business items were completed. Mayor Dougherty then requested that Council reopen the public portion of the meeting and allow Mr. Stan Prater from J.C.P & L to address the Council.

Council Member Smith-Reid made a motion to reopen the public portion which 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

Mr. Stan Prater then address the Council as a Member of the George Gramby Observance Committee. Mr. Prater thanked the Council, Mayor, Administration and All who support the George Gramby Observance Day which was held this past Saturday. Mr. Prater then asked the Assembly to give the Council and Administration a rising round of applause.

M. Unfinished Business

1. Parking on Cobb Place (Please see letter of July (inc) 15, 2015 from Concerned Neighbors to Police Chief Demnitz with attached copy of photographs. This matter was brought from table at the June 23, 2015 Regular Meeting under Communications and the matter has been placed on this meeting's agenda at the request of Council Member A. Deeb).

Council Member Deeb noted that the letter was submitted and she wished to have it place on the agenda because at the last meeting Council Member Deeb did not have opportunity to read it.

Council Member Deeb described how “cones” are being placed in front of residences in order to “reserve space on public streets”. Council Member Deeb stated that if the spots are in fact handicapped spaces; shouldn't they be marked as handicapped spaces.

Mayor Dougherty responded that it would be done.

N. New Business – None for the Evening.

- O. Adjournment. Prior to adjournment Council Member Deeb requested that Fire Safety be added to New Business for the next regular meeting. The Town Clerk noted three (3) items of correspondence that came in

after the agenda was prepared. The first was the 2014 Annual Audit with instructions on how to proceed at the next regular meeting. The second was a letter from a Mr. Kantrowitz, Esq., concerning 23 Abbett Avenue and a request for rezoning. Lastly, a request for an event in Pioneer Park on August 16, 2015. Mr. Rogers informed that a Special Events Permit. Council Member Smith-Reid noted that it is an administrative function that requires no further action.

Council Member Smith-Reid inquired as to what will be done with the request concerning 23 Abbett Avenue. Mr. Pawar stated that he will review the letter and make recommendations to the Council.

There being no further business, a motion to adjourn was made by Council Member Armington seconded by Council President Feldman and Council Member Foster and passed unanimously by acclamation. The meeting was adjourned at 8:47 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, July 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