

MINUTES
Regular Meeting of Town Council

Tuesday, October 27, 2015
7:30pm

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 October 27, 2015, in the Council Room of the Morristown Town Hall located at 200 South Street, Morristown, New Jersey, beginning at 7:36p.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.

B. Roll Call

ATTENDANCE:

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

* Indicates that the Council Member was present via the conference telephone system.

ABSENT: None.

- C. Moment of Silence – The Town Clerk asked the assembly to observe a moment of silence.
- D. Pledge of Allegiance – Council President Feldman led the meeting in reciting the Pledge of Allegiance.
- E. Consent Agenda
The Town Clerk presented the Consent Agenda consisting of the

following items:

1. Request for Approval of Minutes – January 6, 2015 Reorganization Meeting.
2. Request for Approval of Minutes – January 13, 2015 Executive Session.
3. Request for Approval of Minutes – January 13, 2015 Regular Meeting.
4. Request for Approval of Minutes – February 10, 2015 Executive Session.
5. Request for Approval of Minutes – February 10, 2015 Regular Meeting.
6. Request for Approval of Minutes – February 24, 2015 Executive Session.
7. Request for Approval of Minutes – February 24, 2015 Regular Meeting.
8. Request for Approval of Minutes – March 10, 2015 Regular Meeting.
9. Request for Approval of Minutes – March 24, 2015 Regular Meeting.

Council President Feldman made a motion that the Consent Agenda be moved for Adoption which was seconded by Council Member Armington 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.

F. Public Hearing

1. Presentation by Roy Rogers, Executive Director of the Morristown Housing Authority.

Based on a previous invitation from the Council President; Roy Rogers, Executive Director of the Morristown Housing Authority appeared and made a presentation to the Council on the status of affairs at the Housing Authority. Included, but not limited to in his presentation were the current vacancy(ies) on the Board of Commissioners; eligibility for residence and the waiting list.

After Director Rogers concluded his presentation; the Council President opened the floor to members of Council who had questions.

2. Members of the public wishing to address Council on any issue.

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.

Vera White, 44 Prospect Street, Morristown, stated that she came to the last meeting she asked Council to uphold the law. Ms. White stated that she is asking the Council to do that now.

Dan Collins, 40 West Park Street, Morristown, stated that he was happy with the comments expressed by Director Rogers. Mr. Collins asked a question of Director Rogers regarding ethical issues with having family members serve on the Board. However, Director Rogers had already left.

Eduardo Jimenez, Esq., Office at 67 East Park Place, Morristown, addressed Council on behalf of clients who are residents of Morristown regarding establishments in Town unlawfully selling alcohol at commercial establishments unlicensed to do so. Mr. Jimenez provided the names of 4 establishments in Town allegedly unlawfully selling alcohol. Mr. Jimenez states that the issue was raised to the police in 2014.

Rob Walton, J.C.P&L representative informed the Council that three Morristown schools received STEM grants of \$1000 each from J.C.P&L. Mr. Walton also informed the Council that J.C.P&L is doing work in Town and there were no outages or shortages. Mr. Walton further informed Council that there is a training program for those interested in becoming lineman. Mr. Walton provided copies.

Christine Conte-Collins, 40 West Park Street, Morristown, stated that there is a severe lack of trust on the Morristown Housing Authority Board of Commissioners. Ms. Collins stated that she would look to Council as to determining where the money is going.

Dorothy Holman, 37B Willow Street, Morristown, addressed issues related to Morristown Housing Authority Board of Commissioners'

education certification. Ms. Holman informed Council that the request for a resident commissioner waiver did not go out when Mr. Rogers stated that it had and in fact did not go out for two weeks.

Justin Davis, 11 Continental Avenue, Morristown, spoke to Council in support of Resolution R-173-2015 which opposes the Pilgrim Pipeline.

Bill Byrne, 100 Franklin Street, Morristown, spoke as to what is required of immigrants who come to the United States.

Tawanna Cotten, 30 Flagler Street, Morristown, expressed frustration regarding the appointment of a resident commissioner in compliance with federal guidelines and her impression that Council is more concerned with those who are presently serving. Ms. Cotten further stated that the residents of the MHA feel dismissed.

Donna Howard, 39 Early Street, Morristown, addressed Council the recent letter that went out to Morristown Housing Authority residents. Ms. Howard asked now that there are two seats vacant; what about applications previously submitted.

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

Council Member Deeb asked who is/are Mr. Jimenez's clients. Mr. Jimenez stated that he could not provide that information. Council Member Deeb stated that if the Police were informed in 2014; she would like and update from the Police Chief at the next meeting as "New Business".

Council Member Smith-Reid asked questions about how the alcohol was being sold.

Council Member Smith-Reid asked question as to whether the Council should conduct an investigation of the Morristown Housing Authority. Council Member Deeb joined in that question.

Assistant Municipal Attorney Elnardo Webster, II, Esq., stated that although Council has the authority to investigate; Mr. Webster stated that he thought it best to let the law enforcement agencies investigate as they are better equipped and have more time to concentrate on the matter.

Council Member Smith-Reid stated that she read through the Federal Register and understands that a Resident Commissioner is required. Council Member Smith-Reid further states that she attempted to do her own fact finding and that the letter that Council President sent to MHA Residents was discussed by Council offline. Council Member Smith-Reid further stated that the appointment could come from any of the appointing authority

(Mayor, Governor, Town Council). Council Member Smith-Reid stated that circumstances have laid the responsibility on the Council.

Council President Feldman stated that in sending the letter; she did speak with all members of Council. Council President Feldman stated that when the last appointment was made; many were notified. Council President further stated that she was an advocate of the Citizen Services Act; and all steps were taken to ensure that the Act was complied with.

Council Member Deeb stated that she too was contacted by the Council President. Council Member Deeb stated that while she understands there is frustration; the process for appointment has to play out. Council Member Deeb encouraged those who applied and may not get appointed to keep trying.

Council Member Harris stated that the Morristown Housing Authority residents should have a Resident Council to suggest candidates for appointment. Council Member Harris also inquired as to how the letters were distributed. Council Member Harris also addressed comments made by Ms. White in an attempt to provide clarification.

Council Member Foster stated that she was not part of the discussion from the Council President

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

H. Report by Mayor and Town Officials

Mayor Dougherty was not present. Town Administrator Jillian Barrick discussed proposed Resolution R-177-2015 which was presented at table and why Council should consider adopting the Resolution.

I. Council Liaison Reports

Council President Feldman, as liaison to the Morristown Parking Authority stated that the new parking meters are in and she is satisfied as she had to use one today. Council Member Armington stated that his first attempt was unsuccessful; and he sent emails to the Parking Authority.

J. Regular Business

**A Motion to Suspend the Rules to Allow Discussion on
Proposed Resolution R-177-2015 Presented at Table**

Proposed Resolution R-177-15 was presented to the Council this evening at table. The Town Administration wished to discuss the matter and request that the Council consider the matter this evening.

Council President Feldman moved that the Rules be suspended to allow discussion. Council Members Armington and Foster seconded and the Motion was adopted by the following Roll Call vote:

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

NAYS: Ms. Deeb, Ms. Harris

ABSTAINING: None

ABSENT: None

The Rules having been suspended. Town Administrator Jillian Barrick presented the Resolution to Council. Ms. Barrick discussed the benefits of the proposed Resolution and there would essentially be no cost to the Town; but billed to the patient's health insurance provider. Ms. Barrick also discussed that having Atlantic Ambulance Corporation serve as the primary emergency responder for providing basic life support services would save the Town in cost and manpower as the Fire Department has been serving in the interim.

Following a question and answer session. Council President Feldman made a motion that Resolution R-177-15 be added to the Resolution list on the Regular Business portion of the agenda. Council Member Armington seconded and the motion was adopted by the following roll call vote:

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

NAYS: Ms. Deeb, Ms. Harris

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.

Ordinances for Introduction

Ordinance No. O-28-2015

Introduced The Town Clerk offered for introduction Ordinance No. O-28-2015
“Ordinance Amending and Supplementing Chapter 11 ‘Parks and Recreation Areas’, Section 16 ‘Municipal Pool’.”

Purpose: Self-explanatory

Council President made a motion that Ordinance O-28-2015 be introduced, read by title, passed on first reading and that a meeting be held on November 10, 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-28-2015 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-27-2015

ADOPTED The Town Clerk offered for public hearing and adoption Ordinance O-27-2015 entitled:
“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 \$5,241,000 therefor to finance part of the cost thereof.”

Purpose: Provides for the Runway 5-23 Rehabilitation and Runway Safety Area Project. See attached September 21, 2015 letter from Darren S. Large, Airport Manager, Facilities & Projects.

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-27-2015 by title only on second reading and final adoption thereof. The motion was seconded by Council President Feldman.

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-27-2015 was adopted on the following roll call:

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

NAYS: Ms. Harris

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

Resolution No. R-173-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-173-15 entitled:

“Resolution of the Town Council of the Town of Morristown, County of Morris, State of New Jersey, Opposing the Pilgrim Pipeline Holdings, LLC’s Proposed Underground Oil Pipeline from Albany, New York to Linden, New Jersey.”

Purpose: Self-Explanatory

The motion was seconded by Mr. Armington and 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-174-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-174-15 entitled:

“Resolution appointing Jillian Barrick as the Fund Commissioner representing the Town of Morristown for the Garden State Municipal Joint Insurance Fund.”

Purpose: Self Explanatory

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-175-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-175-15 entitled:

“Resolution appointing Jillian Barrick as the Town of Morristown’s Americans with Disability Act Coordinator.”

Purpose: Appoints Ms. Barrick as the Town’s ADA Coordinator to carry out the Town’s compliance with the ADA Act.

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-176-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-176-15 entitled:

“Resolution authorizing execution of Change Order #1 to Contract with Jo-Med Contracting Corp. for Sanitary Sewer Repairs – Various Streets 2015.”

Purpose: Authorizes Change Order # 1 in the amount of \$42,670.22.

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-177-15

Passed

Council President Feldman moved the adoption of the following resolution: Here follows Resolution R-177-15 entitled:

“Resolution Authorizing the Use of Atlantic Ambulance Corporation to Provide Basic Life Support Services.”

Purpose: Self Explanatory

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

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

NAYS: None

ABSTAINING: Ms. Deeb, Ms. Harris

ABSENT: None

K. Old/Unfinished Business – None for the Evening.

L. New Business

1. Administrative Report of Clarification and Response to September 25, 2015 letter from David Guirguess, Project Manager at PSEG regarding public notification of investigation activities at the Former Morristown Gas Works (A copy of a letter dated September 25, 2015 addressed to property owners in the affected area and a listing of same are attached).

Council President Feldman stated that she spoke with Mr. Guirguess and this is a bi-annual process notification in the contamination in the soil affecting groundwater in the vicinity of the old Morristown Gas Works.

2. Council Appointment of a Commissioner to the Morristown Housing Authority based on recent resignation of Mary Dougherty for a unexpired term ending on September 5, 2018.

Council President Feldman stated that the process to fill the position shall take place in accordance with the Citizen Service Act.

- M. Adjournment. There being no further business, a motion to adjourn was made by Council President Feldman seconded by Council Member Armington and passed by acclamation. The meeting was adjourned at 10:34 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, October 27, 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