

# MINUTES

## Regular Minutes of Town Council

Tuesday, March 24, 2015

### A. Call to Order

#### Statement of Compliance with Open Public Meetings Act

Minutes of the Town Council Regular Meeting of the Town of Morristown, held on March 24, 2015 in the council room, 200 South Street, Morristown, New Jersey, beginning at 7:00 p.m., prevailing time.

The Honorable Rebecca Feldman, Council President, presiding.

The Honorable Timothy P. Dougherty, Mayor in attendance.

Statement of Compliance with Open Public Meetings Act:

"I, Kevin D. Harris, Town Clerk of the Town of Morristown, do hereby state that it is 7:33 pm, on March 24, 2015, and that we are at the Council Chambers, Town Hall, 200 South St., Morristown, New Jersey, and that adequate notice of this meeting was provided according to law, by written notice to the Morris County *Daily Record*, the official newspaper of the Town of Morristown, and to the Newark *Star Ledger*, both more than 48 hours ago, and posted on the bulletin board at Town Hall, and filed with the Town Clerk of the Town of Morristown."

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

### B. Roll Call

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

PRESENT: Mr. Stefan Armington, Ms. Alison Deeb, Mr. Michael Elms, Ms. Rebecca Feldman, Ms. Toshiba Foster, Ms. Michelle Dupree Harris

ABSENT: Mrs. Raline Smith-Reid

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

Council President Feldman called first for a moment of silence.

The assembly then recited the Pledge of Allegiance.

### D. Consent Agenda

Council President Feldman moved the items on the Consent Agenda, consisting of the following items, as distributed:

1. Letter of Request dated March 6, 2015 from Father Hernan Arias of Saint Margaret of Scotland Church to hold three (3) processions on Palm Sunday on March 29, 2015 at 12:00 Noon and Good Friday on April 3, 2015 at 11:30 a.m., and 8:30 p.m. (maps showing procession routes attached).
2. License Renewal Application of Hector Cardona for the Morristown Family Billiard Club, 147 Speedwell Avenue.
3. Request for Approval of Regular Meeting Minutes, October 28, 2014.

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

YEAS: Mr. Stefan P. Armington, Ms. Alison Deeb, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Council President Rebecca Feldman

NAYS: None

ABSTAINING: None

ABSENT: Mrs. Raline Smith-Reid

**E. Public Hearing**

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

**Alfaro Garcia** – addressed the Council regarding a stand that he maintains on the Green. Mr. Green stated that he was working there under “someone else’s license” and he no longer has it. Mr. Green is requesting assistance from the Town so that he may continue there or in some other location.

**Karen Kiehn** – addressed the Council concerning

- (1) The removal of three (3) sawtooth oak trees on Lafayette Avenue between Olyphant and the Staples Shopping Center. Ms. Kiehn stated that she felt that the planting of these trees would prove detrimental in many ways which she outlined and provided the Council with copies of photos. Ms. Kiehn requests that they be removed.
- (2) Property Maintenance – Ms. Kiehn stated that she submitted an OPRA request and that employees of the office were unaccommodating in allowing her access to records concerning her properties on numerous occasions.

Council President Feldman stated that Ms. Kiehn raised important issues and invited her to remain for a possible answer from the Administration.

**Bill Byrne** – addressed the Council concerning the month of March being Disability Awareness Month. Mr. Byrne presented the Mayor and Council Members with a pledge sheet that people who read pledge not to use certain derogatory words and show respect for one another.

**Katie DiPinto** – representing Chatham Citizens addressed Council to raise awareness about the Pilgrim Pipeline. Ms. DiPinto stated that while the pipeline does not go through Morristown, the Morristown water may be affected. She further explained what the pipeline is and its directional path. Ms. DiPinto stated that many municipalities have passed resolutions opposing the Resolution. She requested that Morristown do the same.

Council Member Armington asked if there was a federal environmental impact conducted to which Ms. DiPinto replied yes.

Council President Feldman stated that the Town would attempt to get a copy of the proposed State legislative bill as well as any model resolutions that may assist the Council in preparing one.

**Brandon Keating** – stated to the Council that he had spoken to the Chair of the Morristown Environmental Commission and he provided Council Members with the state legislative bills: Senate – S.R. 106; Assembly – A.R. 191. Mr. Keating stressed the importance of having the Town as the County Seat on board may go far. He also stressed that there may be a possibility that the route could be adjusted so that the pipeline goes through Morristown so if Council rejects it, it may show that resistance is greater.

**Chris Turner** – addressed the Council stating that he is in support of the proposed Resolution awarding the Contract to Arterial LLC. Mr. Turner thanked the Council and Administration for taking the necessary steps to ensure that the improvements help the safety of the road and improve property values.

**Susan Glover** – also supports the Resolution awarding the Contract to Arterial LLC, stating there have been problems there in the past. Ms. Glover appreciates all that has been done to date and she looks forward to see more done.

**Jennifer Santori** – supports any plans to make the Washington Avenue area a calmer and more quiet neighborhood.

**Erin Turner** – stated that she echoes the sentiments previous stated regarding Washington Avenue and the proposed Resolution.

With no other members of the public wishing to be heard; the Council President closed the public portion of the meeting.

Council President Feldman asked if there were any issues raised during the public portion that can be addressed by Council or the Administration at this time.

Mayor Dougherty stated that he would have the Town Administrator Michael Rogers immediately look into Ms. Kiehn's comments about not getting OPRA access to her records. As to the planting of the trees the Mayor stated that those may be on a county right-of-way. However, he stated that he would ask the Town Arborist for a full report and a report from the Shade Tree Commission as to why they chose the location.

County President Feldman stated there was a question about licenses for itinerant food vendors. Council President Feldman stated that what most likely needs to happen is to have Council Member Elms (as liaison to the Morristown Partnership) reach out to the Partnership and the Trustees of the Morristown Green as they in the past have addressed strong concerns. Mayor Dougherty stated that you may wish to have the Clerk's Office check on the number of licenses available and if they are being used.

F. Mayor's Presentation – Mayor Dougherty stated that he had no presentations for the evening.

G. Report of Mayor and Town Officials

Mayor Dougherty stated that he would echo the sentiments regarding the Resolution for the Arterial LLC contract. Mayor Dougherty stated that the Administration supports it and he hopes Council will also by adopting the Resolution.

H. Council Liaison Reports

**Housing Authority** – Council Member Harris informed the Council that Housing Authority Board of Commissioners had a meeting the night before and she informed Council Members that the new Executive Director is Mr. Roy Rogers. Council Member Harris stated that Mr, Rogers has extended an invitation to meet with the Mayor and Business Administrator and at some point to meet with the entire Council.

**Planning Board** – Council Member Armington stated that yesterday they had their second Long Range Planning Committee and they addressed existing conditions and circumstances. Council Member Armington further stated that some preliminary designs were submitted.

Council Member Deeb inquired about whether Council needs to pass a shared parking ordinance and asked if it was in the Master Plan. Council Member Deeb stated that as long as there are no negative connotations, she would like to get the shared parking ordinance moving sooner rather than later.

Council Member Armington stated that he agreed but stated that it really is not an urgent matter.

Mayor Dougherty stated that shared parking was in the Master Plan.

Council Member Deeb further inquired about historic preservation and the elements of residential zoning.

Council Member Armington stated that it would be looked at and there would have to be a setback keeping the lot in.

Council President Feldman stated that is on the website.

Mayor Dougherty advised that Council Member can call the Town Planner, Phil Abramson.

Council Member Deeb stated that she felt that her answers have not been answered and if Council is going to have to consider approving these matters that a more detailed presentation would have to be presented to Council Members.

Council Member Elms stated that those issues were addressed in the Long Range Planning Committee meeting.

Council Member Armington stated that a draft ordinance shall at some point be presented and Council can conduct public hearings and deliberate.

Council Member Armington commented on the trip to Washington D.C., that he took with the Mayor and Phil Abramson for the Mayor's Challenge on Bicycle and Pedestrian Safety. He further stated that the program presented a good mission and Council Member Armington looks to introduce measures in Morristown.

**Parking Authority** – Council President Feldman stated that she would take the issue of a shared parking ordinance back to the Parking Authority. She further stated that there has been correspondence regarding parking at the theater. Council President Feldman stated that there are shuttle services that bring patrons from parking lots to

**Morristown Partnership** – Council Member Elms stated that the Partnership has their meeting on March 11<sup>th</sup>. Topics of discussion included the St. Patrick Day parade as well as Morristown Restaurant Week which runs from April 27, 2015 through May 3, 2015.

Council President Feldman stated that this Sunday shall be the third annual Sandy Hook Ride on Washington. Twenty-six (26) bicyclist shall ride from Newtown, Connecticut to Washington, D.C. to lobby for gun control. Council President Feldman stated that they shall be stopping in Morristown at noon.

Mayor Dougherty stated that the St. Patrick's Day was a success and thanked all Town Departments that were involved.

Council Member Deeb stated that attended the Firefighter's Breakfast and she thanked the Mayor for the invitation.

I. Regular Business

**Ordinances for Introduction**

**Ordinance No. O-3-2015**

**Introduced** Council President Rebecca Feldman moved the Introduction of the following ordinance to be read by title only: Here follows "An Ordinance Repealing Chapter 5, 'Animal Control' and Adopting a New Chapter 5 'Animal Control' of the Code of the Town of Morristown."

**Purpose:** Replaces outdated and inconsistent provisions with current state statutes and the New Jersey Department of Health provisions.

Council Member Deeb asked for input from the Administration for details of the proposed changes. Town Administrator Michael Rogers stated there was a memorandum from the Health Officer explaining that the changes are more consistent with state regulations. Mr. Rogers invited Joseph Costa, Department of Code Enforcement to address the Council Member's question. Mr. Costa explained that the majority of the changes are bringing the Code in line with the State Code.

Council Member Elms asked if dogs and cats are treated differently. Mr. Costa answered yes.

Council Member Armington stated there is no specific requirement for cats to be licensed.

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

YEAS: Mr. Stefan P. Armington, Ms. Alison Deeb, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Council President Rebecca Feldman

NAYS: Mr. Michael Elms

ABSTAIN: None

ABSENT: Mrs. Raline Smith-Reid

The Town Clerk announced that the Public Hearing and Date for possible further consideration by the Council shall be the Regular Meeting of the Town Council scheduled for Tuesday, April 14, 2015, beginning at 7:30 p.m..

## Ordinances for Adoption

### Ordinance No. O-2-2015

“An Ordinance Dissolving the Morristown Redevelopment Agency and Moving Its Remaining Obligations and Rights Into the Town of Morristown.”

Purpose: Dissolves the Morristown Redevelopment Agency, as the construction and occupancy of the Vail Mansion Redevelopment in complete.

**(Adjourned until the April 14, 2015 Regular Meeting of the Town Council as approval has not yet been received by the Local Finance Board.)**

## Resolutions for Adoption

The Town Clerk informed the Council President of the items on the agenda for consideration

### Resolution No. R-58-15

**Adopted** Council President Rebecca Feldman moved the adoption of the following resolution: Here follows “Resolution authorizing the Appropriations Reserve Transfer.”

Purpose: Self-explanatory.

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

YEAS: Mr. Stefan P. Armington, Ms. Alison Deeb, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Council President Rebecca Feldman

NAYS: None

ABSTAINING: None

ABSENT: Mrs. Raline Smith-Reid

### Resolution No. R-59-15

**Adopted** Council President Rebecca Feldman moved the adoption of the following resolution: Here follows “Resolution Authorizing Application of AIP Grant and Execution of Grant Agreement with the Federal Aviation Administration for a Final Design of Runway 5-23 Rehabilitation and Runway Safety Area Improvements in Connection with Airport Improvements at the Morristown Municipal Airport.”

Purpose: Authorizes the application to the FAA for an AIP Grant to undertake final design work in connection with Runway 5-23 rehabilitation and Run Way Safety Area Improvements.

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

YEAS: Mr. Stefan P. Armington, Ms. Alison Deeb, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Council President Rebecca Feldman

NAYS: None

ABSTAINING: None

ABSENT: Mrs. Raline Smith-Reid

**Resolution No. R-60-15**

**Adopted** Council President Rebecca Feldman moved the adoption of the following resolution: Here follows "Resolution Authorizing Award of Contract to Arterial LLC for Purposes of Developing a Corridor Improvement Plan for Washington Avenue in Morristown, New Jersey."

Purpose: Authorizes award of contract to Arterial LLC for developing a corridor improvement plan for Washington Avenue.

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

YEAS: Mr. Stefan P. Armington, Ms. Alison Deeb, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Council President Rebecca Feldman

NAYS: None

ABSTAINING: None

ABSENT: Mrs. Raline Smith-Reid

**Resolution No. R-61-15**

**Adopted** Council President Rebecca Feldman moved the adoption of the following resolution: Here follows "Resolution authorizing the waiver of the minimum billing due for sewer for 30 Rosemilt Place, Morristown."

Purpose: Authorizes the waiver of minimum billing due for sewer for 30 Rosemilt Place.

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

YEAS: Mr. Stefan P. Armington, Ms. Alison Deeb, Mr. Michael Elms, Ms. Toshiba Foster, Ms. Michelle Dupree Harris, Council President Rebecca Feldman

NAYS: None

ABSTAINING: None

ABSENT: Mrs. Raline Smith-Reid

J. Unfinished (Old) Business

K. New Business – Parking, Safety and Sight Distances on Ogden Place, Full Length.

Council Member Deeb stated that parking had created sight issues and that in the interim signs had been posted and installed and residents were satisfied. Council Member Deeb asked that she be allowed to confer with residents in her ward. If needed Council Member Deeb would bring the matter back for discussion.

L. Adjournment

There being no further business a motion to adjourn was made by Council President Rebecca Feldman, seconded by Council Members Foster and Armington and passed unanimously by acclamation. The meeting was adjourned at 8:31 p.m..

I, Kevin D. Harris, Town Clerk of the Town of Morristown, hereby certify that the above reflect the true and accurate minutes from the Morristown Town Council Meeting, held on Tuesday, March 24, 2015 and approved by the Morristown Town Council at the Town Council Meeting held on Tuesday, October 27, 2015.

Date: October 28, 2015



KEVIN D. HARRIS, Town Clerk