

Regular Meeting of Morristown Town Council

Tuesday, June 28, 2016, beginning at 7:30 p.m.

Statement of Compliance with Open Public Meetings Act

A. Roll-Call

B. Moment of Silence

C. Pledge of Allegiance

D. Consent Agenda

1. Request by St. Margaret's of Scotland Church to hold the annual Parish Carnival on August 25, 2016 through August 28, 2016.

E. Public Hearing

F. Council Comments to Items Discussed at Public Hearing

G. Mayor's Proclamations and Presentations

1. Presentation by Justin Protasiewicz of the Morristown Environmental Commission regarding the Foote's Pond Evaluation.

H. Report of Mayor and Town Officials

I. Council Liaison Reports

J. Regular Business

1. Ordinances for Introduction

Ordinance No. O-22-2016

"An Ordinance Amending and Supplementing Chapter 30 "Land Use Regulations."

Purpose: Amends to Code of the Town of Morristown to clarify and provide proper definitions for bar/tavern, nightclub and restaurant with and without a liquor license and to establish certain requirements for such conditional uses.

Ordinance No. O-23-2016

"An Ordinance Amending and Supplementing Chapter 6 "Alcoholic Beverage Control."

Purpose: Amends to Code of the Town of Morristown to identify certain factors the Town Council may consider when deciding on a liquor license issuance, transfer or renewal.

2. Ordinances for Adoption

Ordinance No. O-17-2016 (Tabled from the June 14, 2016 Meeting & may be considered for adoption).

“Ordinance amending and supplementing Chapter 11 “Parks and Recreation Areas” Section 5 “Field Playground and Court Permits”.

Purpose: Amends Chapter 11, Section 5 of the Town Code to include the requirement of a Morristown Recreation Key Agreement and a fifty dollar (\$50.00) deposit at the time of permit issuance for the use of the Lidgerwood Park restrooms.

Ordinance No. O-19-2016

“Bond Ordinance providing for various Capital Improvements in and by the Town Of Morristown, in the County Of Morris, New Jersey, appropriating \$3,795,000 therefor and authorizing the issuance of \$2,795,000 Bonds or Notes of the Town to finance part of the cost thereof.”

Purpose: For various improvements within the Administration, Building, Dams, Department of Public Works, Parks, and Road Department.

Ordinance No. O-20-2016

“Ordinance of the Town of Morristown, in the County of Morris, State of New Jersey, for compensation for the elected Mayor, Town Council Members and Council President in the Town of Morristown, New Jersey and amending all Ordinances concerning such compensation heretofore adopted.”

Purpose: Establishes compensation for the Mayor, Town Council Members and Council President for 2016.

Ordinance No. O-21-2016

“Ordinance of the Town of Morristown, in the County of Morris, State of New Jersey, for compensation for Management/Non-Union positions in the Town of Morristown, New Jersey and amending all ordinances concerning such compensation heretofore adopted.”

Purpose: Establishes compensation ranges for Management/Non-Union positions for 2016.

3. Resolutions for Adoption

Resolution No. R-108-2016

“Resolution authorizing and approving a contract with Arterial, LLC for the Martin Luther King Avenue Streetscape Improvement Project.”

Purpose: Authorizes contract in the amount of \$73,250.

Resolution No. R-109-2016

“Resolution authorizing execution of Change Order # 1 to contract with Jo-Med Contracting Corp. For Washington Street Streetscape Improvements.”

Purpose: Authorizes Change Order #1 to contract with Jo-Med for Washington Street Streetscape Improvements in the amount of \$64,409.38.

Resolution No. R-110-2016

“Resolution Authorizing Renewal of Plenary Retail Club Licenses 2016 – 2017.”

Purpose: Self-Explanatory.

Resolution No. R-111-2016

“Resolution Authorizing Renewal of Plenary Retail Consumption Licenses 2016 – 2017.”

Purpose: Self-Explanatory.

Resolution No. R-112-2016

“Resolution Authorizing Renewal of Plenary Retail Consumption License (Hotel Exception) 2016 – 2017.”

Purpose: Self-Explanatory.

Resolution No. R-113-2016

“Resolution Authorizing Renewal of Plenary Retail Consumption License (Theatre Exception) 2016 – 2017.”

Purpose: Self-Explanatory.

Resolution No. R-114-2016

“Resolution Authorizing Renewal of Plenary Retail Distribution Licenses 2016 – 2017.”

Purpose: Self-Explanatory.

Resolution No. R-115-2016

“Resolution Authorizing Renewal of Plenary Retail Consumption License 2016 – 2017 With Conditions Iron Bar, LLC.”

Purpose: Self-Explanatory.

Resolution No. R-116-2016

“Resolution Authorizing Renewal of Plenary Retail Consumption License 2016 – 2017 With Conditions Dehart Associates, LLC D/B/A Tashmoo.”

Purpose: Self-Explanatory.

Resolution No. R-117-2016

“Resolution Authorizing Renewal of Plenary Retail Consumption License 2016 – 2017 With Conditions 13 South Group, LLC D/B/A Sona 13.”

Purpose: Self-Explanatory.

Resolution No. R-118-2016

“Resolution Authorizing Renewal of Plenary Retail Consumption License 2016 – 2017
With Conditions Dehart Ventures, LLC D/B/A Dark Horse.”

Purpose: Self-Explanatory.

Resolution No. R-119-2016

“Resolution Authorizing Renewal of Plenary Retail Consumption License 2016 – 2017
With Conditions Uncle Baxter, LLC D/B/A Veronica’s Speedwell a/k/a Horseshoe.”

Purpose: Self-Explanatory.

K. Unfinished (Old) Business – None.

L. New Business – None.

M. Correspondence Comments

N. Adjournment

CORRESPONDENCE

The correspondence portion of the agenda is now on the web. To view the ordinances, resolutions and correspondence, go to the town's web site www.townofmorristown.org and click on the Agenda's & Minutes.

All the correspondence, ordinances and resolutions are listed at the end of the agenda document.

MEMORANDUM

To: Stefan Armington, Council President
All Members of Council

From: Kevin D. Harris, Town Clerk

Sub: Correspondence

Date: June 23, 2016

The following items of correspondence have been received in the Office of the Town Clerk for inclusion on the agenda of the Regular Meeting of June 28, 2016.

- A. Mayor's Correspondence
- B. Correspondence and Reports, Counsel and Department Heads
- C. General Correspondence
 - May 17, 2016 Letter from Margaret Nordstrom, Executive Director, Highlands Water Protection and Planning Council, State of New Jersey, announcing the availability of the Highlands Open Space Partnership Program – A matching grant program that offers up to a 50% match for eligible projects in the Highlands Region with the first round of funding open with an application deadline of Friday, September 16, 2016 (copies of the program details and application are attached).
 - May 26, 2016 Letter from Steven J. Weiss, Manager – Real Estate, NNJ, at Verizon requesting consent from the Morristown Town Council to jointly use facilities erected in the public right of way for small network nodes (copies of the fact sheet with details of the proposal, a proposed form of Resolution and relevant statutes for reference are attached).
 - May 27, 2016 Letter from James A. Cavanaugh at Iron Bar offering a report refuting information previously submitted to the Town Council by Donna Gaffney (a copy of the report is attached).
- D. Department Reports
- E. Resolutions of Other Jurisdictions
- F. Meeting Notices
 - Copy of the Notice and Agenda for the next meeting of the Board of Commissioners for the Morristown Housing Authority to be held on Monday, June 27, 2016, at 6:00 p.m., at 29 Ann Street, Morristown.
- G. Confidential Correspondence

TOWN OF MORRISTOWN

ORDINANCE O - 22 - 2016

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 30 "LAND USE REGULATIONS"**

WHEREAS, the Town of Morristown desires to amend its land use regulations to clarify the definition of a bar/tavern, nightclub and restaurant with and without a liquor license and to establish certain requirements for such conditional uses; and

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Morristown, County of Morris, State of New Jersey, being the governing body thereof, that Chapter 30 Land Use Regulations of the Town of Morristown Ordinances be and hereby is amended and supplemented to read as follows:

30-301 DEFINITIONS.

Class I Restaurant shall mean any premises licensed to provide for the on-premises consumption of alcoholic beverages, and which at all times meets both of the following elements: (a) the sale of alcoholic beverages is incidental to the sale of food and not the prime source of revenue for the premises; and (b) no "cover" or other minimum fee is charged to enter the premises at any time, provided, however that this provision shall not be construed to apply to fixed price meals, or complimentary glasses of champagne on holiday occasions such as Thanksgiving or New Year's Eve;

Class II Restaurant (with extended bar hours) shall mean a place of business duly licensed by the Morristown Alcoholic Beverage Control Board and where the principal use or function during regular meal hours (i.e., between 10:00 a.m. and 11:00 p.m.) is the sale of food, and the principal use or function after regular meal hours is the selling of alcoholic beverages and incident thereto may be the retail sale or consumption of food as a permitted use, consistent with N.J.S.A. 33:12 et seq.

Class III Restaurant (without liquor license) - shall mean an eating establishment that at all times maintains cooking facilities and serves its customers at tables employing waiters or waitresses, as opposed to a fast food establishment or cafeteria. No alcoholic beverages are available for sale. BYOB may be available for beer and wine only.

Bar shall mean a commercial establishment dispensing alcoholic beverages for consumption on premises in which a kitchen of at least 50 square feet is not open during regular meal hours for the sale and consumption of food.

Nightclub shall mean a commercial establishment dispensing alcoholic beverages for consumption on premises in which music, dancing and/or entertainment is provided on a regular (weekly basis), and where any of the following elements exist: (a) more than thirty (30%) percent of the floor area of the establishment is devoted to the entertainment portion of the business; (b) the principal use or function during regular meal hours (i.e., between noon and 9:00 p.m.) is not the sale of food (c) the occupancy limit is thirty

percent (30%) greater than the number of seats available for guests and there is less than twelve (12) square feet per person permitted within the establishment. Entertainment, for purposes of this definition, shall not include background music, whether live or recorded whose primary purpose is to create an atmosphere or ambiance

30-702 PROVISIONS APPLICABLE TO CERTAIN SPECIFIC CONDITIONAL USES.

In addition to the general requirements of subsection 30-701.1, the additional minimum requirements shall be met for approval of particular conditional uses as are listed in this section.

30-702.5 Class I Restaurant

1. Class I restaurants shall not serve alcoholic beverages after 11PM, except accompanying food.
2. All tables and chairs within the establishment shall be stationary and shall be affixed to the ground. Exceptions for rearranging tables to accommodate larger groups is permitted. A seating plan shall be a component of the site plan approval.
3. Maximum occupancy calculations in conformance with the Morristown Construction office and the New Jersey Uniform Construction Code shall be submitted to the approving entity and no Certificate of Occupancy shall be granted in excess of calculations submitted to the Board.
4. Daily cleaning of the property's public right-of-way is required. This cleaning should occur before 8:00 a.m. each day.

30-702.6 Class II Restaurants, Bars and Nightclubs.

It is the overall purpose of these provisions to provide specific zoning conditions and standards for the location and operation of Class II restaurants, bars and nightclubs within the Town of Morristown and they shall be as follows:

1. All garbage and recyclables shall be collected and stored in an enclosed area within the establishment at all times.
2. Adequate security shall be stationed at the entrance and exit of the establishment during all hours of operation until the last patron has left.
3. There shall be no outdoor bar areas allowed without prior ABC approval.
4. Primary pedestrian entrances and exists shall be located on public streets. All doors at secondary and emergency entrances and exists not oriented toward commercial streets shall be closed by 11:00 p.m. except during bona fide emergencies.
5. Maximum occupancy calculations in conformance with Morristown Construction office and the New Jersey Uniform Construction Code shall be submitted to the

approving entity and no Certificate of Occupancy shall be granted in excess of calculations submitted to the Board.

- 6. Site Plan presented to ABC Board shall be the approved plan. If site plan changes from what was presented to ABC, licensee shall return to ABC for approval.
- 7. New facilities should include sufficient space to accommodate queuing for patrons. This space should be provided on-site to the greatest extent possible. If the public right-of-way is proposed for queuing, a management plan to control crowds and litter as well as to ensure adequate pedestrian circulation shall be submitted to the approving entity.
- 8. Off street parking shall comply with the requirements in section 30-803.
- 9. Daily cleaning of the property's public right-of-way is required. This cleaning should occur before 8:00 a.m. each day.

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance be referred to the Morristown Planning Board for a determination as to whether or not the Ordinance is consistent with the Town's Master Plan.

BE IT FURTHER ORDAINED, This Ordinance shall take effect upon passage.

ATTEST:

ADOPTED:

Kevin D. Harris,
Town Clerk

Timothy P. Dougherty,
Mayor

Date: _____

TOWN OF MORRISTOWN

ORDINANCE O - 23 - 2016

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 6 "ALCOHOLIC BEVERAGE CONTROL"**

WHEREAS, the Town of Morristown desires to amend Chapter 6 of the Town Ordinances to identify certain factors the Town Council may consider when deciding on a liquor license issuance, transfer or renewal;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Morristown, County of Morris, State of New Jersey, being the governing body thereof, that Chapter 6 Alcoholic Beverage Control of the Town of Morristown Ordinances be and hereby is amended and supplemented to read as follows:

6-11 CONDITIONS TO LICENSE ISSUANCE, TRANSFER OR RENEWAL

As a way of safeguarding the public good, the Town Council, sitting as the Town of Morristown Alcoholic Beverage Control Board, may, pursuant to N.J.S.A. 33:1-32, impose limits on the number of persons permitted in any licensed premises and in any designated area or room therein as a condition to the issuance, transfer or renewal of any license. The Council may consider the following factors in deciding whether such a condition is warranted in any given case.

1. The public interest as determined by the number and size of existing licensed premises, the size and proximity of other licensed premises, and the impact on Municipal and public services; and
2. Compliance with zoning ordinances, with particular emphasis on the availability of off-street parking; and
3. Occupancy limits set forth in the certificate of occupancy for the premises or as required by the Municipal Zoning Official, Construction Code Official, and Fire Official; and
4. The licensee's ability to safely and lawfully operate the premises, as determined by required police services and police incidents on and in the immediate area around the premises; and
5. Public sentiment expressed at any license or license renewal hearing; and
6. Any other evidence relevant to the issue of occupancy.

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, This Ordinance shall take effect upon passage.

ATTEST:

ADOPTED:

Kevin D. Harris,
Town Clerk

Timothy P. Dougherty,
Mayor

Date: _____

O-17-2016
I-5/24

TOWN OF MORRISTOWN

ORDINANCE O -17- 2016

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11 "PARKS AND RECREATION AREAS" SECTION 5 "FIELD PLAYGROUND AND COURT PERMITS"

WHEREAS, the Morristown Recreation Department desires to have all permittees of Lidgerwood Park sign an agreement upon receiving keys to the restrooms at that location; and

WHEREAS, the purpose of this Ordinance is to add a section within the current Code that requires the execution of the Morristown Recreation Key Agreement and the deposit of Fifty Dollars (\$50.00) if a party desires to obtain a permit to use Lidgerwood Park and its restrooms;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Morristown, County of Morris, State of New Jersey, being the governing body thereof, that Chapter 11 *Parks and Recreation Areas*, Section 5 "*Field Playground and Court Permits*" be and hereby is amended and supplemented to read as follows:

11-5.2 Applications.

Permits for use of the field, playground or court shall be obtained by an application in writing to the Recreation Division in accordance with the following procedures:

a. The person or group of persons seeking issuance of the permit shall file an application in writing with the Recreation Division, stating:

1. The name and address of the applicant;
2. The name and address of person, persons, corporation or association sponsoring the activity, if any;
3. The day and the hours for which the permit is desired;
4. The park or portion thereof for which the permit is desired;
5. A reasonable estimate of the anticipated attendance;
6. The type of game or activity for which the permit is desired;
7. The anticipated age group of the expected participants;
8. Such other information as may be reasonably required.

b. The permittee shall provide a certificate of liability insurance in the amount of not less than one million (\$1,000,000.00) dollars, combined single limit, naming the Town of Morristown as an additional insured.

c. For permittees using Lidgerwood Park, the Morristown Recreation Key Agreement must be executed and a fifty dollar (\$50.00) deposit must be provided at the time of the issuance of the permit in order to allow for the use of the Lidgerwood Park restrooms.

d. All permit holders shall be responsible for:

1. Insuring that all participants and spectators adhere to park, rules, and for summoning the Police if individuals fail to do so;

2. Insuring that the field or court is in a safe condition prior to allowing players to proceed and for reporting unsafe conditions to the Recreation Division not later than one business day after its use;

3. Insuring that upon conclusion of the use, the field, playground or court is left in the same condition in which it was found, including removal of any equipment, and cleanup and proper disposal of any litter;

4. Compliance with any special conditions imposed on the permit by the Recreation Division.

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, This Ordinance shall take effect upon passage.

ATTEST:

ADOPTED:

Kevin D. Harris,
Town Clerk

Timothy P. Dougherty,
Mayor
Date: _____

O-19-2016

I-6/14

*** MODIFIED – 6/09/2016**

TOWN OF MORRISTOWN

ORDINANCE O – 19 – 2016

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF MORRISTOWN, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$3,795,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,795,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MORRISTOWN, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Town of Morristown, in the County of Morris, New Jersey (the "Town") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$3,795,000, and further including the aggregate sum of \$1,000,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,795,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond

anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) <u>Administration Department</u>			
1) The acquisition of multi-purpose property software, including all related costs and expenditures incidental thereto.	\$106,000	\$78,070	5 years
2) The acquisition and installation of a telephone system, including all related costs and expenditures incidental and further including all work and materials necessary therefor and incidental thereto.	\$95,000	\$69,965	10 years
b) <u>Building Department</u>			
1) Refinish floor at Speedwell Firehouse Apparatus Area and the acquisition and installation of sallyport lights, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$31,500	\$23,200	10 years

2) Refurbish Town Hall 1 st floor bathrooms, including all work and materials necessary therefor and incidental thereto.	\$10,000	\$7,365	15 years
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c) Dams Department

The acquisition of a rung ladder for the Speedwell Dam Gate House, including all related costs and expenditures incidental thereto.	\$6,500	\$4,785	15 years
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d) Department of Public Works

1) The acquisition of a pick-up truck with plow and a dump truck with plow and spreader, including all related costs and expenditures incidental thereto.	\$183,000	\$134,780	5 years
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2) The acquisition of a front end loader, a brush bandit, recycling compactors and electrical hookup and a snow thrower, including all related costs and expenditures incidental thereto.	\$336,000	\$247,465	15 years
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e) Park Department

Gramby Playground improvements, landscape beautification projects at miscellaneous locations, Park Art Phase 2, and the acquisition and installation of sand filter material for Burnham Pool, including all work and materials necessary therefor and incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$222,000	\$163,500	15 years
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f) Road Department

1) Improvements to Coal Avenue parking lot, Co-op castings, Co-op milling and resurfacing of various streets, all as set forth on a list on file in

the Office of the Clerk, Co-op striping, crack sealing, curb, sidewalk and drainage improvements, interns time and engineering overtime, MLK promenade settlement, police traffic directors, traffic signal improvements and the acquisition of a sewer television, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

	\$2,775,000	\$2,043,775	10 years
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2) Tree planting, including all work and materials necessary therefor and incidental thereto.

	<u>\$30,000</u>	<u>\$22,095</u>	15 years
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TOTAL:

	<u>\$3,795,000</u>	<u>\$2,795,000</u>	
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The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the

bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Town may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.41 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,795,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$380,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further

authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

TOWN OF MORRISTOWN

ATTESTED:

Kevin D. Harris,
Town Clerk

Timothy P. Dougherty,
Mayor

DATED: _____

O-20-2016
I-6/14

TOWN OF MORRISTOWN

ORDINANCE NO: O- 20 -2016

AN ORDINANCE OF THE TOWN OF MORRISTOWN, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, FOR COMPENSATION FOR THE ELECTED MAYOR, TOWN COUNCIL MEMBERS AND COUNCIL PRESIDENT IN THE TOWN OF MORRISTOWN, NEW JERSEY AND AMENDING ALL ORDINANCES CONCERNING SUCH COMPENSATION HERETOFORE ADOPTED

BE IT ORDAINED, by the Town Council of the Town of Morristown, County of Morris, State of New Jersey, being the governing body thereof as follows that:

- (1) The Town of Morristown is organized under the "Mayor-Council Plan" form of government as established under the Optional Municipal Charter Act, i.e., The Faulkner Act, at N.J.S.A. 40:69A-31 et seq., which provides for a separately elected Mayor and Council to serve as the elected officials of the said municipality; and
- (2) The elected Mayor, Town Council Members and Council President of the Town of Morristown shall be compensated within the salary ranges set forth in this Ordinance and shall perform all duties as are prescribed by law. All salary amounts shall be effective as of January 1, 2016; and

BE IT FURTHER ORDAINED, that the annual salary amount for the Mayor of the Town of Morristown shall be \$26,042.00; and

BE IT FURTHER ORDAINED, that the annual salary amount for each Town Council Member shall be \$9,676.00; and

BE IT FURTHER ORDAINED, that the Council President shall receive an additional \$1,000.00 above the annual Town Council Member salary amount; and

BE IT FURTHER ORDAINED, that all provisions of this Ordinance are subject to the available appropriations of the Town of Morristown and that this Ordinance does not and shall not legally bind the Town of Morristown to pay any of the wages or compensation set forth herein unless and until appropriations have been made in sufficient amounts to pay said wages or compensations to those holding the title and position set forth herein; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

ATTEST:

ADOPTED:

KEVIN D. HARRIS,
TOWN CLERK

TIMOTHY DOUGHERTY
MAYOR

I do hereby certify the above to be a true and exact copy of an Ordinance duly passed and adopted by the Town Council of the Town of Morristown at the Regular meeting of the Town Council held on June ____, 2016 in the Morristown Council Room, 200 South Street, Morristown, New Jersey, beginning at ____ P.M., prevailing time.

DATED: June __, 2016

Kevin D. Harris, Town Clerk

O-21-2016
I-6/14

TOWN OF MORRISTOWN
ORDINANCE O- 21 -2016

AN ORDINANCE OF THE TOWN OF MORRISTOWN, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, FOR COMPENSATION FOR MANAGEMENT/NON-UNION POSITIONS IN THE TOWN OF MORRISTOWN, NEW JERSEY AND AMENDING ALL ORDINANCES CONCERNING SUCH COMPENSATION HERETOFORE ADOPTED

BE IT ORDAINED, by the Town Council of the Town of Morristown, County of Morris, State of New Jersey, being the governing body thereof as follows that:

- (1) The Town of Morristown is organized under the "Mayor-Council Plan form" of government as established under the Optional Municipal Charter Act ("the Faulkner Act"), N.J.S.A. 40:69A-31, et. seq., which provides for a separately elected Mayor and Council to serve as the elected officials of the municipality.
- (2) The Management/Non-Union positions in the Town of Morristown set forth in this Ordinance and not otherwise provided for by law are hereby ORDAINED and established. Management/Non-Union positions are defined as those positions not included in any collective bargaining unit.
- (3) All Management/Non-Union employees of the Town of Morristown shall be compensated at the rates or within the ranges set forth in this Ordinance and shall perform such duties as may be prescribed by law.
- (4) The appointing authority may hire personnel or such additional personnel as may be required on a part-time or temporary basis, to be compensated within available appropriations at a rate or lesser rate than set forth in this Ordinance.
- (5) All rates and ranges are effective January 1, 2016 except for Second Class Special Officers, which are effective upon adoption of this Ordinance.

Title	Annual Range or Rate
Business Administrator	\$97,000-\$165,000
Chief Financial Officer/Treasurer	\$87,000-\$143,000
Police Chief	\$126,000-\$155,000
Fire Chief	\$112,000-\$140,000
Deputy Fire Chief	\$115,000-\$134,000
Town Engineer	\$97,000-\$144,000
Public Works Superintendent	\$89,000-\$99,000
Sewerage Plant Superintendent/Sewer Superintendent	\$97,000-\$115,000
Director of Code Enforcement	\$77,000-\$95,000
Construction Official	\$67,000-\$132,000
Assistant Construction Official	\$11,000-\$30,000
Town Planner	\$72,000-\$120,000
Assistant Chief Housing Inspector	\$62,000-\$74,000
Housing/Zoning Inspector	\$58,000-\$67,000
Housing/Zoning Inspector Trainee	\$46,000-\$55,000
Municipal Attorney	\$97,000-\$115,000

Title	Annual Range or Rate
Municipal Court Administrator	\$66,000-\$94,000
Deputy Court Administrator	\$41,000-\$57,000
Town Clerk	\$74,000-\$96,000
Deputy Town Clerk	\$62,000-\$80,000
Assistant Municipal Treasurer	\$51,000-\$75,000
Tax Collector	\$56,000-\$88,000
Senior Payroll Clerk/Records Support Technician 3	\$51,000-\$75,000
Payroll Clerk	\$51,000-\$65,000
Confidential Secretary/Administrative Clerk	\$51,000-\$71,000
Program Coordinator	\$51,000-\$75,000
Electrical Sub-Code Official	\$62,000-\$78,000
Fire Protection Sub-Code Official	\$62,000-\$78,000
Plumbing Sub-Code Official	\$62,000-\$78,000
Electrical Sub-Code Official/Building Inspector/Code Enforcement	\$62,000-\$78,000
Building Inspector	\$46,000-\$69,000
Electrical Inspector	\$46,000-\$69,000
Fire Protection Inspector	\$46,000-\$69,000
Plumbing Inspector	\$46,000-\$79,000
Technical Assistant to the Construction Official	\$36,000-\$52,000
Senior Account Clerk	\$38,000-\$54,000
Registrar of Vital Statistics	\$49,000-\$66,000
Deputy Registrar of Vital Statistics	\$36,000-\$40,000
Keyboarding Clerk 1 (Bilingual)	\$29,000-\$40,000
Keyboarding Clerk 2 (Bilingual)	\$37,000-\$51,000
Keyboarding Clerk 3 (Bilingual)	\$50,000-\$59,000
Keyboarding Clerk 4 (Bilingual)	\$52,000-\$65,000
Clerk Typist 1 (Bilingual)	\$24,000-\$33,000
PART-TIME	
Municipal Prosecutor	\$35,000-\$55,000
Municipal Court Judge	\$18,000-\$46,000
Tax Assessor	\$31,000-\$47,000
Clean Communities Coordinator	\$16,000-\$24,000
OEM Coordinator	\$5,000
Assistant OEM Coordinator	\$3,000
Town Planner	\$40.00 per hour-\$66.00 per hour
Public Health Nurse	\$30.00 per hour - \$49.00 per hour
Assistant Municipal Treasurer	\$30.00 per hour-\$41.00 per hour
Payroll/Employee Benefits Specialist	\$30.00 per hour-\$41.00 per hour
Electric Sub-Code Official	\$30.00 per hour-\$42.00 per hour
Fire Protection Sub-Code Official	\$30.00 per hour-\$42.00 per hour
Plumbing Sub-Code Official	\$30.00 per hour-\$42.00 per hour
Electrical Sub-Code Official/Building Inspector/Code Enforcement	\$30.00 per hour-\$42.00 per hour
Registrar of Vital Statistics	\$26.00 per hour-\$34.00 per hour
Housing/Zoning Inspector	\$25.00 per hour-\$35.00 per hour

Title	Annual Range or Rate
Housing/Zoning Inspector Trainee	\$15.00 per hour-\$27.00 per hour
Building Inspector	\$25.00 per hour-\$38.00 per hour
Electrical Inspector	\$25.00 per hour-\$38.00 per hour
Fire Protection Inspector	\$25.00 per hour-\$38.00 per hour
Plumbing Inspector	\$25.00 per hour-\$38.00 per hour
Bi-lingual Principal Clerk Typist	\$20.00 per hour-\$31.00 per hour
Technical Assistant to the Construction Official	\$19.00 per hour-\$26.00 per hour
Deputy Registrar of Vital Statistics	\$19.00 per hour-\$22.00 per hour
Laborer	\$12.50 per hour-\$25.00 per hour
Housing Inspector Trainee	\$15.00 per hour-\$27.00 per hour
Senior Account Clerk	\$15.00 per hour-\$28.00 per hour
Animal Control Officer	\$15.00 per hour-\$28.00 per hour
Omnibus Driver	\$15.00 per hour-\$23.00 per hour
Motor Broom Operator	\$25.00 per hour-\$32.00 per hour
Recycling Enforcement	\$10.00 per hour-\$20.00 per hour
Keyboarding Clerk 1 (Bilingual)	\$19.00 per hour-\$22.00 per hour
Keyboarding Clerk 2 (Bilingual)	\$22.00 per hour-\$30.00 per hour
Keyboarding Clerk 3 (Bilingual)	\$31.00 per hour-\$33.00 per hour
Keyboarding Clerk 4 (Bilingual)	\$34.00 per hour-\$40.00 per hour
Clerk 1 (Bilingual)	\$9.00 per hour-\$21.00 per hour
Janitor	\$10.00 per hour-\$16.00 per hour
First Class Special Officer	\$25.00 per hour
Second Class Special Officer	\$32.50 per hour

BE IT FURTHER ORDAINED, that all provisions of this Ordinance are subject to available appropriations of the Town of Morristown and this Ordinance does not and shall not legally bind the Town of Morristown to pay any of the wages or compensations set forth herein unless and until appropriations have been made in sufficient amounts to pay said wages or compensation to those holding the title and position set forth herein; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication according with applicable law.

ATTEST:

ADOPTED:

KEVIN D. HARRIS
TOWN CLERK

TIMOTHY DOUGHERTY
MAYOR

I do hereby certify the above to be a true and exact copy of an Ordinance duly passed and adopted by the Town Council of the Town of Morristown at the Regular Meeting of the Town Council held on June ____, 2016, in the Morristown Council Room, 200 South Street, Morristown, New Jersey, beginning at ____ P.M., prevailing time.
DATED: June ____, 2016

Kevin D. Harris, Town Clerk

TOWN OF MORRISTOWN

RESOLUTION R- 108 -2016

A RESOLUTION AUTHORIZING AND APPROVING A CONTRACT WITH ARTERIAL, LLC FOR THE MARTIN LUTHER KING AVENUE STREETScape IMPROVEMENT PROJECT

WHEREAS, the Town of Morristown (the "Town") desires to retain an engineering firm capable of providing engineering and design services in connection with the Martin Luther King Avenue Streetscape Improvement Project; and

WHEREAS, on June 6, 2016, Arterial, LLC provided a proposal to provide the following services:

Task 1: Project Management	\$ 2, 500
Task 2: Schematic Design	\$ 28, 400
Task 3: Construction Documents	\$ 40, 200
Task 4: Phase 1 Bid Documents	\$ 5, 500
Task 5: Phase 1 Bid Assistance	\$ 1, 000
Task 6: Phase 1 Construction Support	\$ 4, 000
Expenses	<u>\$500</u>

TOTAL: \$82,100; and

WHEREAS, Arterial, LLC has the necessary experience and personnel to complete the tasks required in a satisfactory manner; and

WHEREAS, the Town of Morristown desires to retain Arterial, LLC to provide the services within Task 1 through Task 3 totaling \$73,250.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law contracts for professional services are exempt from public bidding; and

WHEREAS, funds are available for this contract and a Certificate of Availability has been filed by the Chief Financial Officer of the Town of Morristown with the Town Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:34-5.2; and

WHEREAS, Arterial, LLC has completed and submitted a Business Entity Disclosure Certification at least ten (10) days prior hereto, as required by P.L. 2005, c.271, which certifies that neither it nor any member nor principle of the firm has made any reportable contributions to a political or candidate committee in the Town of Morristown in the previous one year that would violate either N.J.S.A. 19:44A-20.5, or the Town's Local Unit Pay to Play Ordinance adopted by referendum, or any and all relevant Executive Orders, or the New Jersey Election Law Enforcement Commission disclosure requirements, and that the contract will bar any member of the firm from making any reportable contributions through the term of the contract;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Morristown, County of Morris and State of New Jersey that the Mayor and the Town Clerk are hereby authorized and directed to sign a contract with Arterial, LLC, 105 Grove Street, Suite 7, Montclair, New Jersey for Task 1 through Task 3 for an amount not to exceed \$73,250.00; and

BE IT FURTHER RESOLVED, that Arterial, LLC will comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 (Affirmative Action), and N.J.S.A. 52:32-44, (Business Registration), and the Town's insurance requirements; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be published if required by law within ten (10) days of its passage.

ATTEST:

ADOPTED:

KEVIN D. HARRIS,
TOWN CLERK

STEFAN ARMINGTON
COUNCIL PRESIDENT

I do hereby certify the above to be a true and exact copy of a Resolution duly passed and adopted by the Town Council of the Town of Morristown at the Regular meeting of the Town Council held on June 28, 2016 in the Morristown Council Room, 200 South Street, Morristown, New Jersey, beginning at _____ P.M., prevailing time.

DATED: June 28, 2016

Kevin D. Harris, Town Clerk

109

TOWN OF MORRISTOWN

RESOLUTION R-109 -2016

**A RESOLUTION AUTHORIZING EXECUTION OF CHANGE ORDER # 1 TO
CONTRACT WITH JO-MED CONTRACTING CORP. FOR WASHINGTON
STREET STREETScape IMPROVEMENTS**

WHEREAS, by Resolution R-146-2015, the Town of Morristown entered into a contract with Jo-Med Contracting Corp. for the Washington Street Streetscape Improvements project for the Base Bid and Alternate # 1 for the total amount not to exceed \$413,393.14; and

WHEREAS, the Morristown Partnership was supposed to supply, at their cost, the decorative streetscape lights to be installed on Washington Street; and

WHEREAS, the Town was notified shortly before construction began for this project that the Morristown Partnership would not be able to supply the streetscape lights due to budgetary constraints; and

WHEREAS, the lights are an important part of the project both aesthetically and functionally; and

WHEREAS, the current project is being funded by two NJDOT local aid grants totaling \$470,000.00; and

WHEREAS, the purchase of the additional streetscape lighting would raise the total cost of the project by \$64,409.38; and

WHEREAS, the Town can purchase the streetscape lights and complete the project with little to no capital funding as the grants will cover the additional costs; and

WHEREAS, the Town Engineer has reviewed the proposed Change Order No. 1 and finds same to be reasonable; and

WHEREAS, the Local Public Contracts Law permits on-site modifications and change orders to contracts provided that the scope of work does not change and the change does not result in an increase of more than twenty percent (20%) of the original contract price; and

WHEREAS, funds in the amount of \$64,409.38 are available and have been certified to by the Chief Financial Officer of the Town of Morristown; and

WHEREAS, Change Order No. 1 is necessary;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Town Council of the Town of Morristown being the governing body thereof, that Change Order No. 1 in the amount of \$64,409.38 shall be and hereby is approved; and

BE IT FURTHER RESOLVED, that the Mayor be and is hereby authorized to execute and the Town Clerk to witness Change Order No. 1 to the Contract with Jo-Med Contracting Corp., 815 Garden Street, Elizabeth, New Jersey 07202 for the streetscape lights for an amount not to exceed \$64,409.38 and for a new total contract amount of \$477,802.52.

ATTEST:

ADOPTED:

KEVIN D. HARRIS,
TOWN CLERK

STEFAN ARMINGTON
COUNCIL PRESIDENT

I do hereby certify the above to be a true and exact copy of a Resolution duly passed and adopted by the Town Council of the Town of Morristown at the Regular meeting of the Town Council held on June 28, 2016 in the Morristown Council Room, 200 South Street, Morristown, New Jersey, beginning at 7:30 P.M., prevailing time.

DATED: June 28, 2016

Kevin D. Harris, Town Clerk

RESOLUTION NO. R-110-2016

RESOLUTION AUTHORIZING RENEWAL OF
PLENARY RETAIL CLUB LICENSES 2016 - 2017

IT appearing that the following applications are in proper form, that the proper license fees have been paid, and investigations of said premises have been made.

NOW, THEREFORE, BE IT RESOLVED that Plenary Retail Club Licenses be granted to the following applicants for a term beginning July 1, 2016 and ending June 30, 2017, and that the Town Clerk is hereby authorized to issue said licenses and deliver same on behalf of the Town Council of the Town of Morristown:

- 1424-31-039-001 Creighton Mayes American Legion Post #312
78 Abbett Avenue
- 1424-31-041-001 Columbus Club of Morristown
13 South Street
- 1424-31-042-001 Fraternal Order of Eagles #1311
Morristown Aerie
13 Market Street
- 1424-31-044-001 Kellogg Club Inc.
25 Colles Avenue
- 1424-31-045-001 Morristown Club
27 Elm Street

ADOPTED:

Stefan Armington
Council President

ATTEST:

Kevin D. Harris, Town Clerk

RESOLUTION NO. R-111-2016

RESOLUTION AUTHORIZING RENEWAL OF
PLENARY RETAIL CONSUMPTION LICENSES 2016 - 2017

IT appearing that the following applications are in proper form, that the proper license fees have been paid, and investigations of said premises have been made.

NOW, THEREFORE, BE IT RESOLVED that Plenary Retail Consumption Licenses be granted to the following applicants for a term beginning July 1, 2016 and ending June 30, 2017, and that the Town Clerk is hereby authorized to issue said licenses and deliver same on behalf of the Town Council of the Town of Morristown:

- 1424-33-001-004 Mosushi Inc.
t/a Sushi Lounge
8 Schuyler Place
- 1424-33-004-004 Flaley, Inc.
t/a End of Elm
140 Morris Street
- 1424-33-006-013 R. Gerard Holdings, LLC
t/a Town Bar and Kitchen
80 Elm Street
- 1424-33-008-005 Sasha Enterprises, Inc.
t/a SM23, Ming II, Mehndi Restaurants
88 Headquarters Plaza
- 1424-33-009-005 Dublin Pub of Morristown, Inc.
t/a The Dublin Pub
4-8 Pine Street
- 1424-33-011-008 George & Martha's LLC
t/a George & Martha's American Grill
67-71 Morris Street
- 1424-33-013-002 Fuller & Collins, Inc.
t/a Danny's Pub
54 Speedwell Avenue
- 1424-33-018-003 KTP Holding Co., Inc.
t/a Pete's Restaurant & Pub
117-119 Morris Street
- 1424-33-019-004 Michjam Inc.
t/a Tavern Off the Green
137 Morris Street
- 1424-33-021-005 Callallo, Inc.
In Pocket
- 1424-33-023-007 T&D Restaurants, LLC
t/a David Todds
150-152 South Street

1424-33-025-003 Lloyd Restaurant Associates, Inc.
t/a Grand Cafe
42 Washington Street

1424-33-027-003 The Grasshopper Off the Green Bar and Restaurant, LLC
t/a The Grasshopper Off the Green
41-43 Morris Street

1424-33-030-004 Gracie Sunshine, LLC
In Pocket

1424-33-032-008 Vail Liquor License Corp
T/A Roots Steakhouse/Urban Table
40 West Park Place Suites 3A, 3B and retail 2

1424-33-036-010 Pazzo Pazzo, Inc.
t/a Pazzo Pazzo
62-74 Speedwell Avenue

1424-33-037-009 The Office of Morristown LLC
The Office
3 South Street

1424-33-038-004 Morristown Restaurant, L.L.C.
t/a Famished Frog
14-24 Washington Street

ATTEST:

ADOPTED:

Kevin D. Harris
Town Clerk

Stefan Armington
Council President

RESOLUTION NO. R-112-2016

RESOLUTION AUTHORIZING RENEWAL OF
PLENARY RETAIL CONSUMPTION LICENSE
(Hotel Exception) 2016 - 2017

IT appearing that the following applications are in proper form, that the proper license fees have been paid, and investigations of said premises have been made.

NOW, THEREFORE, BE IT RESOLVED that Plenary Retail Consumption (Hotel Exception) License be granted to the following applicants for a term beginning July 1, 2016 and ending June 30, 2017, and that the Town Clerk is hereby authorized to issue said licenses and deliver same on behalf of the Town Council of the Town of Morristown with the following restrictions: that the use of the outdoor patio area shall be restricted by the following as required by the Morristown Planning Board approvals to allow use from March 1st to October 31st; the hours of operation shall be restricted to the time period of 10 AM to 9:30 PM on Monday through Saturday and from noon to 9:30 PM on Sundays, there shall be no live music with background music only permitted, that there shall be screening of the outdoor dining area and that the maximum number of occupants shall be 49.

1424-36-046-004 Fifth Roc Jersey Associates, LLC
t/a Hyatt Morristown
3 Headquarters Plaza

ADOPTED:

Stefan Armington
Council President

ATTEST:

Kevin D. Harris, Town Clerk

RESOLUTION NO. R-113-2016

RESOLUTION AUTHORIZING RENEWAL OF
PLENARY RETAIL CONSUMPTION LICENSE
(Theater Exception) 2016 - 2017

IT appearing that the following applications are in proper form, that the proper license fees have been paid, and investigations of said premises have been made.

NOW, THEREFORE, BE IT RESOLVED that Plenary Retail Consumption (Theater Exception) License be granted to the following applicants for a term beginning July 1, 2016 and ending June 30, 2017, and that the Town Clerk is hereby authorized to issue said licenses and deliver same on behalf of the Town Council of the Town of Morristown:

1424-37-047-001 South Street Theater Co Inc
 t/a The Community Theater
 100 South Street

ADOPTED:

Stefan Armington
Council President

ATTEST:

Kevin D. Harris, Town Clerk

RESOLUTION NO. R-114-2016

RESOLUTION AUTHORIZING RENEWAL OF
PLENARY RETAIL DISTRIBUTION LICENSES 2016-2017

IT appearing that the following applications are in proper form, that the proper license fees have been paid, and investigations of said premises have been made.

NOW, THEREFORE, BE IT RESOLVED that Plenary Retail Distribution Licenses be granted to the following applicants for a term beginning July 1, 2016 and ending June 30, 2017, and that the Town Clerk is hereby authorized to issue said licenses and deliver same on behalf of the Town Council of the Town of Morristown:

- 1424-44-002-003 Wine Chateau of Morristown Inc
t/a Wine Cellar of Morristown
163 South Street
- 1424-44-003-003 Zaico, Inc.
t/a Goldere's Wine and Liquors
66 Morris Street
- 1424-44-005-004 Manali, Inc.
t/a The Wooden Keg
173 Washington Street
- 1424-44-007-004 AMI Enterprises, Inc.
t/a Super Saver Discount Liquors
191 Speedwell Avenue
- 1424-44-010-008 Princeton Wine Consultants, LLC
t/a The Grapeful Palet
166 South Street
- 1424-44-012-004 Ram's Morristown Liquor Inc
t/a Ram's Morristown Liquors
91 Martin Luther King Avenue
- 1424-44-014-003 Kenworth Liquors, LLC
t/a John's Delicatessen & Liquors
17 Washington Street
- 1424-44-016-010 Dove Lending Company, LLC
In Pocket
- 1424-44-017-001 Great Atlantic and Pacific Tea Co.
t/a A&P
In Pocket

1424-44-020-004 SME Distributing Co.
 t/a Kings
 191-195 South Street

1424-44-024-003 Cambridge Wine Cellars LLC
 t/a Cambridge Wines
 10 Lafayette Avenue Suite 2

1424-44-026-007 J & V Corp
 t/a Speedwell Liquors
 136 Speedwell Avenue

1424-44-028-006 Probodh Hari, LLC
 t/a Chardonnay Wines & Spirits
 80 Speedwell Avenue

1424-44-035-006 Himal, Inc.
 t/a Four Seasons Wine and Liquor
 131 Morris Street

ADOPTED:

Stefan Armington
Council President

ATTEST:

Kevin D. Harris
Town Clerk

RESOLUTION NO. R-115-2016

**RESOLUTION AUTHORIZING RENEWAL OF
PLENARY RETAIL CONSUMPTION LICENSE 1424-33-029-015 ISSUED TO
THE IRON BAR LLC T/A THE IRON BAR AND IRON BISTRO FOR 2016 –
2017 SUBJECT TO CONDITIONS**

WHEREAS, it is appearing that Plenary Retail Consumption License 1424-33-029-015 issued to the Iron Bar and Iron Bistro is in proper form, that the proper license fees have been paid; and investigations of said premise has been made.

NOW, THEREFORE, BE IT RESOLVED that Plenary Retail Consumption License be granted to the above applicant for a term beginning July 1, 2016 and ending June 30, 2017, and that the Town Clerk is hereby authorized to issue said license and deliver same on behalf of the Town Council of the Town of Morristown subject to the placement of the following conditions on the Designated area to be referred to as the Iron Bistro:

1. No alcohol shall be served after 11:00 p.m. on Sunday through Thursday nights and no alcohol shall be served after 11:30 p.m. on Friday and Saturday nights;
2. All trash and recyclables shall be collected and stored in an enclosed area within the establishment at all times. Applicant shall convert storage space to a trash area.
3. Applicant shall be responsible for arranging for the cleanup of any litter, trash, beer or other alcoholic beverage containers, or debris from the establishment, including the parking lot utilized by patrons of the premises, as well as the nearby streets that are frequented by exiting patrons. Cleanup of these areas shall be completed by 7:00 a.m. of each following morning

BE IT FURTHER RESOLVED that the conditions of this Resolution are intended to set stipulations on the Licensees liquor license. Nothing herein should be construed to waive the Licensees obligations to comply with all other applicable State and Federal laws, rules and regulations and ordinances of the Town of Morristown

ATTEST:

ADOPTED:

Kevin D. Harris
Town Clerk

Stefan Armington
Council President

RESOLUTION NO. R-116-2016

RESOLUTION AUTHORIZING RENEWAL OF
PLENARY RETAIL CONSUMPTION LICENSE 2016-2017
WITH CONDITIONS DEHART ASSOCIATES LLC DBA TASHMOO

IT appearing that the following application is in proper form, that the proper license fees have been paid, and investigations of said premises have been made.

1424-33-022-011 DeHart Associates LLC
 t/a Tashmoo
 8-10 DeHart Street

NOW, THEREFORE, BE IT RESOLVED that Plenary Retail Consumption License be granted to the following applicant for a term beginning July 1, 2016 and ending June 30, 2017, and that the Town Clerk is hereby authorized to issue said licenses and deliver same on behalf of the Town Council of the Town of Morristown subject to the following conditions on the 10 Dehart Street expansion area only:

1. The Licensee agrees that no alcohol shall be served in the outside courtyard area after 11:00 p.m. and inside the remainder of the establishment after 12:00 p.m. (midnight) on all days of the week.
2. The Licensee agrees that there shall be no more than forty four (44) total bar stools in the establishment and that there shall be no more than fifteen (15) bar stools around any one bar.
3. The Licensee agrees to comply with all local and state noise restrictions and agrees to close all doors and windows, including the overhead barn doors, by 11:00 p.m., on all days of the week.
4. The Licensee agrees that there shall be no amplified music played within the outdoor courtyard at any time.
5. The Applicant agrees that all trash and recyclables shall be collected and stored in an enclosed area within the establishment at all times.
6. The Licensee shall insure that no patron congregates, possesses or consumes alcoholic beverages, at any time outside the confines of the building and front outdoor courtyard;
7. The Licensee shall arrange for cleanup of any litter, trash, beer or other alcoholic beverage containers or debris from the area, including the parking lot utilized by patrons of the premises as well as the nearby streets that are frequented by exiting

patrons. The activities shall be completed by 7:00 am of each following morning.

8. The Licensee agrees that pursuant to the Morristown Town Code at no time will more than thirty percent (30%) of the floor area of the restaurant be devoted to the entertainment portion of the business.
9. The Licensee agrees that the proposed establishment is a two (2) story building and that the total floor area and/or occupancy allowed will not be increased if the design of the building is modified to comply with the Morristown Land Use Ordinances.
10. The Licensee agrees to reduce the size of the outdoor courtyard area to a maximum of 1,200 square feet for patron use.
11. The Licensee agrees that there shall be no kitchen area and that there shall be no cooking or grilling permitted within the outdoor courtyard.
12. The Licensee agrees that there shall be no bar within the outdoor courtyard.
13. The Licensee agrees to permanently close the three (3) rear overhead barn doors (closest to Community Place) on the South Side of the building as depicted on the plan presented to the Town Council during the Applicant's hearing.
14. The Applicant agrees that it shall apply on a yearly basis, at the time of renewal, for permission from the Town Council to remain open on certain limited days until 2:00 a.m. and to otherwise seek modification of the conditions herein.

BE IT FURTHER RESOLVED that the conditions of this Resolution are intended to set stipulations on the Applicant's liquor license. Nothing herein should be construed to waive the Applicant's obligations to comply with all other applicable State and Federal laws, rules and regulations and ordinances of the Town of Morristown including noise ordinances, nor to waive the Applicant's obligations to comply with existing and future land use approvals and requirements as determined by the Morristown Zoning Board of Adjustment, Planning Board and/or decisions of the Superior Court of New Jersey.

ATTEST:

ADOPTED:

Kevin D. Harris
Town Clerk

Stefan Armington
Council President

**TOWN OF MORRISTOWN
RESOLUTION R-117-2016**

**A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION
LICENSE 1424-33-034-007 ISSUED TO 13 SOUTH GROUP, LLC T/A SONA 13 FOR
2016 - 2017, SUBJECT TO CONDITIONS**

WHEREAS, it is appearing that Plenary Retail Consumption License 1424-33-034-007 issued to 13 South Group is in proper form, that the proper license fees have been paid; and investigations of said premise have been made.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Town Council of the Town of Morristown being the governing body thereof, that Plenary Retail Consumption License 1424-33-034-007 issued to 13 South Group, LLC t/a Sona 13 be and hereby is granted for a term beginning July 1, 2016 and ending June 30, 2017, and that the Town Clerk is hereby authorized to issue said license and deliver same on behalf of the Town Council subject to the following condition:

1. Any employee assigned to review and verify identifications while working the door to the establishment shall attend and complete a Techniques of Alcohol Management Course (TAM), Training for Intervention Procedures Course (TIPS), or its approved equivalent within forty five (45) days from hire. Copies of any certifications showing compliance with these courses should be forwarded to the Clerk's office.

BE IT FURTHER RESOLVED, that the conditions of this resolution are intended to set stipulations on the Licensee's liquor license. Nothing herein should be construed to waive the Licensee's obligations to comply with all other applicable state and federal laws, rules and regulations of the Town of Morristown.

ATTEST:

ADOPTED:

Kevin Harris
Town Clerk

Stefan Armington
Council President

**TOWN OF MORRISTOWN
RESOLUTION R-118-2016**

**A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION
LICENSE 1424-33-033-008 ISSUED TO DEHART VENTURES, LLC T/A DARK HORSE
FOR 2016-2017, SUBJECT TO CONDITIONS**

WHEREAS, it is appearing that Plenary Retail Consumption License 1424-33-033-008 issued to DeHart Ventures is in proper form, that the proper license fees have been paid; and investigations of said premise have been made.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Town Council of the Town of Morristown being the governing body thereof, that Plenary Retail Consumption License 1424-33-033-008 issued to DeHart Ventures, LLC t/a the Dark Horse be and hereby is granted for a term beginning July 1, 2016 and ending June 30, 2017, and that the Town Clerk is hereby authorized to issue said license and deliver same on behalf of the Town Council subject to the following condition:

1. Any employee assigned to review and verify identifications while working the door to the establishment shall attend and complete a Techniques of Alcohol Management Course (TAM), Training for Intervention Procedures Course (TIPS), or its approved equivalent within forty five (45) days from hire. Copies of any certifications showing compliance with these courses should be forwarded to the Clerk's office.
2. The Licensee shall provide (at its own expense) at least one off duty Morristown police officer to work from 12:00 pm to 2:00 am on Thursday, Friday and Saturday nights. The police officer shall be posted at or near the exit to the premises. If a Morristown police officer is not available, the Licensee shall have the right to substitute a professionally trained security guard in his/her place.
3. The Licensee agrees to immediately discontinue the practice of holding private party "open bar" events at the premises.

BE IT FURTHER RESOLVED, that the conditions of this resolution are intended to set stipulations on the Licensee's liquor license. Nothing herein should be construed to waive the Licensee's obligations to comply with all other applicable state and federal laws, rules and regulations of the Town of Morristown.

ATTEST:

ADOPTED:

Kevin D. Harris
Town Clerk

Stefan Armington
Council President

TOWN OF MORRISTOWN

RESOLUTION NO. R-119-2016

**RESOLUTION AUTHORIZING RENEWAL OF
PLENARY RETAIL CONSUMPTION LICENSE 1424-33-015-013 ISSUED TO
UNCLE BAXTER LLC, DBA VERONICA'S SPEEDWELL FOR 2016-2017
SUBJECT TO CONDITIONS**

WHEREAS, it appearing that the following applications are in proper form, that the proper license fees have been paid, and investigations of said premises have been made.

NOW, THEREFORE, BE IT RESOLVED that a Plenary Retail Consumption License be granted to the following applicants for a term beginning July 1, 2016 and ending June 30, 2017, and that the Town Clerk is hereby authorized to issue said licenses and deliver same on behalf of the Town Council of the Town of Morristown subject to the following conditions:

1. Uncle Baxter, LLC shall comply with all applicable State and Federal laws, rules and regulations and ordinances of the Town of Morristown including noise ordinances, and comply with existing and future land use approvals and requirements as determined by the Morristown Zoning Board of Adjustment, Planning Board and/or decisions of the Superior Court of New Jersey;
2. Uncle Baxter, LLC shall comply with the representation made in the application to transfer with regards to the interior of the premises and the sketch of the premises provided; and
3. Applicant shall not use the basement area for public space;

ADOPTED:

Stefan Armington
Council President

ATTEST:

Kevin D. Harris, Town Clerk



State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.nj.gov/njhighlands



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JIM RILEE
Chairman

MARGARET NORDSTROM
Executive Director

May 17, 2016

Matthew Stechauner
Municipal Clerk
Town of Morristown
200 South Street
Morristown, NJ 07963

Dear Mr. Stechauner,

The Highlands Council and Highlands Development Credit Bank are pleased to announce the availability of the Highlands Open Space Partnership Program. This matching grant program offers up to a 50% match for eligible projects in the Highlands Region. The first round of funding consideration is now open with an application deadline of **Friday, September 16, 2016**.

The new program is being administered through Highlands Council Rule N.J.A.C. 7:70. Under the provision of this Rule, State agencies, Highlands Region county or municipal governments, and charitable conservancies are eligible to apply. Applications will be considered for acquisition of property in fee simple, or through conservation easements for passive recreation or conservation purposes. Complete applications will be reviewed on a priority basis that will consider, among other things, conservation priority as assessed in the Highlands Regional Master Plan and adjacency to existing preserved lands/open space. In addition, please note that since initial program funding is being made available in connection with a comprehensive mitigation plan related to a utility project in the region, priority will be given to any property that contributes to the viewshed of a scenic resource designated by the Highlands Council as specified in that plan.

Initial funding of \$9 million is currently available for this program along with a related Highlands Development Credit Purchase Program. Funding will be allocated across the two programs based on demand.

Please see the enclosed for additional details. In addition, the Highlands Council would be happy to meet with agencies and organizations to provide additional information if necessary. Applications are available in the enclosed booklet or online (www.nj.gov/njhighlands/grantprograms/#4) or by contacting James Humphries, Highlands Open Space Coordinator, at 908-879-6737 or james.humphries@highlands.nj.gov

Sincerely,

Margaret Nordstrom
Executive Director

Enclosures: Program Details and Application
Program Brochure

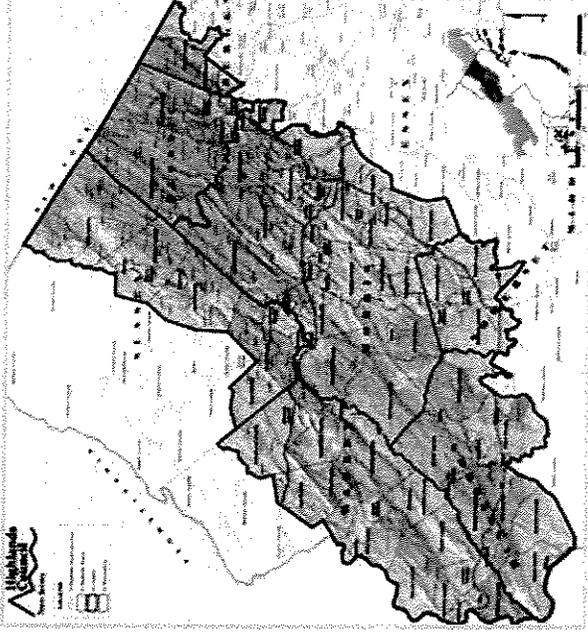
**Application Deadline:
September 16, 2016**

Applications available at:
www.nj.gov/njhighlands/grantprograms/
or by contacting James Humphries,
Highlands Open Space Coordinator, at 908-879-6737
or james.humphries@highlands.nj.gov.



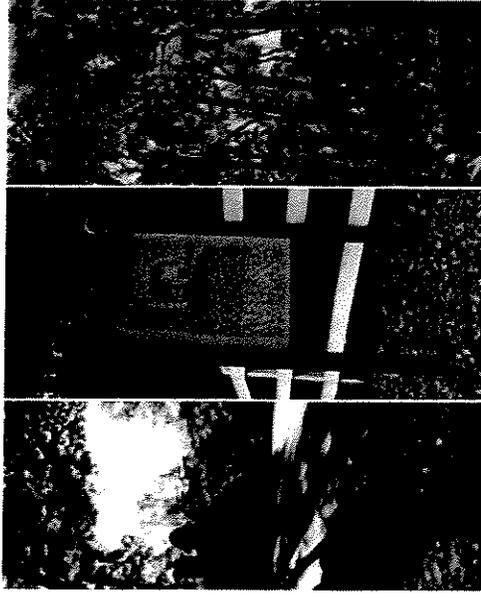
Program Overview

- Matching Grant up to 50%
- Fee Simple or conservation easement for any passive recreation or conservation purposes.
- State agencies, Highlands Region county or municipal governments, and charitable conservancies eligible to apply.



The New Jersey Highlands
Water Protection and Planning Council

Open Space Partnership Funding Program



Complete program details and
applications available at:
www.nj.gov/njhighlands/grantprograms/

or by contacting

James Humphries
Highlands Open Space Coordinator
908-879-6737 or
james.humphries@highlands.nj.gov



State of New Jersey
Highlands Water Protection and Planning Council
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The Highlands Open Space Partnership Funding Program

is a matching grant program designed to support the acquisition of property for the protection of resources within the Highland Region, and to further the land preservation goals of the Highlands Water Protection and Planning Act and the Highlands Regional Master Plan.

Eligible Applicants

- The State of New Jersey, in accordance with the State funding source requirements;
- Any of the seven counties located in the Highlands Region;
- Any of the 88 municipalities located in the Highlands Region; and
- Charitable conservancies (exempt from Federal income taxation under paragraph (3) of the subsection (c) of section 501 of the Federal Internal Revenue Code of 1986 (26 U.S.C. § 501 (c)(3)); and whose purpose includes the acquisition and preservation of lands in a natural, scenic, or other open condition.)

Eligible Projects/Activities

Applications will be considered for acquisition of property in fee simple or through conservation easements for any passive recreation or conservation purposes.

Match Parameters

The Highlands Council shall provide a maximum grant award of 50% of the total purchase price of the property. Applicants that provide for a higher proportion of outside matching funds will be provided with a higher priority than those that do not. Applicants shall supply written commitment letters from all agencies that intend to provide matching funds.

Priority Ranking

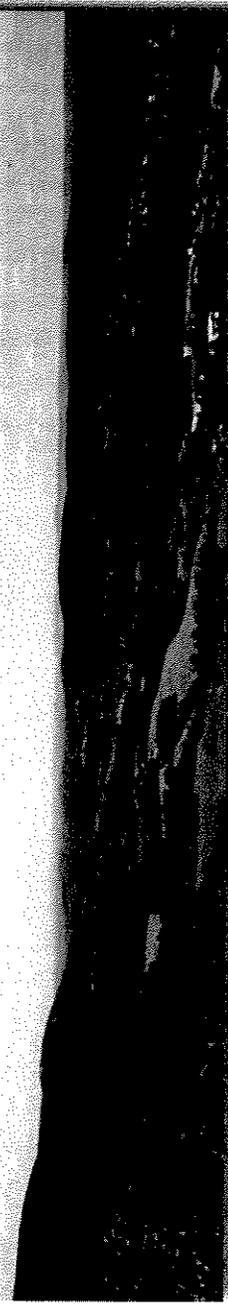
- A priority ranking against other complete applications will be based on the following in no specific order:
 - Highlands Regional Master Plan (RMP) designation as special environmental zone.
 - Highlands RMP designation as high or moderate conservation and/or agricultural priority area.
 - Adjacency to existing opening space, preserved farmland, and/or recreational facilities.
 - When funding for this program is associated with a Highlands Council approved mitigation project, any mitigation criteria for that project will also be considered.

Project Completion Deadline

Applicants shall have 12 months to complete closings from the effective date of the Highlands Council's issuance of an Approval for Funding.



Complete program details and applications available at: www.nj.gov/njhighlands/grantprograms/ or by contacting James Humphries, Highlands Open Space Coordinator | 908-879-6737 or james.humphries@highlands.nj.gov





State of New Jersey
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Highlands Open Space Partnership Funding Program Details

The following is excerpted from the Highlands Open Space Partnership Funding Program and Highlands Development Credit Purchase Program, N.J.A.C. 7:70. The complete rule is available online at www.nj.gov/njhighlands/rules/loelp/njac_7_70.pdf.

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Application requirements	3
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Application Priorities	6
Closing process.....	7
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Application.....	Appendix

Additional information is available by contacting James Humphries, Highlands Open Space Coordinator, at 908-879-6737 or james.humphries@highlands.nj.gov.

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Highlands Open Space Partnership Funding Program Details
N.J.A.C. 7:70, Subchapter 3. Highlands Open Space Partnership Funding Program

7:70-3.1 Eligibility

(a) The following partnership entities are eligible to apply for partnership funds:

1. The State of New Jersey, in accordance with the State funding source requirements;
2. Any of the seven counties located in the Highlands Region;
3. Any of the 88 municipalities located in the Highlands Region; and
4. Charitable conservancies.

(b) Properties and activities within the Highlands Region eligible for consideration for funding from the Highlands Open Space Partnership Funding Program, that are submitted by partnership entities as defined in (a) above, include:

1. The fee simple acquisition of land for conservation and/or passive recreation purposes, including, but not limited to:
 - i. Parkland, natural areas, and/or greenways; or
 - ii. The protection of natural resources as identified in the Highlands Regional Master Plan; and
2. The acquisition of conservation easements for conservation purposes, including, but not limited to:
 - i. Parkland, natural areas, and/or greenways;
 - ii. Farmland preservation; and
 - iii. The protection of natural resources and/or agricultural preservation priority areas.

(c) The following properties and activities are ineligible for funding under the Highlands Open Space Partnership Funding Program:

1. Properties to be held in fee simple title by the Highlands Council;
2. Properties which require condemnation;
3. Properties containing significant environmental contamination, including, but not limited to, former landfill sites, sites having a history of operating as a facility with substantial likelihood for on-site contamination, and sites listed on the New Jersey Department of Environmental Protection's Known Contaminated Sites List;
4. Properties already preserved or acquired during the application process by municipalities, counties, the State, or a qualified charitable conservancy;

Highlands Open Space Partnership Funding Program Details
N.J.A.C. 7:70, Subchapter 3. Highlands Open Space Partnership Funding Program

5. Administrative or operational costs of the applicant or current or former owners;
6. Construction or development projects, including capital improvements, recreation improvements, infrastructure projects, and the restoration, rehabilitation, or reconstruction of any structure (however, this shall not preclude the purchase of the eligible underlying lands);
7. Maintenance, care, custodial, or policing expenditures, including, but not limited to, grounds maintenance, restoration, or reconstruction;
8. Ceremonial or publicity expenses;
9. Interest, bonding expenses, or other financing costs;
10. Fundraising or lobbying expenses; and
11. Interpretive activities, such as displays or signs.

(d) The partnership entity may propose either a fee simple acquisition or the acquisition of the development rights through a conservation easement.

1. Under the Highlands Open Space Partnership Funding Program, the Highlands Council will not hold fee simple title to a property. Only the partnership entity or its designee shall hold fee simple title.
2. The property shall be restricted in perpetuity from future development to protect any existing resources located on the property in accordance with requirements of the conservation easement.

7:70-3.2 Application process

(a) The Executive Director shall prepare an outreach program. The outreach program shall, at a minimum:

1. Provide information and training on the availability of the Highlands Open Space Partnership Funding Program to: all municipalities and counties within the Highlands Region, all State agencies, and to charitable conservancies that are known to operate or have funding assigned to be expended within, or immediately adjacent to, the Highlands Region.
2. Provide notice of each application round through publication in the Highlands Council's official newspapers posted on the Highlands Council's website www.nj.gov/njhighlands.

Highlands Open Space Partnership Funding Program Details
N.J.A.C. 7:70, Subchapter 3. Highlands Open Space Partnership Funding Program

- (b) Requirements for acceptance of applications are as follows:
1. Partnership entities shall complete and sign an application form, prepared by the Executive Director, which includes the submission requirements in (b)2 below.
 2. The following information must be submitted with any application for partnership funding under this chapter:
 - i. Name and address of the applicant;
 - ii. Where the applicant is a charitable conservancy:
 - (1) Documentation indicating that the entity is exempt from Federal income taxation under paragraph (3) of the subsection (c) of section 501 of the Federal Internal Revenue Code of 1986 (26 U.S.C. § 501 (c)(3)); and
 - (2) Documentation indicating that the entity's purpose includes the acquisition and preservation of lands in a natural, scenic, or other open condition;
 - iii. Where the applicant is a county or local government, a copy of an adopted resolution authorizing the submission of the application for the property in question;
 - iv. A description of property including:
 - (1) Tax block(s) and lot(s);
 - (2) Street address;
 - (3) Acreage of the property;
 - (4) List of any structures or other improvements on the property;
 - (5) If the acquisition of part of a lot is proposed, both the area (in acres) of the part to be acquired and the area of the remainder shall be denoted;
 - (6) Any significant environmental, recreational, structures, or other resources, and/or access issues;
 - (7) The location and area of all known existing easements, road right-of-ways, encroachments, and similar features, with the source of such information identified, and any proposed area(s) to be excepted from the property; and
 - (8) Any adjacent properties proposed for preservation;

Highlands Open Space Partnership Funding Program Details
N.J.A.C. 7:70, Subchapter 3. Highlands Open Space Partnership Funding Program

- v. Current owner's name and mailing address;
- vi. List of all proposed funding sources including:
 - (1) Commitment letters or other available proof of these sources;
 - (2) Any adopted resolutions from government entities authorizing or approving funding; and
 - (3) Any time limits or other restrictions related to the specific funding sources;
- vii. A copy of the proposed conservation easement language; and
- viii. Valuation of the property as follows:
 - (1) Where appraisals have already been prepared, copies of such must be submitted;
 - (2) Where no appraisals have been prepared, an estimated total cost must be submitted;
 - (3) Where a specific valuation has already been negotiated, that valuation must be submitted; or
 - (4) Where a contract of sale has been agreed upon, copies of the contract must be submitted.

(c) The Highlands Council shall approve deadlines for the submission of applications.

(d) Completeness reviews of applications shall be performed as follows:

1. The Executive Director shall conduct a completeness review for each application which shall be deemed complete upon receipt of all information required pursuant to (b)2 above. The Executive Director shall provide written notice to the applicant when an application is deemed complete.
2. If the application is not deemed complete, the Executive Director shall provide written notice to the applicant. Applicants shall have 60 days after notification of an incomplete application to provide any missing information to complete the application.
3. The Executive Director may provide an additional 60-day extension to the applicant to supply the necessary information where deemed appropriate by the specific conditions of the application.

Highlands Open Space Partnership Funding Program Details
N.J.A.C. 7:70, Subchapter 3. Highlands Open Space Partnership Funding Program

7:70-3.3 Review of applications

(a) Once an application is deemed complete by the Executive Director, the application will be forwarded for review to the Land Preservation Committee as follows:

1. The Executive Director shall prepare a complete report on eligibility to the Land Preservation Committee for each application. The report on eligibility shall include:

i. Physical details of the property including:

- (1) Size;
- (2) Location;
- (3) Current owner;
- (4) Structures present;
- (5) Municipal zoning;
- (6) Location in the preservation area or planning area;
- (7) Location adjacent to scenic resources identified in the RMP;
- (8) Adjacency to any existing preserved lands;
- (9) Environmental resources present as identified in the RMP;
- (10) Areas of conservation preservation priority;
- (11) Areas of agricultural preservation priority; and
- (12) Areas of special environmental zone;

ii. Confirmation of the current owner's title to the property, including a title search;

iii. Review of the following environmental records:

- (1) New Jersey Known Contaminated Sites List
(www.state.nj.us/dep/srp/kcsnj/);
- (2) New Jersey Department of Environmental Protection Mapping
(DGS03-2 - Abandoned Mines of New Jersey); and
- (3) New Jersey Department of Environmental Protection site records for environmental contamination or violations
(datamine2.state.nj.us/dep/DEP_OPRA/adv_search.html);

iv. Staff site inspections and photographic record; and

v. Summary of priority ranking against other complete applications based on the standards in (b) below.

2. The Land Preservation Committee shall:

Highlands Open Space Partnership Funding Program Details
N.J.A.C. 7:70, Subchapter 3. Highlands Open Space Partnership Funding Program

- i. Review the information provided in the report on eligibility from (a)1 above, and make a decision on the eligibility of the project based on the standards in N.J.A.C. 7:70-3.1 and 3.2, and the priority of the project based upon the standards in (b) below;
 - ii. Prepare a summary of the report on eligibility and the findings, including a final recommendation, and provide it to the Highlands Council; and
 - iii. Upon receipt of final appraisal and funding commitment information, prepare an updated report on eligibility on each property and provide it to the Highlands Council.
- (b) Property acquisitions shall be based on the following applicable criteria, in no specific order:
1. Designation as an identified special environmental zone area in the RMP.
 2. Designation as a high conservation and/or high agricultural preservation priority area in the RMP.
 3. Designation as a moderate conservation and/or moderate agricultural preservation priority area in the RMP.
 4. Additional priority will be given to properties that, when purchased together, provide or improve connectivity to existing open space, are contiguous to existing preserved farmland, or otherwise improve access to existing open space and/or recreational facilities.
 5. Any specific criteria that has been approved by the Highlands Council, in a Highlands Council resolution on any project review where funding is received as part of mitigation for the project.
 6. Applicants that provide for a higher proportion of outside matching funds will be provided with a higher priority than those that do not.
- (c) Applicants shall submit draft conservation easement language to the Highlands Council for review. The State of New Jersey will be included as Grantee in any deed restriction or easement.
- (d) In accordance with N.J.S.A. 13:8C-26.j(1) or 38.j(1), the applicant shall obtain appraisals containing the two values determined in accordance with the aforementioned sections. The

Highlands Open Space Partnership Funding Program Details
N.J.A.C. 7:70, Subchapter 3. Highlands Open Space Partnership Funding Program

applicant shall have the opportunity to negotiate the sale price of the property based on these values. The Highlands Council will provide for reasonable costs related to these additional appraisals, provided the appraiser has been approved by New Jersey Department of Environmental Protection Green Acres Program or the State Agriculture Development Committee (SADC).

(e) Commitment and partnership funds will be determined as follows:

1. The Highlands Council shall provide a maximum award of up to 50 percent of the total purchase price of the property, for the acquisition of the development rights.
2. All applicants shall supply commitment letters from any other partnership entities providing funding.
3. An applicant may use as its matching share of the cost of acquisition, its own funds, any grant, contribution, donation, or reimbursement from State or Federal programs, and/or any other public or private funding source.

(f) The applicant must provide a summary of a plan for the long-term stewardship of the property, including enforcement, monitoring, ownership, access, and any maintenance or proposed restoration.

(g) At a public meeting of the Highlands Council, the summary of the report and the findings, including the final recommendation of the Land Preservation Committee, will be presented. The Highlands Council shall, based upon the findings of the updated report of eligibility pursuant to (a)2iii above, adopt a resolution issuing an approval for funding and authorization to proceed at that meeting. The effective date of the approval shall be the date of the adoption of the resolution following the expiration of the Governor's statutory period of review.

7:70-3.4 Closing process

(a) Partnership entities shall have 12 months to complete the closing on the property from the effective date of the Highlands Council's adoption of a resolution approving issuance of an approval for funding.

1. All partnership entities can obtain up to two six-month extensions, if it is shown that there are circumstances that inhibit the property's acquisition within the initial 12-month

Highlands Open Space Partnership Funding Program Details
N.J.A.C. 7:70, Subchapter 3. Highlands Open Space Partnership Funding Program

deadline, provided there is a reasonable expectation of closing within the extended deadline, as follows:

- i. The Executive Director shall have the ability to grant a first extension upon showing of good cause.
 - ii. The Executive Director shall have the ability to grant a second extension upon showing of good cause and the submission of a fully executed contract with the owner.
2. Should the partnership entity fail to close on the property within these time frames, the partnership entity shall forfeit the funding, but may reapply in any subsequent rounds.

(b) The partnership entity shall provide notice to the Highlands Council that the closing or final acquisition is ready to proceed and shall request issuance of payment to the property owner.

1. After review by the Executive Director that the release of funding is consistent with the approval of funding, the Executive Director shall authorize payment to the property owner at the closing for the acquisition of development rights.
2. The partnership entity shall provide the Executive Director with copies of the filed deed or deed of easement.
3. The Executive Director shall provide a report to the Highlands Council upon the final completion of each acquisition. A summary of the completed acquisitions shall be posted to the Highlands Council's website.

(c) Closing requirements are as follows:

1. A title search update shall be required prior to the filing of any deed or deed of easement on a property indicating that the property owner has the authority to deed restrict the land.
2. The final form of any deed or deed of easement shall be submitted for approval to the Highlands Council prior to the final release of funds.

Highlands Open Space Partnership Funding Program Details
N.J.A.C. 7:70, Subchapter 2. Definitions

Definitions

[N.J.A.C. 7:70, Subchapter 2]

7:70-2.1 Definitions

The following terms as used in this chapter shall have the following meanings, unless the context clearly indicates otherwise.

“Agricultural preservation priority areas” means those areas identified in Figure 5.3 in the RMP as agricultural priority areas, incorporated herein by reference as N.J.A.C. 7:70 Appendix A.

“Approval for funding” means the Highlands Council’s authorization for the issuance of partnership funding for a property by the adoption of a resolution at a public meeting.

“Charitable conservancy” means a corporation or trust exempt from Federal income taxation under paragraph (3) of subsection (c) of section 501 of the Federal Internal Revenue Code of 1986 (26 U.S.C. § 501 (c)(3)), which purpose includes the acquisition and preservation of lands in a natural, scenic, or other open condition.

“Conservation easement” means a deeded transfer of an interest in real property under which the landowner permanently agrees to restrict the property from future development and to conserve and protect open space, scenic, agricultural, or other natural resource values on the land covered by the easement.

“Conservation preservation priority areas” means those areas identified in Figure 5.1, in the RMP as conservation priority areas, incorporated herein by reference as N.J.A.C. 7:70 Appendix B.

“Executive Director” means the Executive Director of the Highlands Council.

“Highlands Act” means the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq.

“Highlands Council” means the Highlands Water Protection and Planning Council established pursuant to the Highlands Act.

Highlands Open Space Partnership Funding Program Details

N.J.A.C. 7:70, Subchapter 2. Definitions

“Highlands development credit” or **“HDC”** means the transfer of development rights credit for the Highlands Transfer of Development Rights Program that may be bought, sold, or transferred in accordance with the Highlands Act and the State Transfer of Development Rights Act (N.J.S.A. 40:55D-137 et seq.).

“Highlands development credit allocation” or **“HDC allocation”** means the number of credits a property located in the Highlands Region qualifies for based on the methodology established in the RMP.

“Highlands development credit allocation letter” or **“HDC allocation letter”** means the letter indicating how many HDCs a property qualifies for, issued by the Highlands Council to a property owner that has applied for an HDC allocation.

“Highlands development credit bank” or **“HDC bank”** means the transfer of development rights bank created by the Highlands Council pursuant to the Highlands Act.

“Highlands Development Credit Bank Board” means the nine member board of directors comprised of those members as established by the Highlands Council pursuant to the Highlands Act.

“Highlands development credit certificate” means the document issued by the Executive Director, upon authorization by the HDC Bank Board, that gives the holder of the certificate the right to the number of highlands development credits indicated on the certificate.

“Highlands development credit certificate application” means the application prepared by the applicant for the purposes of obtaining HDC credits from a property that has been issued an HDC allocation letter.

“Highlands Region” means the region so designated by N.J.S.A. 13:20-7.

“Highlands Regional Master Plan” or **“Highlands RMP”** or **“RMP”** means the Regional Master Plan, adopted by the Highlands Council, pursuant to the Highlands Act.

Highlands Open Space Partnership Funding Program Details

N.J.A.C. 7:70, Subchapter 2. Definitions

“Landowner Equity and Land Preservation Committee” or **“Land Preservation Committee”**

means the committee established by the chairperson of the Highlands Council and which reviews applications pursuant to this chapter.

“Mitigation” means methods for the alleviation of negative impacts to and loss of Highlands resources identified in the RMP. Such methods include, but are not limited to, the provision of physical restoration of resources (such as scenic or environmental resources) or financial compensation for impacts to the resources.

“Partnership entity” or **“partnership entities”** means those entities entitled to apply for partnership funds under the Highlands Open Space Partnership Funding Program as set forth in N.J.A.C. 7:70-3.1(a).

“Passive recreation” means non-motorized outdoor recreational activities, such as nature observation, hiking, biking, and canoeing or kayaking, that require a minimum of facilities or development and that have minimal environmental impact on natural resources.

“Planning area” means that area of the Highlands Region defined at N.J.S.A. 13:20-3.

“Preservation area” means that area of the Highlands Region defined at N.J.S.A. 13:20-3.

“Special environmental zone” means those areas identified in Figure 5.2 in the RMP as a special environmental zone, incorporated herein by reference as N.J.A.C. 7:70 Appendix C.

“State of New Jersey” means any State department, agency, board, commission, or other entity, district water supply commission, independent State authority or commission, or bi-state entity.

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OPEN SPACE MATCHING GRANT PROGRAM APPLICATION

Submission Requirement Checklist

- Contact the Highlands Open Space Coordinator at (908) 879-6737 to discuss application;
- Completed application form, including this cover page;
- Where the applicant is a charitable conservancy:
 - Documentation indicating that the entity is exempt from Federal income taxation under paragraph (3) of the subsection (c) of section 501 of the Federal Internal Revenue Code of 1986 (26 U.S.C. § 501 (c)(3)); and
 - Documentation indicating that the entity's purpose includes the acquisition and preservation of lands in a natural, scenic, or other open condition;
- Adopted resolution authorizing the submission of the application for the property in question;
- Copy of any proposed deed restriction or easement.
- Valuation information:
 - Where appraisals have already been prepared, copies of such must be submitted;
 - Where no appraisals have been prepared, an estimated total cost must be submitted;
 - Where a specific valuation has already been negotiated, that valuation must be submitted; or
 - Where a contract of sale has been agreed upon, copies of the contract must be submitted.

Return completed application and supporting documentation to:

**NJ Highlands Council
100 North Road
Chester, NJ 07930**



Application for Open Space Matching Grant Program

Applicant Information

Applicant/Organization Name: _____

Phone #: _____ Email: _____

Name of Primary Contact: _____

Applicant Mailing Address: _____

Owner Information

Property Owner's Name: _____

Phone #: _____ Email: _____

Co-Owner (if any) Name: _____

Property Owner Mailing Address: _____

Property Information

Municipality: _____ County: _____

Block(s) and Lot (s): _____

Street Address: _____

Acreage of Property: _____ Acreage proposed for acquisition: _____

Are there any homes located on the property? Yes No

If yes, how many homes and when were they built? _____

Are there any other buildings on the property? Yes No

If yes, how many, what are they used for & when were they built? _____

Are there any adjacent properties proposed for preservation? Yes No

If yes, please provide the Block and Lot numbers of each property? _____

Are there any other buildings on the property? Yes No

Are there any known environmental, access, property encroachment or other issues? Yes No

If yes, please explain: _____

Mortgage Information

Is there a mortgage on the property? Yes No

Mortgage Holder Name and Address: _____

Funding Information

Proposed Funding Sources:

Source: _____ Amount: _____

Source: _____ Amount: _____

Source: _____ Amount: _____

Source: _____ Amount: _____

Please list any time limits or other restrictions related to the specific funding sources: _____

Attach any commitment letters or other available proof of these sources.

Attach any adopted resolutions from government entities authorizing or approving funding.

Certification

I hereby certify that the information included within this application is complete and true and that I am the legal owner of the property described above, that I have marketable title to the property. I also hereby authorize the staff of the Highlands Council, upon notice, to conduct such site inspections on the property as are necessary to review this application.

Signature of Applicant Date

Signature of Owner Date



283 King George Road
Warren, New Jersey 07059

May 26, 2016

Town of Morristown
ATTN: Kevin D. Harris, Town Clerk
Morristown Town Hall
200 South Street, 1st Floor
Morristown, New Jersey 07960

Dear Mr. Harris:

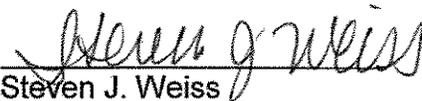
Verizon Wireless is requesting consent from the Town Council of the Town of Morristown to jointly use facilities lawfully erected in the public right of way for small network nodes, and respectfully requests to be placed on the next available agenda for consideration of this request by the Town Council. To facilitate this request, Verizon Wireless has provided a fact sheet with details of the proposal, a proposed form of resolution for adoption by the Town Council and relevant statutes for reference.

Verizon Wireless hereby authorizes employees of Tilson Technology Management, Inc. to deliver this request, to represent Verizon Wireless at meetings of the Town of Morristown and to discuss this proposal with officials of the Town of Morristown on its behalf.

Questions about this proposal can be directed to Maureen Hopkins at (207) 749-7374, or mhopkins@tilsontech.com. Notices regarding this proposal and hearing date should be sent electronically to mhopkins@tilsontech.com, or by mail to:

Tilson
ATTN: Maureen Hopkins
245 Commercial Street, Suite 203
Portland, ME 04101

VERIZON WIRELESS

By:  by *gd*
Steven J. Weiss

Title: Manager – Real Estate, NNJ

Date: 05/26/16



Fact Sheet

What is Verizon Wireless Planning in the Town of Morristown?

Verizon Wireless is deploying small network nodes in the municipal and county right of ways in New Jersey, which enables it to increase network data capacity. Small network node technology involves the use of antennas, two to three feet long, which are mounted on utility poles or light poles which are lawfully erected in the public right of way. Other telecommunications carriers also use this technology, which is becoming widespread. It is generally regarded as an excellent way to improve network capacity to augment more general coverage provided by existing and new tower and rooftop sites.

What is Verizon Wireless seeking from the Town of Morristown?

A provision of the New Jersey Public Utility Act, N.J.S.A. 48:3-18 (copy enclosed), permits any company (not necessarily public utilities) to jointly use poles that have been lawfully erected in the public right-of-way. Where the second company is not itself a franchised utility, which is the case with Verizon Wireless, the consent of the municipality is required under N.J.S.A. 48:3-19 (copy enclosed). A form of proposed resolution for adoption to formalize such consent is attached.

Can the Town of Morristown Reject the Request?

Under Federal law, specifically Section 253 of the Federal Telecommunications Act, 47 U.S.C. 253 (copy enclosed), the Town of Morristown may not withhold approval, but it may impose reasonable conditions, such as requiring insurance and repair to any damage caused, which have been included in the attached proposed resolution.

What Sort of Fee is Allowable?

The Town of Morristown may not impose a tax on these facilities, but it is entitled to recover the reasonable costs for actual services that it incurs in reviewing and approving Verizon Wireless' request. The relevant state statute is N.J.S.A. 54:30A-124 (copy enclosed).

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MORRISTOWN

No. _____

Date of Adoption _____

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless, ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may jointly use such poles erected within the public right-of-way in the Town of Morristown; and

WHEREAS, New Jersey law permits such joint use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MORRISTOWN, COUNTY OF MORRIS, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to jointly use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Town of Morristown, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Town of Morristown.
 - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Town of Morristown, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public

right-of-way, except to the extent resulting from the acts or omissions of the Town of Morristown.

- D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Town of Morristown as an additional insured.
- E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- F. Notwithstanding any provision contained herein, neither the Town of Morristown nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- G. This instrument shall be adopted on behalf of the Town of Morristown by the Town Council of the Town of Morristown and attested to by the Town of Morristown Clerk who shall affix the Town of Morristown Seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is jointly using.

STATEMENT

This resolution authorizes Verizon Wireless to jointly use poles erected within the public right-of-way of the Town of Morristown by parties that have the lawful right to maintain such poles.

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

New Jersey Statutes Annotated
Title 48. Public Utilities (Refs & Annos)
Chapter 3. Public Utilities in General (Refs & Annos)
Article 4. Joint Use of Poles

N.J.S.A. 48:3-18

48:3-18. Agreements

Currentness

Any person municipal or otherwise, may enter into a written agreement with any other such person owning or using any poles erected under municipal consent in any street, highway or other public place for the use by the former person of the poles upon such terms and conditions as may be agreed upon by the persons.

Credits

Amended by L.1962, c. 198, § 41.

N. J. S. A. 48:3-18, NJ ST 48:3-18

Current with laws effective through L.2015, c. 115 and J.R. No. 7.

End of Document

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New Jersey Statutes Annotated
Title 48. Public Utilities (Refs & Annos)
Chapter 3. Public Utilities in General (Refs & Annos)
Article 4. Joint Use of Poles

N.J.S.A. 48:3-19

48:3-19. Municipal consent

Currentness

The consent of the municipality shall be obtained for the use by a person of the poles of another person unless each person has a lawful right to maintain poles in such street, highway or other public place.

Credits

Amended by L.1962, c. 198, § 42.

N. J. S. A. 48:3-19, NJ ST 48:3-19

Current with laws effective through L.2015, c. 115 and J.R. No. 7.

End of Document

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New Jersey Statutes Annotated

Title 54. Taxation

Subtitle 4. Particular Taxes on Corporations and Others

Part 5. Taxation of Certain Public Utilities

Chapter 30A. Franchises and Gross Receipts Taxes (Refs & Annos)

Article 4. Transitional Energy Facility Assessment Act

N.J.S.A. 54:30A-124

54:30A-124. Certain local government fees, taxes, levies or assessments prohibited

Currentness

a. No municipal, regional, or county governmental agency may impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against energy companies subject to the provisions of P.L.1940, c. 5 (C.54:30A-49 et seq.) prior to January 1, 1998 or telecommunication companies. Nothing in this section shall be construed as a bar to reasonable fees for actual services made by any municipal, regional or county governmental agency. Nothing in this section shall be construed to affect the franchising process or the assessment of franchise fees with respect to the provision of cable television service in accordance with the provisions of P.L.1972, c. 186 (C.48:5A-1 et seq.).

b. Nothing in this section shall be construed to limit municipal taxation of real or personal property pursuant to R.S.54:4-1 of local exchange telephone, telegraph and messenger systems, companies, corporations or associations that were subject to tax under P.L.1940, c. 4 (C.54:30A-16 et seq.) as of April 1, 1997.

Credits

L.1997, c. 162, § 69, eff. Jan. 1, 1998.

N. J. S. A. 54:30A-124, NJ ST 54:30A-124

Current with laws effective through L.2015, c. 115 and J.R. No. 7.

United States Code Annotated

Title 47. Telecommunications (Refs & Annos)

Chapter 5. Wire or Radio Communication (Refs & Annos)

Subchapter II. Common Carriers (Refs & Annos)

Part II. Development of Competitive Markets (Refs & Annos)

47 U.S.C.A. § 253

§ 253. Removal of barriers to entry

Effective: February 8, 1996

Currentness

(a) In general

No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.

(b) State regulatory authority

Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with section 254 of this title, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

(c) State and local government authority

Nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.

(d) Preemption

If, after notice and an opportunity for public comment, the Commission determines that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates subsection (a) or (b) of this section, the Commission shall preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency.

(e) Commercial mobile service providers

Nothing in this section shall affect the application of section 332(c)(3) of this title to commercial mobile service providers.

(f) Rural markets

§ 253. Removal of barriers to entry, 47 USCA § 253

It shall not be a violation of this section for a State to require a telecommunications carrier that seeks to provide telephone exchange service or exchange access in a service area served by a rural telephone company to meet the requirements in section 214(e)(1) of this title for designation as an eligible telecommunications carrier for that area before being permitted to provide such service. This subsection shall not apply--

(1) to a service area served by a rural telephone company that has obtained an exemption, suspension, or modification of section 251(c)(4) of this title that effectively prevents a competitor from meeting the requirements of section 214(e)(1) of this title; and

(2) to a provider of commercial mobile services.

CREDIT(S)

(June 19, 1934, c. 652, Title II, § 253, as added Pub.L. 104-104, Title I, § 101(a), Feb. 8, 1996, 110 Stat. 70.)

47 U.S.C.A. § 253, 47 USCA § 253

Current through P.L. 114-61 (excluding P.L. 114-52, 114-54, 114-59, and 114-60) approved 10-7-2015

End of Document

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IRON BAR

May 27, 2016

Council President Stefan Armington
Morristown Town Hall
200 South Street
Morristown, NJ 07960

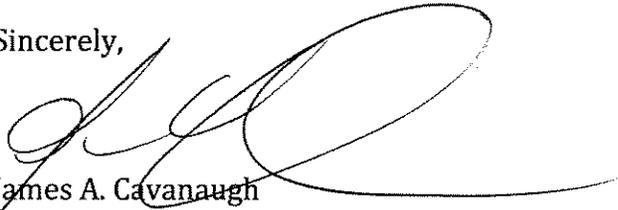
Dear Councilman Armington,

Enclosed is a report refuting the Gaffney report previously submitted to the council. Along with this report, certain testimony was given and certain allegations accusing the establishments located in the business district of South Street of contributing to criminal activity. I also wish to point out the accusations made by the Priestlys, who live at 40 Park, have no basis in truth. Kids hanging out in the piazza and parking garage have caused the vandalism. I believe The Parking Authority and Police Department can verify this.

Morristown benefits from the vibrancy and popularity of its' bars and restaurants. It seems that the problem some have is with the success of those who have chosen to invest and dedicate their efforts to make Morristown's downtown a vibrant part of city life. If this wasn't the case, then why have the present and past administration elected to build high-rise residential complexes and increase the population by thousands.

We would be happy to meet with you to discuss these issues.

Sincerely,



James A. Cavanaugh

cc: Toshiba Foster, Council Vice President
Robert Iannacone, Councilman
Hiliari B. Davis, Councilwoman
Alison Deeb, Councilwoman
Michelle Dupree Harris, Councilwoman
Michael Elms, Councilman
Robert Williams, Esq.

Tim Dougherty, Mayor
Vij Pawar, Esq., Town Attorney
Michael Fabrizio, Morristown Partnership
Morristown Licensed Beverage Association
Morristown Parking Authority
John Visconti, Esq.
Peter Demnitz, Chief of Police

Review of “Summary of Police Reports”

Prepared by John Perry, BA (Johnston), M.Phil (Cambridge)
Consulting Anthropologist and Archaeologist, and
Occasional Professor of Anthropology, Wm. Paterson University

John Perry Consulting, P.O. Box 295, Liberty Corner, New Jersey 07938

Services include; Research, Analysis, Program Review and Assessment, Interpretive Program Development for Museums, Archaeological Excavation, Forensic Anthropology, Assessment and Management of Compliance for NAGPRA and other Federal and Military Regulations, Instruction and Private Briefing on Cultural Issues and Demographics, Review and Assistance with Forensic Recovery in Compliance with Regulations of Government Agencies.

Review of “Summary of Police Reports” and related documents.

INTRODUCTION

I was approached by principals of a proposed bar and restaurant on South Street in Morristown with respect to a document that had been submitted to the town council, entitled “Summary of Police Reports”. They asked if, as a consulting social scientist, I would be willing to review this paper as a piece of research, and provide a comment on its structure, arguments, and validity.

I have examined this paper and some supporting documents and have reviewed it with respect to the following points;

1. Form and content.
2. Methodology and references.
3. Conclusions.

FORM AND CONTENT

The paper is organized in such a way that, in my opinion, manages to raise more questions than it answers.

For example;

1. Despite a profusion of bar graphs and a chart showing statistics, it is not exactly clear what is being argued for. It appears, based on a number of comments and references to studies, to be suggesting that allowing an increase to occupancy for liquor serving establishments in the Town Center District will lead to an increase in violence in Morristown. Most of the studies it actually references, like Toomey, et al. 2012, and Grubestic and Pridemore, 2011, are specifically studies on how the presence of alcohol outlets in urban neighborhoods are related to the levels of violence (assault, rape and murder) in those neighborhoods. So, this raises the question; is there a significant problem with violence in Morristown?

Analysis

According to the FBI’s uniform crime reports, Morristown’s crime rate is only 3% higher than the average for New Jersey, but is 32% lower than the national average. The incidence of violent crime appears to be very low in Morristown, with a total of 43 reported incidents in the entire town in 2014. (Which the FBI shows as an annual calculated crime rate score of 231 compared with a national average of 366.)

2. It contains a number of graphs that are not numbered, and not referenced in the text in any way. For example, the graphs show that the total number of “alcohol related incidents” in Morristown amounted to 735 events during the 18 months from January 2014 through July 6, 2015, indicating that of these 735 events, 385, or 52 percent occurred in the Town Center District. Does this mean that the Town Center area is unusually prone to crime or that law and order is particularly badly managed there?

Analysis

That’s impossible to say, because although the report notes that 52% of incidents occur within the Town Square District, it also mentions that the district has an allowed occupancy of approximately 3000 persons. For all we know, that may represent 75% of the occupancy allowed in Morristown, in which case the Town Square District could be said to be well managed and to have a lower level of disorder relatively than the rest of Morristown. Also, the district contains Morristown Green, which people often cross when walking between districts. If any of the incidents reported involve any of these people, how can we know if they have actually been to any of the establishments in the district, and not to outlets in adjacent districts? Not only that, but there is no comparison with other towns or areas with similar populations with similar conditions, so Morristown’s relative effectiveness in managing alcohol serving establishments cannot be determined. All the graphs are impressive, but actually have very little informational value.

Aside from this, the report makes repeated references to “violence”. Yet, although the word “violence” or “violent” appears 10 times in the text of the report, there do not seem to be enough cases of violence among Morristown bar patrons to generate a separate column showing numbers. In fact, the combined category containing “violent behavior”, along with “intoxication” “disorderly conduct”, “trespassing” and “damage” accounts for only a total of only 207 of the 735 incidents reported over 18 months. Bear in mind that for the Town Square District alone, we are talking about possibly serving thousands of patrons every week, possibly every night on weekends. By that standard, a total of 207 incidents over 18 months seems extremely low.

METHODOLOGY

This raises the question of why the report seems to emphasize violence and yet seems to show no evidence that violence is a problem in Morristown in either a relative or absolute sense. The source of this orientation seems to come from the studies that the author used to develop the report.

The report uses some of the language of “environmental criminology” which looks at spatial patterns in examining the sources of crime and attempts to apply this information to aid in the management and reduction of criminal activity. The use of terms like “density” and “clustering” are commonly used concepts in the study of spatial aspects of crime.

In the report we see this quote;

“Neighborhoods with more alcohol establishments tend to have more violent crime than neighborhoods with fewer alcohol establishments. From University of Minnesota School of Public Health”.

This is a reference to a report entitled

“The Association between Density of Alcohol Establishments and Violent Crime within Urban Neighborhoods”

The principal author of this study was Traci Toomey, along with a number of other social scientists. Part of the abstract of the actual paper says;

“Data come from the city of Minneapolis, Minnesota in 2009 and were aggregated and analyzed at the neighborhood level. Across the 83 neighborhoods in Minneapolis, we examined four categories of violent crime: assault, rape, robbery, and total violent crime. We used a Bayesian hierarchical inference approach to model the data, accounting for spatial auto-correlation and controlling for relevant neighborhood demographics.”

This paper is a well known example of an environmental criminology study. It deals with a city, Minneapolis Minnesota, which has an extremely high rate of violent crime. According to the FBI’s Uniform Crime Reports, Minneapolis had 4,093 reported violent incidents in 2014 compared with a figure of 43 incidents for Morristown. The rate of violent crime in Minneapolis is far above the national average or state average for Minnesota. Also, this report describes the presence of liquor outlets in residential neighborhoods with high crime levels.

Another quote we see is;

“The environment in and around bars, including staff organization intoxication of patrons and people remaining around bars after closing can influence levels of violence in the location. International Journal of Health Geographics 2011”.

This is a reference to another well known study, this one written by Tony Grubestic and William Pridemore. They wrote a study entitled

“Alcohol outlets and clusters of violence”

Like Toomey’s work, this study deals with high levels of violence in an urban area. Grubestic and Pridemore say, in their introduction;

“The present study utilizes police-recorded data on simple and aggravated assaults in Cincinnati, Ohio. Addresses of alcohol outlets for Cincinnati, including all bars, alcohol-serving restaurants, and off-premise liquor and convenience stores were obtained from the Ohio Division of Liquor Control and geocoded for analysis. A combination of proximity analysis, spatial cluster detection approaches and a geographic information system were used to identify clusters of alcohol outlets and the distribution of violence around them.”

As with Toomey’s study, this is a study of a highly urbanized area, Cincinnati, Ohio. Cincinnati also has a serious problem with violence, with 2,695 incidents reported, as compared with 43 incidents in Morristown. As with Toomey’s study, it is largely a study of how the presence in alcohol outlets impact levels of violence in the residents in the neighborhoods where they live. Grubestic and Pridemore’s study is extremely mathematical in its orientation and depends upon having a fairly large sample for its conclusions.

CONCLUSIONS

“The Summary of Police Reports” does not really make any statement of purpose, and neither does it state any conclusions. It appears to use a number of pieces of legitimate social research to imply that violence is a potential problem in Morristown. It offers no proof that this is a problem, instead it seems to be entirely directed at suggesting that “nuisance” crimes like public urination or noisy conduct are somehow similar to the kinds of criminal activity seen in large urban centers with serious crime issues.

REVIEW

There are a number of problems in seriously considering the materials presented in the "Summary of Police Reports";

1. It proposes no thesis and appears to arrive at no conclusion.
2. It makes a very incomplete and misleading use of statistics.
3. It cites research that does not seem to apply to the situation it describes.
4. It provides no comparative data that would allow a determination of whether there is any sort of significant problem managing "alcohol related behaviors" in Morristown.

One problem with the "Summary of Police Reports" is the fact that the studies it cites only represent a small aspect of a much larger literature. The report gives the impression that all alcohol outlets are equally responsible for social disorder in the areas where they operate. Not all research reaches that conclusion. For example, Sam Bieler, and John Roman, in "**Addressing Violence and Disorder around Alcohol Outlets**" (**District of Columbia Crime Policy Institute, 2013**) say that, while there is a positive association between disorder and some types of alcohol serving outlets, they cannot all be grouped together;

"However, the densities of nightclubs and alcohol-serving restaurants are not associated with either more disorder or more violence; to the contrary, the density of nightclubs is associated with less disorder."

Also, there are studies that examine all sorts of variables, from the average income of bar patrons (higher income tends to mean less disorder), to assessing whether or not certain variables have an impact on levels of violence or even simple disorder near alcohol outlets. These variables include everything from the presence of public parks (which lessens disorder) the presence of abandoned buildings or empty lots (which increases disorder) to whether or not a full moon has any impact (inconclusive).

I would say that the report "Summary of Police Reports" makes only a very superficial and biased review of the available literature, and does so with the intention of making the most negative impression possible.

It cannot, in any way, be considered a serious piece of research on the subject.

Selected Bibliography and Background Materials

Web; Uniform Crime Reports (UCR), Federal Bureau of Investigation, Washington, D.C. www.fbi.gov

Bieler, Sam, Roman, John (2013) Addressing Violence and Disorder around Alcohol Outlets, District of Columbia Crime Policy Institute, Urban Institute

Branas, Charles C., Rubin, David and Guo Wengshang, (2012) Vacant Properties and Violence in Neighborhoods. Dept. of Biostatistics and Epidemiology, University of Pennsylvania, Pennsylvania. (Online Post)

Cunradi, Carol B., Mair, Christina, Ponicki, William and Remer, Lillian, (2011) Alcohol Outlets, Neighborhood Characteristics, and Intimate Partner Violence; An Ecological Analysis of a California City. *Journal of Urban Health: Bulletin of the New York Academy of Medicine*, Vol. 88, No. 2

Grubestic, Tony H and Pridemore, William (2011a) Alcohol Outlets and Clusters of Violence, *International Journal of Health Geographics*, 2011, 10:30

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Roman, C. G., Reid, S. E., Bhati, A. S., & Tereshchenko, B. (2008). *Alcohol Outlets as Attractors of Violence and Disorder*. Washington, D.C: The Urban Institute Press

Spelman, W., (1993) Abandoned Buildings; Magnets for Crime?, *Journal of Criminal Justice*, Vol. 21, No. 5. (Jan 1993)

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Toomey, T. L., Erickson, D. J., Carlin, B. P., Lenk, K. M., Quick, H. S., Jones, A. M., et al. (2012). The Association Between Density of Alcohol Establishments and Violent Crime Within Urban Neighborhoods. *Alcoholism: Clinical and Experimental Research* 36, 8, 1468–1473.

Yu, Q., Scribner, R., Carlin, B., Theall, K., Simonsen, N., Ghosh-Dastidar, B., et al. (2008). Multi-level Spatio-Temporal Dual Change-Point Models for Relating Alcohol Outlet Destruction and Changes in Neighbourhood Rates of Assaultive Violence. *Geospatial Health*, 161–172.



Housing Authority of the Town of Morristown

Roy E. Rogers
Executive Director

31 Early Street
Morristown, N.J. 07960-3883
Telephone: (973) 538-6343
Fax: (973) 292-4191

PUBLIC NOTICE

THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE TOWN OF MORRISTOWN WILL CONDUCT A REGULAR MEETING ON **MONDAY, JUNE 27, 2016 AT 6:00 P.M.**, AT 29 ANN STREET, MORRISTOWN, NJ.

BE FURTHER ADVISED THAT FORMAL ACTION MAY BE TAKEN AT THIS MEETING, A PORTION OF THE MEETING MAY BE HELD IN CLOSED SESSION, & THE AGENDA OF THE MEETING TO THE EXTENT KNOWN AT THIS TIME IS AS FOLLOWS:

1. Call to Order
2. Reading of the Open Public Meetings Act Notice
3. Roll Call
4. Pledge of Allegiance
5. Moment of Silence
6. Public Comment
7. Approval of Minutes
8. Executive Report
9. Committee Reports
10. Old Business
11. Schedule of Bills
12. Resolutions
13. New Business
14. Second Public Comment
15. Mayor's Comments
16. Council Liaison's Comments
17. Adjournment

& ANY OTHER BUSINESS THAT MAY COME BEFORE THE BOARD.

Roy Rogers
Executive Director

NOTICE 06/23/16

Morristown Housing Authority Board of Commissioners

Morristown Housing Authority Attorney

Mayor of the Town of Morristown

Clerk of the Town of Morristown

Council Liaison of the Town of Morristown

Police Representative of the Town of Morristown

Daily Record & The Star-Ledger newspapers

POSTED: BULLETIN BOARDS AT 31 & 39 EARLY ST. & 29 ANN ST.