

MINUTES
Regular Meeting of Town Council

Tuesday, March 8, 2016
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 March 8, 2016, in the Council Room of the Morristown Town Hall located at 200 South Street, Morristown, New Jersey, beginning at 7:07 p.m., prevailing time.

Council President Armington 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 5, 2016 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: Ms. Davis, Ms. Deeb, Mr. Elms, Ms. Foster, Ms. Harris, Mr. Iannaccone, Council President Armington

ABSENT: None.

C. Executive Session – The Town Clerk read a Resolution to Enter into Executive session to discuss matters related to present and/or pending litigation; as well as matters under the attorney client privilege pursuant to N.J.S.A. 10:4-12b(7).

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

and approved on the following roll call vote:

YEAS: Ms. Davis, Ms. Deeb, Mr. Elms, Ms. Foster, Ms. Harris, Mr. Iannaccone, Council President Armington

NAYS: None

ABSTAINING: None

ABSENT: None

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

(1) Matters concerning the proposed Developer's Agreement regarding 30 Court Street.

(2) COAH Litigation.

D. Resumption of Regular Meeting – The Regular Meeting resumed at 7:43 p.m., with the Roll Call of Council Members as follows:

PRESENT: Ms. Davis, Ms. Deeb, Mr. Elms, Ms. Foster, Ms. Harris, Mr. Iannaccone, Council President Armington

ABSENT: None

E. Moment of Silence – The Town Clerk asked the assembly to observe a moment of silence.

F. Pledge of Allegiance – Council President Armington led the meeting in reciting the Pledge of Allegiance.

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

1. Application for Grow it Green Morristown for a Social Affairs Permit on April 16, 2016, from 6:00 p.m. – 11:00 p.m., at the Kellogg Club, 25 Colles Avenue, Morristown.
2. Letter from Father Hernan Arias, Pastor of Saint Margaret of Scotland Church, requesting permission to hold three (3) processions during

Easter Week, one (1) on Palm Sunday (March 20, 2016), and two (2) on Good Friday (March 25, 2016).

Council President Armington 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: Ms. Davis, Ms. Deeb, Mr. Elms, Ms. Foster, Ms. Harris, Mr. Iannaccone, Council President Armington

NAYS: None

ABSTAIN: None

ABSENT: None

H. Public Hearing

1. Presentation by representatives of the Southeast Morris County Municipal Utilities Authority, on the status of the Town's drinking water in light of events that occurred earlier this year in Flint, Michigan (a question and answer period shall follow).

Addressing the Council on this issue was Ms. Laura Cummings, Executive Director of the Municipal Utility Authority and Drew Saskowitz who provided information to Council that in light of recent developments in other municipalities across the nation that the MUA's lead compliance level is well within acceptable levels. Ms. Cummings also addressed concerns regarding water billing and provided contact information for those who have billing questions.

After Ms. Cummings and Mr. Saskowitz concluded their presentations, members of Council asked questions which were answered.

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

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

2. All other interested parties who desire to address Council.

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

Marie Rozan, 40 West Park Place, Morristown, asked when the traffic study will be initiated and is it a buildout. Ms. Rozan also stated concern that sidewalks in Town have become parking lots.

Ken Hoffman, 12 Hill Street, Morristown, expressed concern about the dangerous crossing at Morris and Elm by the train station.

Tim Reuther, 51 South Street, Morristown, requested comments on: (1) parking restrictions; (2) traffic studies; (3) trash collection becoming; and (4) expansion of license into ABC control.

Bill Byrne, 100 Franklin Street, Morristown, addressed Council about the month of March being “Disability Awareness Month”.

Brian Sullivan, 35 Maxwell Court, Morristown, thanked the Mayor and Town Council for helping to reduce the town debt. Mr. Sullivan now requests that the Town Council help take on the management of Footes Pond.

Pastor Sidney Williams, 39 Hilliary Avenue, Morristown, addressed Council regarding the upcoming Whippany River Cleanyp, scheduled for Saturday, March 19, 2016, beginning at 9:00 a.m., and hope to complete by 12:00 p.m..

Donna Gaffney, 40 West Park Place, Morristown, addressed Council concerning Morristown being a “Tale of Two Cities” regarding the beauty and historical importance, but noise and alcohol outlet density in the center of Town.

David Walsh, Morristown, representing Tashmoo, addressed Council regarding the Ordinance addressing Expansion and as Tashmoo has already been approved for expansion, but filed a new application requesting minor changes and that Tashmoo should be “grandfathered” from any future ordinances addressing expansion.

Tom Alexander, Morristown, addressed Council regarding support for a community action group based in the Second Ward, Table of Hope, who had to suspend operations.

Jessica Hilterman, 28 Franklin Street, Morristown, addressed Council regarding a need for more housing vouchers.

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

I. Council Comments to Comments made during Public Hearing

Council Member Deeb thanked the members who spoke during the Public

Hearing regarding Foote's Pond. Council Member Deeb inquired as to the Town's obligation regarding the maintenance of Foote's Pond. Council Member Deeb further stated that the deterioration of the Pond is noticeable. Council Member Deeb further stated that maintaining (or failure to maintain) of the Pond would have a tremendous impact. Council Member Deeb asked for a reasonable time period to have a response from the Administration.

Council Member Deeb also expressed support for Table of Hope.

Council Member Iannaccone stated that over the years; he believes that a great deal has been done for traffic safety. Council Member Iannaccone asked that if any additional study can be done by the Administration; then please undertake it. Council Member Iannaccone also asked that he wishes to see information prepared by Ms. Gaffney. Town Attorney Vijayant Pawar, Esq., stated that if Ms. Gaffney provides the information to the Town Clerk; it shall be shared with Council.

Council Member Davis stated that the Housing Authority posts the listing of availability of housing and vouchers and not the Town.

Council Member Harris thanked Ms. Hilterman and Mr. Alexander who spoke on housing and there being a need for more housing particularly for people with developmental challenges. Council Member Deeb stated that the Morris County Mental Health Association has some resources available for housing options.

J. Mayor's Proclamations and Presentations – None for the evening.

K. Report of Mayor and Town Officials

The Mayor commented on the noise and public safety issues raised by Ms. Gaffney and stated that he would speak with the Chief regarding same. Mayor Dougherty also stated that he has the Police taking steps regarding the enforcement of parking regulations regarding commercial vehicles over parking in areas when making deliveries. Mayor Dougherty has also spoken on many occasions with the Parking Authority to continue to work on the enforcement of illegal parking on sidewalk.

Mayor Dougherty stated that the issue of Foote's Pond is being looked at and has been discussed within the Administration.

Mayor Dougherty further stated that New Jersey Transit could be facing a strike from its employees and the Town needs to be prepared although talks are still pending. Mayor Dougherty stated that the Town shall be operating a temporary bus service consisting of four (4) buses going to and coming from

New York City. The costs shall be \$25.00.

Mayor Dougherty announced that everyone mark their calendars for March 9, 2016 from 5:00 p.m. – 7:00 p.m., at the Hyatt on the future of Headquarters Plaza and reminded everyone about the St. Patrick's Day parade on Saturday, March 12, 2016.

Mayor Dougherty further stated that the Town and its Police Department is taking steps to make sure that the Town is safe and people enjoy themselves in Town. Mayor Dougherty also thanked Pastor Williams and stated that there shall be further discussion with respects to the watershed.

Town Administrator Jillian C. Barrick stated that a very detailed traffic study is about to be commenced town wide with the goal of better accommodating vehicular traffic as well as pedestrian safety. Council Member Harris if the Town and its consultant would be working with the State Department of Transportation and are there any studies previous done by DOT that the Town could utilize.

L. Council Liaison Reports

Council Member Deeb provided the webpage address for the "GoFundMe" page for the Table of Hope program.

Council Member Harris gave a report on the Environmental Commission meeting.

Council Member Deeb inquired if a report could be available at the next meeting on Foote's Pond. Mayor Dougherty replied that it would be discussed and the Town Administrator would be in touch with Council through the Clerk.

M. Regular Business

Ordinances for Introduction

The Town Clerk informed Council Members that at the request of the Council President; Ordinance O-9-2016 would be tabled until April 12, 2016.

Ordinance No. O-8-2016

Introduced The Town Clerk offered for introduction

Ordinance No. O-8-2016

“Ordinance amending and supplementing the Code of the Town of Morristown Chapter 7 “Traffic”.”

Purpose: Amends the code Chapter 7 “Traffic” to add no stopping or standing on Speedwell Avenue (West Side) from Sussex Avenue to Early Street between the hours of 7:00am-9:00am and 4:30pm – 6:30pm Monday through Friday, and; Early Street (South Side) from Speedwell Avenue to Lot 6R Driveway between the hours of 7:00am-9:30am and 2:30pm – 4:00pm Monday through Friday School Days.

Council President Armington made a motion that Ordinance O-8-2016 be introduced, read by title, passed on first reading and that a meeting be held on March 22, 2016 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-8-2016 was introduced on the following roll call:

YEAS: Ms. Davis, Ms. Deeb, Mr. Elms, Ms. Foster, Ms. Harris, Mr. Iannaccone, Council President Armington

NAYS: None

ABSTAINING: None

ABSENT: None

Ordinances for Public Hearing and Adoption

Ordinance No. O-7-2016

ADOPTED The Town Clerk offered for public hearing and adoption

Ordinance O-7-2016 entitled:

“Ordinance Amending and Supplementing Chapter 3 “Police Regulations” Section 1 “Noise” to Include Hours for Garbage and Recycling Collection and Deliveries.”

Purpose: Allows amendment to restrict times for collection.

Council President Armington 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 Deeb moved for adoption of Ordinance No. O-7-2016 by title only on second reading and final adoption thereof. The motion was seconded by Council Member Harris.

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.

Ken Hoffman, 12 Hill Street, Morristown, stated that the Ordinance looks nice on paper, but the Town will have to work on the enforcement of the Ordinance.

Council Member Deeb stated that the Ordinance allows for just that.

Town Administrator Jillian C. Barrick stated that while enforcement may be a challenge. Residents should still report incidents, because there shall be follow-up investigation and correspondence.

Tim Reuther, 51 South Street, Morristown, stated that the Town should follow up on noise restrictions in other areas, and to see a plan developed for enforcement of same.

Called to question Ordinance No. O-7-2016 was adopted on the following roll call:

YEAS: Ms. Davis, Ms. Deeb, Mr. Elms, Ms. Foster, Ms. Harris, Mr. Iannaccone, Council President Armington

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.

**Motion to Suspend the Rules for Council to Add
Resolution R-54-2016 to the list of
Regular Business Items (matter was discussed in Executive Session)**

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

YEAS: Ms. Davis, Ms. Deeb, Mr. Elms, Ms. Foster, Ms.
Harris, Mr. Iannaccone, Council President Armington

NAYS: None

ABSTAINING: None

ABSENT: None

The Rules were thus deemed suspended.

**Motion to Add Resolution R-54-2016 to the
Regular Business Agenda**

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

YEAS: Ms. Davis, Ms. Deeb, Mr. Elms, Ms. Foster, Ms.
Harris, Mr. Iannaccone, Council President Armington

NAYS: None

ABSTAINING: None

ABSENT: None

Resolutions for Adoption

Resolution No. R-51-2016

Passed

Council Member Deeb moved the adoption of the following resolution: Here follows Resolution R-51-2016 entitled: “Resolution authorizing application for AIP Grant and execution of Grant Agreement with the Federal Aviation Administration for Runway 5/23 Obstruction Removal Design Project at the Morristown Municipal Airport.”

Purpose: Self Explanatory.

The motion was seconded by Council President Armington and passed on the following roll call:

YEAS: Ms. Davis, Ms. Deeb, Mr. Elms, Ms. Foster, Ms. Harris, Mr. Iannaccone, Council President Armington

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-52-2016

Passed

Council Member Deeb moved the adoption of the following resolution: Here follows Resolution R-52-2016 entitled: “Resolution approving 2016 Temporary Appropriations.”

Purpose: Approves the 2016 Temporary Appropriation in the amount of \$690,000 in the Recycling Budget Line Item.

The motion was seconded by Council President Armington and passed on the following roll call:

YEAS: Ms. Davis, Ms. Deeb, Mr. Elms, Ms. Foster, Ms. Harris, Mr. Iannaccone, Council President Armington

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-53-2016

Passed

Council President Armington moved the adoption of the following resolution: Here follows Resolution R-53-2016 entitled:

“Resolution awarding bid to Blue Diamond Disposal Inc. for Solid Waste and Recycling Collection Service for a Five-Year Contract.”

Purpose: Self Explanatory.

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

YEAS: Ms. Davis, Ms. Deeb, Mr. Elms, Ms. Foster, Ms. Harris, Mr. Iannaccone, Council President Armington

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-54-2016

Passed

Council President Armington moved the adoption of the following resolution: Here follows Resolution R-53-2016 entitled:

“Resolution Authorizing the Execution of a Developer’s Agreement by and Between the Town of Morristown and DRA 30 Court, LLC.”

Purpose: Self Explanatory.

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

YEAS: Ms. Davis, Ms. Deeb, Mr. Elms, Ms. Foster, Ms. Harris, Mr. Iannaccone, Council President Armington

NAYS: None

ABSTAINING: None

ABSENT: None

N. Unfinished Business – None for the evening.

O. New Business

1. Uber Regulation (requested of Council President S. Armington).

Council President Armington wished to bring out the issue in that the Uber service provides a significant benefit particularly during late evening and late night hours. However, he states that the licensed taxi drivers suffer a hardship at Uber's benefit and what can be done to regulate them.

Mayor Dougherty stated that he would like to see an Ordinance waiving the licensee fees for owners and drivers.

2. Vacancy of a position as a Full Member on the Morristown Board of Adjustment for an unexpired term ending on December 31, 2016.

The Town Clerk stated that he has provided Council Members a list of candidates for appointment. Notices were posted and requested a deadline date.

Council President Armington stated that appointment is needed due to the busy schedule of the Board of Adjustment. Council President Armington stated that April 12, 2016 would be a date for possible appointment with Friday, April 8, 2016 being the deadline for accepting new applications.

3. Proposed Ordinance Amending and Supplementing Chapter 6 "Alcoholic Beverage Control" to include a New Section Entitled "Expansion of License" (requested by Council President S. Armington and Council Member R. Iannaccone).

Council President Armington stated there has been discussion over the last few years about the concentration of bars and this was proposed as a way to remedy the effect. Council President Armington stated that he wished to share this with the Council and get their feedback.

Council Member Deeb stated that traffic management is equally important and stated that a “dangerous precedence” may be set.

Assistant Municipal Attorney Joni N. McDonnell, Esq., stated that she researched a number of municipalities who have other variations, but not a total limitation on expansion.

Council Member Harris inquired what would happen if there was no grandfather provision. Mr. Pawar stated that adoption would not be retroactive, so there would be no effect on past applications.

Council Member Harris stated there needs to be more discussion.

Council Member Deeb states that she believes that it is a good idea, but she wants to be ensured that the Town does its “due diligence” to avoid getting sued.

Council President Armington encouraged Council Members to reach out to their constituents and get feedback with an idea to introduce the ordinance at the April 12, 2016 meeting.

4. Council Member Iannaccone stated that the reason he wished to abstain on the airport resolutions was because of the money involved without a further explanation. Mayor Dougherty stated that the Airport executives will come for a presentation and the Town Attorney can provide further details.

- P. Adjournment. There being no further business, a motion to adjourn was made by Council President Armington and seconded by Council Member Foster and passed by acclamation. The meeting was adjourned at 10:01 p.m..

Respectfully Submitted

ATTEST

APPROVED

KEVIN D. HARRIS
TOWN CLERK

STEFAN P. ARMINGTON
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, February 9, 2016, duly passed and adopted by the Town Council of the Town of Morristown at the Regular Meeting of the Town Council held on September 27, 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