

MINUTES
Regular Meeting of Town Council

Tuesday, November 10, 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 November 10, 2015, in the Council Room of the Morristown Town Hall located at 200 South Street, Morristown, New Jersey, beginning at 7:03p.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 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 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 7:05 p.m. to discuss the following:

(1) Matters of pending litigation or contract negotiations other than collective bargaining negotiations pursuant N.J.S.A. 10:4-12b(7).

(2) Pending Litigation

Resolution of the Mayor and Town Council of the Town of Morristown in the County of Morris authorizing settlement of the Tax Appeals Entitled AHS Hospital Corp. d/b/a Morristown Memorial Hospital v. Town of Morristown, Docket Nos. 010900-2007, 010901-2007, 000406-2008, 005006-2009 and 012884-2011; Morristown Town v. Morristown Memorial Hospital / AHS, Docket Nos. 011955-2009, 015921-2010, 013545-2012, 000978-2013, 001019-2014 and 001147-2015; and AHS Hospital Corp. v. Town of Morristown, Docket Nos. 005004-2009, 04910-2010, 009061-2011, 010888-2012, 005783-2013, 008293-2014 and 008301-2015.

Purpose: Self-explanatory.

D. Resumption of Regular Meeting – The Regular Meeting resumed at 7:48 p.m., with the Roll Call of Council Members as follows:

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

ABSENT: None

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

moment of silence.

- F. Pledge of Allegiance – Council President Feldman led the meeting in reciting the Pledge of Allegiance.
- G. Consent Agenda – The Town Clerk informed the Council that there were no items on the Consent Agenda for the evening.
- H. Mayor’s Proclamations and Presentations

- 1. The Honorable Timothy P. Dougherty, Mayor of the Town of Morristown offered a Proclamation of World Pancreatic Cancer Day in the Town of Morristown.

Present to receive the proclamation was Mr. Todd Cohen, Volunteer with the Northern New Jersey Affiliate of the Pancreatic Cancer Action Network who offered words of gratitude and appreciation.

I. 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.

Linda Carrington, 49 Macculloch Avenue, Morristown, expressed appreciation as a Member of the Board of Adjustment as her term is about to expire. Ms. Carrington stated that she submitted an application for reappointment. Ms. Carrington updated Council on the activities of the Board. Ms. Carrington stated due to the Board’s busy schedule; it is important that Council appoint members who are able to serve and assist in moving the Board’s matters forward.

Christopher Hayes, 4 Gregory Terrace, Morristown, stated that it was his first Council Meeting that he attended and inquired about who to speak with about setting up a railway “noise irrigation” system along Hillairy Avenue.

Council President Feldman informed Mr. Hayes that Council attempts to address all questions raised at the conclusion of the public hearing.

David Gillingham, 24 Liberty Street, Morristown, regarding the appointment of a Commissioner to the Morristown Housing Authority. Mr. Gillingham provided Council with information regarding certification and qualifications. Mr. Gillingham stated that members of Boards who are also members of a political party organization are naturally conflicted and should not serve.

Greg Bruen, 277 Speedwell Avenue, Morristown, addressed Council regarding the bear in the tree two weeks ago. Mr. Bruen addressed Council that he is being forced out due to “Block Busting” which Mr. Bruen defined as overcrowding of houses that cause fire hazards. Mr. Bruen provided addresses that he considers in violation of the Town Code.

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

Council President Feldman thanked Mrs. Carrington for her service and commended the Board for its due diligence.

Council President Feldman inquired about Gregory Terrace and whether there was any noise complaints. Mayor Dougherty stated that he would have the Town Engineer exchange contact information with Mr. Hayes.

Council Member Smith-Reid welcomed Mr. Hayes to the neighborhood as he resides in her Ward. Council Smith-Reid that the matter should be looked into. Council Member Smith-Reid addressed Mr. Gillingham regarding his comments and stated that his comments shall not fall on deaf ears.

Mayor Dougherty asked Director of Code Enforcement Joseph Costa if he had the addresses provided by Mr. Bruen to check on and he thanked Mr. Bruen for his comments.

J. Report of Mayor and Town Officials

The Mayor stated that the League of Municipalities Annual Conference is coming and there shall be many programs offered and that he shall be presenting at one of the sessions on Conflict Resolutions.

Mayor Dougherty also wished everyone a happy thanksgiving and stated that tomorrow shall be the Veterans’ Day activity.

Mayor Dougherty expressed condolences to Council Member Deeb on the loss of her mother-in-law.

Mayor Dougherty concluded his comments by expressing the need for volunteerism and thanks Ms. Carrington and all Board and Commission Members for their service.

K. Council Liaison Reports

Council Member Harris stated that she attended the recent Governor’s Conference on Housing and Economic Development in Atlantic City and shall have a report at the next meeting.

Council President Feldman stated that the transition with the new parking meters have been smooth.

Council Member Armington made a comment on the Planning Board's activity which drew laughter.

L. Regular Business

Ordinances for Introduction

Ordinance No. O-29-2015

Introduced The Town Clerk offered for introduction Ordinance No. O-29-2015

“Ordinance Amending and Supplementing the Code of the Town of Morristown Chapter 7 “Traffic”, Section 40.2 “Handicapped Parking on Streets for Private Residences” to Add a Dedicated Handicapped Parking Space for a Resident of 55 Madison Street.”

Purpose: Self-explanatory.

Council Member Deeb made a motion that Ordinance O-27-2015 be introduced, read by title, passed on first reading and that a meeting be held on December 8, 2015 at 7:30 pm, in the council room, 200 South Street for a second reading and consideration of final passage of said ordinance. The motion was seconded by Council President Feldman.

Called to question Ordinance No. O-29-2015 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-30-2015

Introduced The Town Clerk offered for introduction Ordinance No. O-30-2015

“Ordinance providing for certain Capital Improvements at the

Morristown Municipal Airport by the Town of Morristown, in the County of Morris, State of New Jersey, and appropriating \$2,000,000 therefor to finance part of the cost thereof.”

Purpose: Provides for the Runway 5-23 Keel Rehabilitation Project. See attached October 27, 2015 letter from Darren S. Large, Airport Manager, Facilities & Projects.

Council President made a motion that Ordinance O-30-2015 be introduced, read by title, passed on first reading and that a meeting be held on December 8, 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-30-2015 was introduced on the following roll call:

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

NAYS: None

ABSTAINING: None

ABSENT: None

Ordinances for Public Hearing and Adoption

Ordinance No. O-28-2015

ADOPTED The Town Clerk offered for public hearing and adoption Ordinance O-28-2015 entitled:

“Ordinance Amending and Supplementing Chapter 11 ‘Parks and Recreation Areas’, Section 16 ‘Municipal Pool’.”

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-28-2015 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-28-2015 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.

Resolutions for Adoption

A Motion to Add Resolutions R-190-15 to Resolution Items for Consideration on the Regular Agenda

Proposed Resolutions R-190-15 was discussed in Executive Session with Council deciding to consider the item this evening. Council President Feldman moved that Resolutions R-190-15 be added to the list of Resolutions to be considered for the evening. Council Member Foster seconded and the Motion was adopted by the following Roll Call vote:

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

NAYS: None

ABSTAINING: None

ABSENT: None

Council President Feldman determined and announced that this Resolution would be placed at the end of the Resolution items on the agenda.

Resolution No. R-178-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-178-15 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 Alcohol Ed Rehab Fund DWI Grant.”

Purpose: Approves the insertion of an additional item of revenue in the budget for the year 2015 in the sum of \$2,475.19 under the caption 2015 ALCOHOL ED REHAB FUND DWI.

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

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

NAYS: Ms. Deeb

ABSTAINING: None

ABSENT: Council President Feldman

Resolution No. R-179-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-179-15 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 Morristown Pedestrian Safety Grant.”

Purpose: Approves the insertion of an additional item of revenue in the budget for the year 2015 in the sum of \$14,986.00

under the caption MORRISTOWN PEDESTRIAN SAFETY GRANT.

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

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

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-180-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-180-15 entitled:

“Resolution authorizing submission of a Grant Application to Wells Fargo.”

Purpose: Authorizes the submission of a grant application to Wells Fargo in the amount of \$30,000 for Grow It Green Morristown.

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

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

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-181-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-181-15 entitled:

“Resolution approving submission of a Go Greenfields Grants

Application seeking funds to purchase Fitness Equipment at Lidgerwood Park.”

Purpose: Approves the submission of a grant application for the purpose of purchasing Fitness Equipment for Lidgerwood Park.

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

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

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-182-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-182-15 entitled:

“Resolution authorizing Task Order # 5 to contract with Delta Airport Consultants, Inc. for Professional Services for Engineering Services in the amount of \$3,430,000 at the Morristown Municipal Airport.”

Purpose: Self-Explanatory (see attached September 28, 2015 MMU letter).

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

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

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-183-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-183-15 entitled:

“Resolution authorizing Task Order # 2 to contract with McFarland Johnson, Inc. for Professional Services for Environmental and Engineering Services in the amount of \$1,400,000 at the Morristown Municipal Airport.”

Purpose: Self-Explanatory (see attached September 28, 2015 MMU letter).

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

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

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-184-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-184-15 entitled:

“Resolution authorizing execution of the MALSR/LOC/GS Reimbursable Agreement with the FAA and Payment to the FAA in the amount of \$180,286.80 associated with the runway 5-23 Rehabilitation and Runway Safety Area Project at the Morristown Municipal Airport.”

Purpose: Self-Explanatory (see attached September 28, 2015 MMU letter).

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

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

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-185-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-185-15 entitled:

“Resolution authorizing payment to DM Airports, LTD., for Administrative Fees in the amount of \$228,000 associated with the Runway 5-23 Rehabilitation and Runway Safety Area Project at the Morristown Municipal Airport.”

Purpose: Self-Explanatory (see attached September 28, 2015 MMU letter).

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

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

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-186-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-186-15 entitled:

“Resolution awarding bid to W.E. Timmerman Co., Inc. for one new Elgin Pelican P3 Wheel Broom Sweeper.”

Purpose: Awards the bid to W.E. Timmerman Co., Inc. for one new 2015 Elgin Pelican P3 Wheel Broom Sweeper in the amount of \$213,570.00.

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

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

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-187-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-187-15 entitled:

“Resolution authorizing agreement between First Night Morris Inc. and the Town of Morristown.”

Purpose: Authorizes agreement between Frist Night Morris Inc. for various First Night activities throughout Town on December 31, 2015.

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

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

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-188-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-188-15 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 Body Armor Fund.”

Purpose: Approves the insertion of an additional item of revenue in the budget for the year 2015 in the sum of \$5,130.68 under

the caption 2015 BODY ARMOR FUND.

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

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

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-189-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-189-15 entitled:

“Resolution Authorizing the Execution of a Contract with Atlantic Ambulance Corporation to Provide Emergency Medical Services.”

Purpose: Awarding a contract for the provision of provision of basic life support transportation services, emergency medical services, mobile intensive care unit services, air medical services, specialty care transportation services and mobility assistance vehicle services for the Town of Morristown.

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

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

NAYS: None

ABSTAINING: None

ABSENT: None

Resolution No. R-190-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-190-15

entitled:

“Resolution of the Mayor and Town Council of the Town of Morristown in the County of Morris authorizing settlement of the Tax Appeals Entitled AHS Hospital Corp. d/b/a Morristown Memorial Hospital v. Town of Morristown, Docket Nos. 010900-2007, 010901-2007, 000406-2008, 005006-2009 and 012884-2011; Morristown Town v. Morristown Memorial Hospital / AHS, Docket Nos. 011955-2009, 015921-2010, 013545-2012, 000978-2013, 001019-2014 and 001147-2015; and AHS Hospital Corp. v. Town of Morristown, Docket Nos. 005004-2009, 04910-2010, 009061-2011, 010888-2012, 005783-2013, 008293-2014 and 008301-2015.”

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

M. Unfinished Business

1. Lumberyard Redevelopment Area – Status of Negotiations (requested by Council President R. Feldman).

Council President Feldman asked for any update as she understood there was interest in purchasing the property. Mr. Pawar stated proposed contract negotiations have fallen through.

2. Appointment of Commissioner to the Morristown Housing Authority Board of Commissioners for an unexpired term ending September 5, 2018 – Status of Applications and Request of Information from the Morristown Housing Authority (requested by Council President R. Feldman).

The Town Clerk informed the Council that Council previously established a deadline of November 22, 2015. The Town Clerk informed the Council as to applications received.

N. New Business

1. Administrative Response to Council Request regarding issue raised by Eduardo J. Jimenez, Esq., during the Public Hearing at October 27, 2015 Town Council Meeting (requested by Council Member A. Deeb).

Council Member Deeb asked if there was any report from the Administration regarding the comments raised by Mr. Jimenez at the last meeting and that he reported the incidents to the Morristown Police.

Town Administrator Jillian Barrick stated that complaints were received in 2014 and were investigated. Ms. Barrick further stated that new investigations shall commence.

2. Administrative Response regarding administrative submission of correspondence to Council Members regarding matters requiring Council action (requested by Council Member A. Deeb).

Council Member Deeb is commented on correspondence received for this meeting from the Administration dated October 1, 2015. Council Member Deeb requested that the Mayor and Administration attempt to provide timely notice.

3. Update of all Board and Commission term appointments due to expire on December 31, 2015 (requested by Council President R. Feldman).

The Town Clerk advised the Council and provided information of all seats that shall be vacant and that notice has been posted pursuant to the Citizen Service Act.

Council President Feldman read the list of vacancies at the request of Council Member Smith-Reid.

- O. Adjournment. There being no further business, a motion to adjourn was made by Council President Feldman seconded by Council Member Foster and passed by acclamation. The meeting was adjourned at 9:01 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, November 10, 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