

REVISED & AMENDED – SEPTEMBER 18, 2015

*** INDICATES ITEMS AMENDED**

(All other items remain the same as the Agenda posted on September 17, 2015)

EXECUTIVE SESSION WILL BEGIN AT 7:00 PM

THE REGULAR MEETING WILL BEGIN AT 7:30 PM

Regular Meeting of Town Council

Tuesday, September 22, 2015

Statement of Compliance with Open Public Meetings Act

A. Roll-Call

B. Executive Session

1. Resolution to Enter Into Executive Session to discuss matters involving any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body pursuant to N.J.S.A. 10:4-12b(4).
2. PBA Local 43 (Patrol Officers) and FMBA Local 43 Contract Negotiations.

- a. Resolution Authorizing the Execution of a Memorandum of Agreement between the Town of Morristown and the Policeman's Benevolent Association, Local No. 43 (Patrol Officers).

Purpose: Authorizes execution of a MOA for the period of 2015 – 2017.

- b. Resolution Authorizing the Execution of a Memorandum of Agreement and the Collective Negotiations Agreement between the Town of Morristown and the Firefighters Mutual Benevolent Association, Local No. 43.

Purpose: Authorizes execution of a MOA for the period of 2015 – 2017.

C. Moment of Silence

D. Pledge of Allegiance

E. Consent Agenda

1. Email dated June 26, 2015 from Heather McDermott at Superhero Events request approval for the 5th Annual Pre-Game 4 Miler Race scheduled for Sunday, February 7, 2016, beginning at 11:00 a.m. (with an inclement weather date of Sunday, February 14, 2016).

F. Public Hearing

1. Presentation by Stephanie Wilson, Esq., of the Morris County Chapter of the Links, Incorporated, regarding the Interfaith Food Pantry of Morris' Annual Food Drive.

G. Mayor's Proclamations and Presentations

H. Report of Mayor and Town Officials

I. Council Liaison Reports

J. Regular Business

1. Nomination, Selection and Appointment by the Town Council of One (1) Commissioner for the Morristown Housing Authority Board of Commissioners for a five (5) year term from September 2015 – September 2020.
2. Ordinances for Introduction

* Added at the Request of the Administration on September 18, 2015 *

Ordinance No. O-26-2015

“An Ordinance of the Town of Morristown, in the County of Morris, State of New Jersey, Amending Ordinance O-11-2015, which Establishes Compensation for Management/Non-Union Positions in the Town of Morristown, New Jersey and Amending All Ordinances Concerning Such Compensation Heretofore Adopted.”

Purpose: Adjust the salary range of the Sewerage Plant Superintendent/Sewer Superintendent.

3. Ordinances for Adoption – None at present time.
4. Resolutions for Adoption

Resolution No. R-148-2015

“Resolution of the Town Council of Morristown, County of Morris, State of New Jersey, In Support of the Morristown Ambulance Squad, Inc.”.

Purpose: Self-Explanatory.

Resolution No. R-149-2015

“Resolution Amending Resolution R-129-2015 regarding Renewal of Plenary Retail Distribution Licenses 2015 – 2016.”

Purpose: Resolution R-129-2015 (adopted September 8, 2015) approved a renewal for a Plenary Retail Distribution License to N.Y. Thymes and Deli, Inc., f/d/b/a “C’est Cheese”, an inactive or “pocket” license. However, on May 26, 2015, Council adopted Resolution R-84-2015 Approving the Person-to-Person Transfer of the above license from N.Y. Thymes and Deli, Inc., to Dove Lending Company, LLC, which was filed by the Town Clerk with the New Jersey Division of Alcoholic Beverage Control (hereafter “State ABC”). After Council adopted Resolution R-129-2015, the Clerk received approval of the transfer from the State ABC & the new owner of the license Dove Lending Company, LLC, has completed the State ABC’s required online renewal application & paid the applicable renewal fees to both the State and the Town.

Resolution No. R-150-2015

“Resolution Authorizing Exemption, Cancellation and Refund of 2015 Taxes.”

Purpose: Exempting from property taxes, a property owned by a disabled military veteran pursuant to N.J.S.A. 54:4-3.32.

Resolution No. R-151-2015

“Resolution Authorizing Disposal of Surplus Property.”

Purpose: Self-Explanatory.

Resolution No. R-152-2015

“Resolution Authorizing the Turnover of Certain Monies from the Morristown Municipal Court.”

Purpose: Authorizes open and unclaimed monies from the Morristown Municipal Court ATS Fine Account to be turned over to the Town of Morristown.

Resolution No. R-153-2015

“Resolution Authorizing the Turnover of Certain Monies from the Morristown Municipal Court.”

Purpose: Authorizes open and unclaimed monies from the Morristown Municipal Court Bail Account to be turned over to the Town of Morristown.

Resolution No. R-154-2015

“Resolution Awarding Bid to EJC Inspection Agency Corporation for Elevator Subcode Official.”

Purpose: Self-Explanatory.

Resolution No. R-155-2015

“Resolution Authorizing the Acceptance of a Monetary Donation from the Cutler Park Neighborhood Association for Sponsoring a Bike Rack to be Installed at the Elliott Street Playground.”

Purpose: Authorizes the acceptance of a monetary donation from the Cutler Park Neighborhood Association for sponsoring a bike rack to be installed at the Elliott Street Playground in honor of Vincent Aguanno.

Resolution No. R-156-2015

“Resolution Authorizing Execution of Change Order #1 to Contract with T. Fiotakis Construction, LLC for 2014 Curb, Sidewalk & Damage Repair, Various Streets.”

Purpose: Authorizes Change Order #1 in the amount of \$39,300.00 for 2014 Curb, Sidewalk and Drainage Repairs-Variou Streets.

K. Unfinished (Old) Business –

1. Parking Issue – Morristown High School. (requested by Council Member A. Deeb).
2. Amended Swimming Pool Ordinance (requested by Council President R. Feldman).
3. Ordinance amending and supplementing Chapter 30 “Land Use Regulations” Article VIIA “Affordable Housing Overlay Zone”.

L. New Business

1. Maintenance of all NJDOT right of way/ramp areas (landscaping & other functions) (requested by Council Member S. Armington & Council President R. Feldman).
2. Water Conservation Ordinance (requested by Council President R. Feldman).
3. “Gifts” to Council Members

M. Correspondence Comments

N. 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 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: September 17, 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 September 8, 2015

- A. Mayor's Correspondence
- B. Correspondence and Reports, Counsel and Department Heads
- C. General Correspondence
 - Email dated September 14, 2015 from Trudi Atkinson, Township Clerk, Township of Montville referencing August 20, 2015 Letter with a Draft Resolution Supporting the Township of Montville In Its Efforts to Oppose the Proposed Montville-Whippany 230 KV Transmission Project by Jersey Central Power & Light.
 - Notice from New Jersey Transit of Public Hearings concerning programs developed pursuant to the Senior Citizen and Disabled Resident Transportation Assistance Act (SCDRTAP).
- D. Department Reports
- E. Resolutions of Other Jurisdictions
- F. Meeting Notices
- G. Confidential Correspondence

TOWN OF MORRISTOWN

ORDINANCE O- 26-2015

AN ORDINANCE OF THE TOWN OF MORRISTOWN, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING ORDINANCE 0-11-2015 ESTABLISHING COMPENSATION FOR MANAGEMENT/NON-UNION POSITIONS IN THE TOWN OF MORRISTOWN, NEW JERSEY AND AMENDING ALL ORDINANCES CONCERNING SUCH COMPENSATION HERETOFORE ADOPTED

WHEREAS, the Town of Morristown is organized under the “Mayor-Council Plan form” of government as established under the Optional Municipal Charter Act (“the Faulkner Act”), N.J.S.A. 40:69A-31, et. seq., which provides for a separately elected Mayor and Council to serve as the elected officials of the municipality; and

WHEREAS, under the Faulkner Act the Management/Non Union positions are defined as those positions not included in any collective bargaining unit; and

WHEREAS, the Town of Morristown previously adopted Ordinance O-11-2015, which establishes compensation for the Management/Non-Union positions within the Town; and

WHEREAS, the Town of Morristown now desires to modify the compensation to be provided for the position of Sewerage Plant Superintendent/Sewer Superintendent for the Town of Morristown;

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Morristown, County of Morris, State of New Jersey, being the governing body thereof that Ordinance O-11-2015 be and hereby is amended to reflect the following change to the compensation for the position of Sewerage Plant Superintendent/Sewer Superintendent for the Town of Morristown:

Title	Annual Range or Rate
Sewerage Plant Superintendent/Sewer Superintendent	\$95,000-\$113,000

BE IT FURTHER ORDAINED, that all other Management/Non-Union employees of the Town of Morristown shall be compensated at the rates or within the ranges set forth in Ordinance O-11-2015 and shall perform such duties as may be prescribed by law; and

BE IT FURTHER ORDAINED, that all provisions of this Ordinance are subject to available appropriations of the Town of Morristown and this Ordinance does not and shall not legally bind the Town of Morristown to pay any of the wages or compensations set forth herein unless and until appropriations have been made in sufficient amounts to pay said wages or compensation to those holding the title and position set forth herein; and

BE IT FURTHER ORDAINED, that 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; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication according with applicable law.

ATTEST:

ADOPTED:

KEVIN D. HARRIS
TOWN CLERK

TIMOTHY DOUGHERTY
MAYOR

I do hereby certify the above to be a true and exact copy of an Ordinance duly passed and adopted by the Town Council of the Town of Morristown at the Regular Meeting of the Town Council held on September ____, 2015, in the Morristown Council Room, 200 South Street, Morristown, New Jersey, beginning at ____ P.M., prevailing time.
DATED: September ____, 2015

Kevin D. Harris, Town Clerk