

THE REGULAR MEETING WILL BEGIN AT 7:30 PM

Regular Meeting of Town Council

Tuesday, October 27, 2015

Statement of Compliance with Open Public Meetings Act

A. Roll-Call

B. Moment of Silence

C. Pledge of Allegiance

D. Consent Agenda

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

E. Public Hearing

F. Mayor's Proclamations and Presentations

G. Report of Mayor and Town Officials

H. Council Liaison Reports

I. Regular Business

1. Ordinance for Introduction

**Ordinance No. O-28-2015**

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

Purpose: Self-explanatory

2. Ordinances for Adoption

**Ordinance No. O-27-2015**

“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 \$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.

3. Resolutions for Adoption

**Resolution No. R-173-2015**

“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

**Resolution No. R-174-2015**

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

Purpose: Self Explanatory

**Resolution No. R-175-2015**

“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.

**Resolution No. R-176-2015**

“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.

K. Unfinished (Old) Business

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).

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.

M. Adjournment

## **CORRESPONDENCE**

The correspondence portion of the agenda is now on the web. To view the ordinances, resolutions and correspondence, go to the town's web site [www.townofmorristown.org](http://www.townofmorristown.org) and click on the Agenda's & Minutes.

All the correspondence, ordinances and resolutions are listed at the end of the agenda document.

## **M E M O R A N D U M**

To: Rebecca Feldman, Council President  
All Members of Council

From: Kevin D. Harris, Town Clerk

Sub: Correspondence

Date: October 22, 2015

The following items of correspondence have been received in the Office of the Town Clerk for inclusion on the agenda of the Regular Meeting of October 27, 2015

- A. Mayor's Correspondence
- B. Correspondence and Reports, Counsel and Department Heads
- C. General Correspondence
- D. Department Reports
- E. Resolutions of Other Jurisdictions
- F. Meeting Notices
- G. Confidential Correspondence

**TOWN OF MORRISTOWN**

**ORDINANCE O - 28 - 2015**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 11 "PARKS AND RECREATION AREAS"  
SECTION 16 "MUNICIPAL POOL"**

**WHEREAS**, the Town of Morristown (the "Town") currently has an ordinance that provides that no person shall enter the municipal pool unless such person has first obtained a photo identification card, badge, or other applicable permit authorized by the Division of Recreation in accordance with the ordinance; and

**WHEREAS**, the Town desires to make modifications to the current ordinance to permit the Division of Recreation to hold special events at the municipal pool that are open to all residents and to charge a fee for such events, if so desired;

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Morristown, County of Morris, State of New Jersey, being the governing body thereof, that Chapter 11 Parks and Recreation Areas, Section 16 Municipal Pool, be and hereby is amended and supplemented to read as follows:

**11-16 MUNICIPAL POOL.**

**11-16.1 Definitions.**

As used in this section:

*Adult* shall mean and include any individual between the ages of eighteen (18) and fifty-nine (59), inclusive, as of the opening day of the season.

*Age* shall be determined as the individual's age as of the official date of opening of each season.

*Family Membership* shall mean and include husband, wife or widow/widower and all unmarried children, natural or adopted, residing in the same household who are not over seventeen (17) years of age as of the opening day of the season. "Family membership" shall also include children who are residing in the same household, not older than twenty-two (22) years of age, who are presently enrolled in a full-time program in college or vocational school.

*Resident* shall mean an individual whose legal place of residence is the Town of Morristown.

*Senior Citizen* shall mean and include any person sixty (60) years of age and over as of the opening day of the season.

*Youth* shall mean and include any individual between the ages of five (5) and seventeen (17), inclusive, as of the opening day of the season.

**11-16.2 Photo Identification Card/Badge Required.**

No person shall enter the municipal pool unless such person has first obtained a photo identification card, badge, or other applicable permit authorized by the Division of Recreation in accordance with the provisions of this section.

**11-16.3 Proof of Residence Required.**

Photo identification cards, badges or other applicable permits shall be obtained from the Division of Recreation or such other officer or employee of the Town so authorized by presenting to the Division of Recreation or other such authorized employee proof of residence in the Town of Morristown or, in the appropriate instance, proof of residence in the State of New Jersey. Proof of residence shall include, but not be limited to motor vehicle driver's license or registration, current utility bill or credit card bill or lease.

**11-16.4 Fees.**

The fees to be paid for each badge shall be as provided below:

a. *Resident:*

	<i>2014</i>	<i>2015</i>
Family	\$235.00	\$240.00
Babysitter	100.00	100.00
Couple	200.00	205.00
Adult	140.00	145.00
Youth	100.00	105.00
Senior	45.00	49.00
Daily	50.00	55.00

b. *Nonresidents:*

	<i>2014</i>	<i>2015</i>
Family	\$345.00	\$350.00
Babysitter	100.00	100.00
Couple	300.00	310.00
Adult	210.00	220.00
Youth	120.00	130.00
Senior	85.00	89.00
Daily	66.00	70.00

c. *Residents and Municipal Employees - August 1 or after:*

Family Membership	\$120.00
Babysitter (with Family membership)	\$50.00
Adult (18 to 59)	\$70.00

Couples	\$100.00
Youth (ages 5 to 17)	\$50.00
Senior Citizen (60 and over)	\$25.00

d. *Nonresidents - August 1 or after:*

Family Membership	\$175.00
Babysitter (with Family membership)	\$50.00
Adult (18 to 59)	\$110.00
Couples	\$150.00
Youth (ages 5 to 17)	\$60.00
Senior Citizen (60 and over)	\$45.00

e. *Book of Guest Passes (10):*

2014	2015
\$50.00	\$50.00

f. *Replace Lost Badge:* \$8.00

g. *Guest Pass Fees at Gate:*

1. Resident	Weekday adult	8.00
	Weekday youth	6.00
	Weekend adult	10.00
	Weekend youth	8.00

2. Nonresident:	Weekday adult	8.00
	Weekday youth	6.00
	Weekend adult	10.00
	Weekend youth	8.00

h. *Daily Membership:*

1. Resident Annual Fee plus a daily fee at gate:

Weekday	8.00
Weekend	10.00

2. Nonresident Annual Fee plus a daily fee at gate:

Weekday	10.00
Weekend	15.00

i. Volunteer member of the Morristown Fire Bureau and the Morristown Ambulance Squad and their immediate families will receive pool membership with no charge.

j. *Swim Lessons:* Members: \$10.00

*Swim lessons are available to members only.*

k *Swim Team:* \$20.00 per participant

#### **11-16.5 Badges and ID Cards Nontransferable.**

Identification cards, badges or other applicable permits shall not be transferable and may not be used or exhibited by any person other than to whom issued. Any person to whom such identification card or other applicable permit is issued who allows another person to use his identification card or permit for the purpose of bathing or entering the pool may have his privileges withdrawn and may not be permitted to enter the pool during the remainder of the year.

#### **11-16.6 Supervision of Pool.**

The swimming pool shall be under the supervision of the Superintendent of Recreation and other authorized officers and employees of the Town under him, acting under the auspices of the director of the appropriate department in charge of such function. The Manager of the Division of Recreation or such other officer or employee may at any time exclude from the pool any bather who appears in his judgment to have any contagious or infectious disease and until the bather shall produce and file a health certificate from a physician certifying that such bather is free from any contagious or infectious disease. The Manager of the Division of Recreation or such other authorized officers or employees of the Town of Morristown may at any time exclude from the pool any bather who, in his judgment, violates any of the rules of conduct promulgated hereunder.

#### **11-16.7 Rules and Regulations.**

The Director of the Department of Public Works or his designee is authorized to establish rules of conduct for bathers in the pool and others who may be upon the grounds immediately surrounding the pool. No person shall be allowed in the pool or on the park grounds surrounding the same who shall act in a loud, boisterous, lewd or indecent manner, who shall curse or swear or who shall be in an intoxicated condition. Any such person shall be excluded from the pool or park by the Manager of the Division of Recreation or such other authorized officer or employee of the Town.

#### **11-16.8 Town Sponsored Events at the Pool.**

The Supervisor of Recreation shall have the authority to hold special events at the pool and/or on the park grounds surrounding same that are open to the public, whether members or not. The Town shall also be permitted to charge an entrance fee for such events. In addition, the Town is authorized to offer for sale at such events food and other refreshments. Any monies collected at these special events are to be remitted to the Chief Financial Officer of the Town of Morristown.

**BE IT FURTHER ORDAINED,** if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall

apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

**BE IT FURTHER ORDAINED,** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**BE IT FURTHER ORDAINED,** This Ordinance shall take effect upon passage.

**ATTEST:**

**ADOPTED:**

\_\_\_\_\_  
Kevin D. Harris,  
Town Clerk

\_\_\_\_\_  
Timothy P. Dougherty,  
Mayor  
Date: \_\_\_\_\_

O-27-2015  
I-10/13

**TOWN OF MORRISTOWN**

**ORDINANCE NO. O-27 -15**

**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.**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MORRISTOWN, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY (not less than two-thirds of all members affirmatively concurring), AS FOLLOWS:

Section 1. Pursuant to the applicable statutes of the State of New Jersey, the improvements described in Section 2 of this Ordinance are hereby authorized to be undertaken by and on behalf of the Town of Morristown, New Jersey (the "Town"). For the improvements or purposes described in Section 2 hereof, there is hereby appropriated the aggregate sum of \$5,241,000, consisting of (i) a ninety (90%) percent contribution of funds from the Federal Aviation Administration by way of AIP 3-34-0023-049-2015 in the amount of \$4,716,900; (ii) a five (5%) percent contribution from the New Jersey Department of Transportation in the amount of \$262,050; and (iii) a five (5%) percent contribution by DM AIRPORTS, LTD., in the amount of \$262,050 (the "DM Contribution"). In the event the NJDOT is not able to award a grant for the five (5%) percent contribution, the DM Contribution will be increased to ten (10%) percent, so as to be in the amount of \$524,100.

Section 2. The improvements at the Morristown Airport hereby authorized are: the Rehabilitation of Runway 5-23, Permitting, Preliminary Design; and Final Design of Runway 5 Safety Area Improvements Project.

Section 3. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town

is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. It is hereby further recognized that, pursuant to N.J.S.A. 40A:4-45.3, the aggregate sum hereby appropriated, consisting entirely of the funds from the Federal Aviation Administration by way of AIP 3-34-0023-049-2015, the funds from the New Jersey Department of Transportation, and the DM Contribution, is excepted from the limitation on increase in the budget for the Town.

Section 5. The funds from the Federal Aviation Administration by way of AIP 3-34-0023-049-2015, the funds from the New Jersey Department of Transportation, and the DM Contribution received for the purposes described in Section 2 hereof shall be applied to the direct payment of the costs of the improvements pursuant to this Ordinance.

Section 6. This Ordinance shall take effect after final adoption and publication and otherwise as provided by law.

ATTEST:

ADOPTED:

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KEVIN D. HARRIS  
TOWN CLERK

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TIMOTHY DOUGHERTY  
MAYOR

**TOWN OF MORRISTOWN**

**RESOLUTION R - 173 - 2015**

**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**

**WHEREAS**, Pilgrim Pipeline Holdings, LLC ("Pilgrim") is proposing to build a bi-directional pipeline for the purposes of transporting crude oil and other refined petroleum products between Albany, New York and the refineries in Linden, New Jersey that would traverse the Town of Morristown, New Jersey; and

**WHEREAS**, the pipeline will carry oil that has been extracted from North Dakota's Bakken shale through the process of hydraulic fracturing, or fracking, a method of oil and gas extraction that involves pumping toxic chemicals into the shale, threatening ground water, creating radioactive waste and releasing large quantities of methane gas into the atmosphere; and

**WHEREAS**, the proposed route for the pipeline will cross the New Jersey Highlands region, an area that has been afforded special protection by the New Jersey State Legislature by its passage, in 2004, of the New Jersey Highlands Water Protection and Planning Act, which Act created the Highlands Water Protection and Planning Council and the Highlands Regional Master Plan to ensure resource based planning would be used in the Highlands to combat sprawl and the depletion of water quality and quantity as the region provides drinking water to 5.4 million state residents; and

**WHEREAS**, the proposed route for the pipeline also crosses the Buried Valley Aquifer, which has been designated as a "sole source aquifer" by the United States because of the high percentage of residents in the region who are dependent on the aquifer for potable water, including the Town of Morristown, which obtains its water from wells that draw from the Buried Valley Aquifer; and

**WHEREAS**, the Town Council of the Town of Morristown is charged with the wise stewardship of our natural resources for future generations and has long recognized the importance of preserving and protecting its open spaces and water resources by adopting an Open Space and Recreation Plan and a Wellhead Protection Ordinance, and has a responsibility to provide a safe environment for all its residents; and

**WHEREAS**, the Town Council recognizes that there is no substitute for water and is extremely concerned about the high risk that a leak in or explosion of the pipeline will compromise our aquifer for years or decades to come as the pipeline will cross the Buried Valley Aquifer; and

**WHEREAS**, the Town Council is concerned about the hazard the project may create due to the nature and volume of highly volatile crude oil and crude oil products flowing through the pipeline, as well as its proposed route, which crosses through residential neighborhoods and passes by schools, should an explosion and or leak occur; and

**WHEREAS**, the Town Council is concerned that the record of pipeline leaks in this nation suggest that neither current pipeline technology nor federal pipeline inspection resources are adequate to mitigate the dangers this pipeline poses to our environment.

**NOW THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Morristown, being the governing body thereof, that the Mayor and Town Council oppose the construction of the Pilgrim Pipeline through the Buried Valley Aquifer or other valuable natural resources, and call for a moratorium on any and all planning, surveying or construction of said pipeline through the Town of Morristown as the project will negatively impact the Town's sole source of water as well as its other valuable natural resources; and

**BE IT FURTHER RESOLVED**, that the New Jersey Department of Environmental Protection be directed to conduct a full environmental impact study, including a Highlands Act review, to assess the myriad environmental consequences associated with this proposed project; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to Governor Chris Christie, Congressman Rodney Frelinghuysen, Senate President Steven M. Sweeney, Assembly Speaker Vincent Prieto, State Senator Thomas H. Kean, Jr., Assembly Republican Leader Jon Bramnick, Assemblywoman Nancy Munoz, the governing bodies of all Morris County Municipalities and the Morris County Board of Chosen Freeholders.

ATTEST:

ADOPTED:

\_\_\_\_\_  
KEVIN D. HARRIS,  
TOWN CLERK

\_\_\_\_\_  
REBECCA FELDMAN  
COUNCIL PRESIDENT

I do hereby certify the above to be a true and exact copy of a Resolution duly passed and adopted by the Town Council of the Town of Morristown at the Regular meeting of the Town Council held on October 27, 2015 in the Morristown Council Room, 200 South Street, Morristown, New Jersey, beginning at \_\_\_\_\_ P.M., prevailing time.

DATED: October 27, 2015

\_\_\_\_\_  
KEVIN D. HARRIS, TOWN CLERK

174

TOWN OF MORRISTOWN

RESOLUTION

R- 174-2015 ±

**A RESOLUTION APPOINTING JILLIAN BARRICK AS THE FUND COMMISSIONER REPRESENTING THE TOWN OF MORRISTOWN FOR THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND**

**WHEREAS**, the Town of Morristown is a member of the Garden State Municipal Joint Insurance Fund; and

**WHEREAS**, it is required for the Town of Morristown to have representation on the Board of Commissioners.

**NOW, THEREFORE, BE IT RESOLVED** on this 27th day of October 2015, by the Town Council of the Town of Morristown, County of Morris, State of New Jersey that Jillian Barrick is hereby appointed as the Fund Commissioner representing the Town of Morristown on the Garden State Municipal Joint Insurance Fund Board of Commissioners.

ATTEST:

ADOPTED:

\_\_\_\_\_  
KEVIN D. HARRIS,  
TOWN CLERK

\_\_\_\_\_  
REBECCA FELDMAN  
COUNCIL PRESIDENT

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DATED: October 27, 2015

\_\_\_\_\_  
Kevin D. Harris, Town Clerk

TOWN OF MORRISTOWN

RESOLUTION R- 175 -2015

A RESOLUTION APPOINTING JILLIAN BARRICK AS THE TOWN OF MORRISTOWN'S AMERICANS WITH DISABILITY ACT COORDINATOR

WHEREAS, the Town of Morristown does not discriminate on the basis of disability in employment or in admission or access to its services, programs and facilities; and

WHEREAS, as required by law, the Town of Morristown desires to appoint a coordinator to carry out the Town's compliance with the Americans with Disability Act ("ADA"); and

WHEREAS, the Town Council desires to appoint Jillian Barrick, Business Administrator for the Town of Morristown, to serve as the ADA coordinator; and

WHEREAS, as coordinator she shall be familiar with the requirements of the ADA and coordinate Town efforts to comply with and carry out Town responsibilities under the ADA and the rules promulgated pursuant thereto;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Morristown, being the governing body thereof, that Jillian Barrick be and hereby is appointed to serve as ADA coordinator for the Town of Morristown.

ATTEST:

ADOPTED:

\_\_\_\_\_  
KEVIN D. HARRIS,  
TOWN CLERK

\_\_\_\_\_  
REBECCA FELDMAN  
COUNCIL PRESIDENT

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DATED: October 27, 2015

\_\_\_\_\_  
Kevin D. Harris, Town Clerk

TOWN OF MORRISTOWN

RESOLUTION R-176 -2015

**A RESOLUTION AUTHORIZING EXECUTION OF CHANGE ORDER # 1 TO CONTRACT WITH JO-MED CONTRACTING CORP. FOR SANITARY SEWER REPAIRS – VARIOUS STREETS 2015**

**WHEREAS**, by Resolution 136-15, the Town of Morristown entered into a contract with Jo-Med Contracting Corp. for \$214,423.23 for sanitary sewer repairs, various streets 2015; and

**WHEREAS**, Jo-Med Contracting Corp. has proved to be a competent contractor and has done quality work; and

**WHEREAS**, additional sewer repair work remains to be done at various locations including but not limited to Atno Avenue, Traction Line Easement off of Howell Place, Easement between Crestwood Road and Dogwood Road, Pocahontas Park and Anderson Street; and

**WHEREAS**, the additional work will cost \$42,670.22; and

**WHEREAS**, the Director of Public Works has reviewed Change Order # 1 and finds same to be reasonable; and

**WHEREAS**, the Local Public Contracts Law permits on-site modifications and change orders to contracts provided that the scope of work does not change and the change does not result in an increase of more than twenty percent (20%) of the original contract price; and

**WHEREAS**, funds in the amount of \$42,670.22 are available and have been certified to by the Chief Financial Officer of the Town of Morristown; and

**WHEREAS**, Change Order No. 1 is necessary;

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Town Council of the Town of Morristown being the governing body thereof, that Changer Order No. 1 in the amount of \$42,670.22 shall be and hereby is approved; and

**BE IT FURTHER RESOLVED**, that the Mayor be and is hereby authorized to execute and the Town Clerk to witness Change Order No. 1 to the Contract with Jo-Med Contracting Corp., 815 Garden Street, Elizabeth, New Jersey 07202 for additional work at a price not to exceed \$42,670.22 and for a total contract award of \$257,093.45.

ATTEST:

ADOPTED:

\_\_\_\_\_  
KEVIN D. HARRIS,  
TOWN CLERK

\_\_\_\_\_  
REBECCA FELDMAN  
COUNCIL PRESIDENT

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DATED: October 27, 2015

\_\_\_\_\_  
Kevin D. Harris, Town Clerk