

MINUTES
Regular Meeting of Town Council

Tuesday, June 9, 2015
7:30pm
with Executive Session
beginning at 7:00 p.m.

A. Statement of Compliance with Open Public Meetings Act

Minutes of a regular meeting of the Town Council of the Town of Morristown, held on June 9, 2015, in the Council Room of the Morristown Town Hall located at 200 South Street, Morristown, New Jersey, beginning at 7:05p.m., prevailing time.

Council President Feldman presiding.

Town Clerk Kevin D. Harris read the following statement: Notice of this meeting was provided in compliance with the Open Public Meetings Act in accordance with a Resolution adopted by the Council of the town of Morristown at the Organization Meeting on January 6, 2015 setting forth the time, date and location of each meeting. A copy of the Resolution was distributed to the Morris County Daily Record and the Star Ledger, filed with the Town Clerk, posted on the Bulletin Board at the Municipal Building and mailed to any person who has requested and prepaid the established fee for such meeting notice.

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

B. Roll Call

ATTENDANCE:

PRESENT: Mr. Armington, Ms. Deeb, Mr. Elms, Ms. Foster, Ms. Harris, Mrs. Smith- Reid, Council President Feldman

ABSENT: None.

C. Executive Session – The Town Clerk read a Resolution to Enter into Executive session to discuss matters of contract negotiation or current or anticipated litigation in which the municipality may become a party pursuant to N.J.S.A. 10:4-12b(7).

Council President Feldman offered a motion to enter into Executive Session which was seconded by Council Member Foster and

approved on the following roll call vote:

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

NAYS: None

ABSTAINING: None

ABSENT: None

Council entered into Executive Session at 7:08 p.m. to discuss the following:

- 1) Resolution approving the application for a Long Term Tax Exemption of Leona Morris Street Urban Renewal Associates, LLC.

Purpose: Self Explanatory.

- D. Resumption of Regular Meeting – The Regular Meeting resumed at 7:36 p.m., with the Roll Call of Council Members as follows:

PRESENT: Mr. Armington, Ms. Deeb, Mr. Elms, Ms. Foster,
Ms. Harris, Mrs. Smith- Reid, Council President Feldman

ABSENT: None.

- E. Moment of Silence – The Town Clerk asked the assembly to observe a moment of silence.
- F. Pledge of Allegiance – Council President Feldman led the meeting in reciting the Pledge of Allegiance.
- G. Administration of Oath of Captain to Darnell Richardson – Morristown Police Bureau. Council President welcomed the assembly and suspended the rules of the meeting to allow for the oath to be administered. Prior to administering the oath Police Chief Demnitz offered remarks. The oath was then administered to Captain Richardson by Kevin D. Harris, Town Clerk of the Town of Morristown with Captain Richardson’s wife and son holding the Bible. After the oath was administered Police Chief Demnitz offered a few remarks. Finally, Captain Richardson addressed the assembly.

H. Consent Agenda

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

1. Email request dated June 3, 2015 from Heather McDermott at Super Hero Events requesting an alternative “Rain Date” of October 25, 2015, beginning at 9:00 a.m., for the Halloween Half Marathon in the event of inclement weather (the Halloween Half Marathon is presently scheduled for October 18, 2015, beginning at 9:00 a.m., and was approved by the Town Council at the February 10, 2015 as Consent Agenda Item # 7).
2. Letter dated May 29, 2015 from Noelle K. Nish on behalf of the residents of Sherman Place and the surrounding neighborhood requesting a Block Party on Sherman Place on Saturday, August 1, 2015 from 12:00 p.m. (noon) until 12:00 a.m. (midnight).
3. Email requested dated June 8, 2015 from Simone Ricketts on behalf of the Olyphant Park Community for a block party on Saturday, June 20, 2015, from 1:00 p.m. – 6:00 p.m..

Council President Feldman made a motion that the Consent Agenda be moved for Adoption which was seconded by Council Member Foster and adopted on the following roll call vote.

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

NAYS: None

ABSTAIN: None

ABSENT: None.

I. Mayor’s Proclamations and Presentations – None for the evening.

J. Public Hearing

At this time the Council President opened the meeting to the public asking if there were any citizen or taxpayer who wished to be heard concerning any matter.

Helen Arnold, Cottage Place, Morristown, commented on numerous requests for posting and street cleaning. Ms. Arnold wished to express her appreciation because she recently saw a street cleaner on the street. Furthermore, she has seen regular postings announcing street cleaning and she wanted to say “thank you”.

Dan McGuire, Homeless Solutions, 6 Dumont Place, Morristown, wanted to confirm the procedure as to an item on the agenda and when he may speak. Mr. McGuire addressed New Business Item #1, in which Homeless Solutions had submitted a response to a request for proposals previously issued by the Town to which there has been no response. Mr. McGuire was wondering if he could get an update on that.

Beryl Olstead, 20 Max Drive, Morristown, came into possession of approximately 125 comforters and is seeking to donate same. Ms. Olstead stated that if anyone is interested; please do not hesitate to contact her.

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

At the request of Mayor Dougherty; Town Planner Phillip Abramson address the concerns raised by Mr. McGuire. Mr. Abramson stated that a task force was formed to seek affordable housing funding. Mr. Abramson stated that a Notice of Funding Availability of \$50,000 per unit was allocated. Five (5) total request were received. Homeless solutions owned two (2). Due to the fact that COAH is no longer functional and the Court has taken over the authorization of distribution of funds; the Town's task force delayed distribution of funds. Mr. Abramson provided a detailed summary concerning the status of funds distribution.

Council President Feldman asked if the Memorandum Mr. Abramson provided could be distributed to the public. Mayor Dougherty replied that it could.

Council Member Smith-Reid stated that the Memorandum is dated June 3, 2016; although Council did not receive it until the evening of the Meeting. Mrs. Smith-Reid asked if Mr. Abramson was aware that the status of COAH had been a topic of discussion for many years. Mr. Abramson stated that the task force took all reasonable steps to ensure compliance with the requirements concerning funds distribution.

Council Member Smith-Reid inquired as to 88 Martin Luther King Avenue not being mentioned and what would be needed for this location to be approved for funds. Mr. Abramson stated that it did not completely meet the parameters for distribution. Furthermore, Mr. Abramson stated that \$400,000 was requested for four (4) units which was outside of the parameters.

Council Member Smith-Reid asked how much was in the fund. Town Business Administrator Michael Rogers stated that it is approximately \$940,000.

Mayor Dougherty stated that some of the locations did not receive funding because they have already been built as opposed to affordable housing

waiting to be built. Council Member Smith-Reid stated that she did not get it if the property is available for affordable housing. Mr. Abramson stated that the Town is not in a position to contribute to if not within the parameters.

Council Member Smith-Reid then inquired as to other properties on the list and the reasons as to why they were not approved for funding. Council Member Smith-Reid asked when would the Court give approval to for the Town to distribute funds. Mr. Pawar stated that the decision should be made before the end of July.

Council Member Deeb inquired as to the time-frame for requesting funding and whether there is an expiration date. Council Member Deeb further asked if the parameters were set in stone. Mr. Abramson stated that the parameters are is only a partial criteria for selection to receive funds.

Council President Feldman stated as to whether they may still be a request for funds received to which Mr. Abramson responded in the affirmative.

Council Member Smith-Reid asked if Homeless Solutions were to modify their request; could they be reconsidered. Mayor Dougherty stated that the Administration would provide her with an answer to the question with respects to 88 Martin Luther King Avenue.

- K. Public Hearing and Further Consideration for Possible Final Adoption of the 2015 Budget of the Morristown Partnership Special Improvement District (Item Listed in Regular Business under Resolutions for Adoption as Resolution No. R-90-2015).

At this time the Council President opened the meeting to the public asking if there were any citizen or taxpayer who wished to be heard concerning the 2015 Budget of the Morristown Partnership.

Seeing none the Council President declared the public hearing of citizens closed.

- L. Report of Mayor and Town Officials

The Mayor expressed congratulations to Town Clerk Kevin D. Harris on the passing of his certification examination as a Registered Municipal Clerk.

- M. Council Liaison Reports

Council Member Elms, Council Liaison, Morristown Partnership, stated the first round of “Meet me in Morristown” was a wonderful event. Council Member Elms stated that the event continues on the fourth Thursday of every month.

Council Member Foster stated that the 6th Annual Youth of the Future would be hosting the annual rally at Caldwell Playground on Saturday, June 13, 2015.

Council Member Deeb stated that the Planning Board shall be hearing the Market Street Development on June 25, 2015.

Council President Feldman gave comments from the Parking Authority Meeting on May 19, 2015. Council Member Feldman informed all that there shall be increased Residential Parking enforcement in Residential Zones.

N. Regular Business

**Motion to Suspend the Rules for Council to Consider
Resolution R-91-2015 Out of Order**

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

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

NAYS: None

ABSTAINING: None

ABSENT: None

The Rules were thus deemed suspended.

Resolution No. R-91-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-91-15 entitled:

“Resolution approving the application for a Long Term Tax Exemption of Leona Morris Street Urban Renewal Associates, LLC.”

Purpose: Self Explanatory.

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

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

NAYS: None

ABSTAINING: None

ABSENT: None

Ordinances for Introduction

Ordinance No. O-17-2015

Introduced The Town Clerk offered for introduction

Ordinance No. O-17-2015

“Ordinance approving the Financial Agreement for Long Term Tax Exemption by and between the Town of Morristown and Leona Morris Street Urban Renewal Associates, LLC.”

Purpose: Approves the Financial Agreement for long term tax exemption as part of the Morris Street Redevelopment Plan.

Council President Feldman made a motion that Ordinance O-17-2015 be introduced, read by title, passed on first reading and that a meeting be held on June 23, 2015 at 7:30 pm, in the council room, 200 South Street for a second reading and consideration of final passage of said ordinance. The motion was seconded by Council Member Foster.

Council Member Deeb stated that this is positive in the development of the Town based on discussion in closed session. Council Member Deeb noted that this is the third tax agreement related to development.

Called to question Ordinance No. O-17-2015 was introduced on the following roll call:

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

NAYS: None

ABSTAINING: None

ABSENT: None

Ordinance No. O-18-2015

Introduced The Town Clerk offered for introduction

Ordinance No. O-18-2015

“Ordinance amending and supplementing Chapter 25 ‘Health’ Section 6.5 ‘Fees’.”

Purpose: amends the current ordinance to (i) extend the seasonal temporary food license from January through December and to (ii) rename the category for which the license is required to farmer’s markets.

Council President Feldman made a motion that Ordinance O-18-2015 be introduced, read by title, passed on first reading and that a meeting be held on June 23, 2015 at 7:30 pm, in the council room, 200 South Street for a second reading and consideration of final passage of said ordinance. The motion was seconded by Council Member Foster.

Called to question Ordinance No. O-18-2015 was introduced on the following roll call:

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

NAYS: None

ABSTAINING: None

ABSENT: None

Council Member Deeb asked that this is only to clarify the time

frame, not the imposition of an additional fee. Mr. Rogers agreed.

Ordinances for Public Hearing and Adoption

Ordinance No. O-15-2015

ADOPTED The Town Clerk offered for public hearing and adoption Ordinance O-15-2015 entitled:

“Ordinance of the Town of Morristown Town Council accepting an easement on a portion of Lot 4.01, Block 5001 shown on the official tax map of the Town of Morristown for public open space.”

Purpose: Self Explanatory.

Council President Feldman directed that the ordinance be read by title only.

The Town Clerk read the ordinance by title and stated that it had been published in the Morris County Daily Record, according to law.

Council President moved for adoption of Ordinance No. O-15-2015 by title only on second reading and final adoption thereof. The motion was seconded by Council Member Foster.

Public Hearing: The Council-President opened the meeting for public hearing on the ordinance and invited all citizens and tax payers to speak in regard thereto.

There being no one to be heard, the Council President declared the public hearing closed.

Called to question Ordinance No. O-15-2015 was adopted on the following roll call:

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

NAYS: None

ABSTAINING: None

ABSENT: None

The Town Clerk announced that the ordinance had been finally adopted, that notice of final adoption would be published in the Morris County Daily Record, as required by law.

Ordinance No. O-16-2015

ADOPTED The Town Clerk offered for public hearing and adoption

Ordinance O-16-2015 entitled:

“Ordinance amending and supplementing the code of the Town of Morristown Chapter 7 ‘Traffic’”.

Purpose: Modifies certain parking restrictions on various streets within the Town including, Morris Street, Speedwell Avenue, Washington Street, Early Street, and South Park Place.

Council President Feldman directed that the ordinance be read by title only.

The Town Clerk read the ordinance by title and stated that it had been published in the Morris County Daily Record, according to law.

Council Member Armington moved for adoption of Ordinance No. O-16-2015 by title only on second reading and final adoption thereof. The motion was seconded by Council Member Foster.

Public Hearing: The Council-President opened the meeting for public hearing on the ordinance and invited all citizens and tax payers to speak in regard thereto.

There being no one to be heard, the Council President declared the public hearing closed.

Called to question Ordinance No. O-16-2015 was adopted on the following roll call:

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

NAYS: None

ABSTAINING: None

ABSENT: None

The Town Clerk announced that the ordinance had been finally adopted, that notice of final adoption would be published in the Morris County Daily Record, as required by law.

Council Member Harris requested to be excused for the remainder of the meeting. Council President Feldman granted her request.

Resolutions for Adoption

Resolution No. R-88-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-88-15 entitled:

“Resolution requesting approval for the insertion of a Special Item of Revenue in the 2015 Budget Pursuant to N.J.S. 40A:4-87 2015 Clean Communities Grant.”

Purpose: Approves the insertion of an additional item of revenue in the budget for the year 2015 in the sum of \$33,659.01 under the caption 2015 CLEAN COMMUNITIES GRANT.

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

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

NAYS: None

ABSTAINING: None

ABSENT: Ms. Harris

Resolution No. R-89-15

Passed

Council Member Armington moved the adoption of the following resolution: Here follows Resolution R-89-15 entitled:

“Resolution authorizing purchases from the North Jersey Wastewater Cooperative Pricing System for 2015.”

Purpose: Self Explanatory.

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

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

NAYS: None

ABSTAINING: None

ABSENT: Ms. Harris

Resolution No. R-90-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-90-15 entitled:

“Resolution Adopting the 2015 Budget of the Morristown Partnership Special Improvement District.”

Purpose: Self-Explanatory.

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

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

NAYS: None

ABSTAINING: None

ABSENT: Ms. Harris

O. Unfinished Business – None for the Evening.

P. New Business

- 1) Status of the Local Affordable Housing Trust Fund. Matters concerning the delay of the applications for HSI and Morris Habitat (Requested by Council President R. Feldman and Council Member R. Smith-Reid).

Council Member Smith-Reid stated that she is always advocated for those in need of affordable housing in Town. Council Member Smith-Reid states that it does not matter who is putting forth the project, the cost or the size. Council Member Smith-Reid stated that it is her job to make sure that the process is done in a fair and impartial manner.

Mayor Dougherty stated that he understands Council Member Smith-Reid's position. However, the one applicant simply did not meet the established parameters. If the applicant wants to come back and submit; they would have had the funding. That is why the applicant was rejected.

- 2) Notice of Vacancy of an Alternate Member on the Board of Adjustment

The Town Clerk informed the Council as to the vacancy. Council President stated there is a vacancy created by the resignation of Alternate Member Nadipuram.

Council advised the Clerk to establish a deadline of July 10, 2015 to receive applications with a consideration date of the August 2015 Town Council Meeting.

- Q. Adjournment. Prior to adjournment Council President Feldman addressed an item received in correspondence regarding the request for a food truck at the corner of Morris Street and Elm Street. Council President Feldman stated that due to the volume of traffic and other establishments that the Council not consider that location at this time. There being no further business, a motion to adjourn was made by Council President Feldman seconded by Council Member Armington and Foster and passed unanimously by acclamation. The meeting was adjourned at 9:00 p.m..

Respectfully Submitted

ATTEST

APPROVED

KEVIN D. HARRIS
TOWN CLERK

REBECCA FELDMAN
COUNCIL PRESIDENT

I do hereby certify the above to be a true and exact copy of the Minutes of the Regular Meeting of the Town Council held on Tuesday, June 9, 2015, duly passed and adopted by the Town Council of the Town of Morristown at the Regular Meeting of the Town Council held on August 9, 2016 in the Morristown Council Room, 200 South Street, Morristown, New Jersey, beginning at ____7:30P.M., prevailing time.

DATED: _____

Kevin D. Harris, Town Clerk