

MINUTES
Regular Meeting of Town Council

Tuesday, September 22, 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 September 22, 2015, in the Council Room of the Morristown Town Hall located at 200 South Street, Morristown, New Jersey, beginning at 7:04p.m., prevailing time.

Council Vice President Foster 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, Ms. Harris, Mrs. Smith- Reid, Council Vice President Foster

ABSENT: Council President Feldman.

C. Executive Session – The Town Clerk read a Resolution to Enter into Executive session to discuss matters of terms and/or conditions of collective bargaining employment pursuant to N.J.S.A. 10:4-12b(4).

Council Vice President Foster offered a motion to enter into Executive Session which was seconded by Council Member Armington and approved on the following roll call vote:

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

NAYS: None

ABSTAINING: None

ABSENT: Council President Feldman

Council entered into Executive Session at 7:09 p.m. to discuss the following:

(1) 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) 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.

(3) 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.

D. Resumption of Regular Meeting – The Regular Meeting resumed at 7:44 p.m., with the Roll Call of Council Members as follows:

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

ABSENT: Council President Feldman

- E. Moment of Silence – The Town Clerk asked the assembly to observe a moment of silence.
- F. Pledge of Allegiance – Council Vice President Foster 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. 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).
- 2. Email dated September 22, 2016 from Kelly Kowalski, representing the Pennsylvania State Dance Marathon, requesting a roadside solicitation on September 26 & 27, 2016 with the proceeds to go to pediatric cancer research, prevention and cure.

Council Member Harris made a motion that the Consent Agenda be moved for Adoption which was seconded by Council Vice President Foster and adopted on the following roll call vote.

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

NAYS: None

ABSTAIN: None

ABSENT: Council President Feldman

- H. Mayor’s Proclamations and Presentations – The Mayor had no proclamations or presentations for the evening.
- I. Public Hearing
 - 1. There was a public hearing/presentation to the Council from Stephanie Wilson, Esq., of the Morris County Chapter of the Links, Incorporated, regarding the Interfaith Food Pantry of Morris’ Annual Food Drive.

Ms. Wilson addressed Council stating that this was the 4th year that this food drive has taken place and it has the cooperation of a number of different agencies; both

public and private. Mr. Wilson further stated that in each of the 4 years; the drive has raised approximately 2 tons in food and approximately \$2,000.00 in monetary donations. The drive starts on Saturday, October 3, 2015, from 9:00 a.m. – 4:00 p.m., at the Morris Plains Stop & Shop. Ms. Wilson provided the Town Clerk with copies of a flyer to distribute to the Council. Council Member Armington asked that the Clerk scan and email to the Council for distribution to their constituents. Mayor Dougherty further stated that the flyer would be posted on the Town's website and the Facebook page.

At this time the Council Vice 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 Vice President closed the public portion of the meeting.

2. Any matter the public wishes to bring before Council.

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

Andrea Kelly, 137 Washington Avenue, Morristown, thanked Council the Administration and Town Planner Phil Abramson for the traffic calming work on Washington Avenue stating that it is really spectacular. Ms. Kelly stated that it is a really innovative way of addressing the problems.

Carol Moy, 133 Washington Avenue, Morristown, stated that she is also thrilled at the work that is being done and she is grateful that the money has been allocated to start the project.

Tawanna Cotten, 30 Flagler Street, Morristown, addressed Council regarding the appointment of a Commissioner to the Morristown Housing Authority and that it is important to have a resident commissioner.

David Martinette, 67 Washington Avenue, Morristown, expressed support of the initiative on Washington Avenue to curb the speeding.

Greg Bruen, 277 Speedwell Avenue, Morristown, first addressed Council in Spanish stating that if one works in the Town of Morristown and do not speak Spanish; then that person needs to find new employment. Mr. Bruen then switched and further addressed Council in English regarding alleged harassment against him by Morristown Property Maintenance Inspectors. Mr. Bruen stated that violations are widespread in Town and in his neighborhood regarding "stacking". Mr. Bruen provided several addresses where residents moved in without obtaining Certificate of Occupancy permits.

Mr. Bruen concluded his remarks by asking several questions to be purported answered later by the Administration.

Glenn McGill, 65 Washington Avenue, Morristown, expressed support of the initiative on Washington Avenue to curb the speeding.

Margaret Brady, 1 Franklin Place, Morristown, expressed pride in the Town and the Parking Authority in stating that Morristown was named by “New Jersey Monthly” as one of the “16 Best Downtowns” in the State of New Jersey. Ms. Brady further stated that Morristown did not receive as many comments of criticism as the other towns did. Ms. Brady further stated that Morristown is a finalist with Maplewood.

Bill Byrne, 100 Franklin Street, Morristown, addressed Council regarding the high volume of traffic.

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

Council Member Deeb asked questions regarding road blockage and closings and that there was a time when residents were notified through Morristown Reporter and was the notification process still occurring. Town Attorney Vijayant Pawar, Esq., stated that he still receives notifications, but he shall look into the matter to see if notifications were given for the matters that Mr. Byrne spoke of. Mayor Dougherty stated that there may have been other reasons why traffic was heavy in Town including two severe traffic accidents. However, Mayor Dougherty stated that the Administration would look into the issue as reported by Mr. Byrne.

Council Vice President Foster thanked the residents who came out and spoke on behalf of the work done on Washington Avenue.

J. Report of Mayor and Town Officials

The Mayor advised of the upcoming Fall Festival, Sunday, September 27, 2015. Mayor Dougherty further stated that the Food Drive would be supported of course. Mayor Dougherty next addressed comments by Mr. Bruen stating that people in the country enjoy free speech and he understands that Mr. Bruen is venting. The Mayor provided information that Code Enforcement produced showing what steps the Administration is taking regarding enforcement. Mayor Dougherty further stated that with respects to the addresses referenced by Mr. Bruen that Certificates of Occupancy were issued.

Town Attorney Vijayant Pawar also stated that when complaints are received in any area; they are addressed in a timely manner including evenings and

weekends.

Council Member Deeb asked questions regarding signage use and Code Enforcement investigations which were addressed by Mr. Pawar.

K. Council Liaison Reports

Council Member Elms, Council Liaison, Morristown Partnership, shared the Mayor's comments regarding the Fall Festival.

Council Member Armington stated that he has starting a bike and pedestrian task force that meets monthly and seeks any recommendations.

Council Member Deeb announced the Festival of Books on October 2-3, 2015 and encouraged all who love to read to support same. Council Member Deeb stated that she is working on a children's book and hopes to one day present it.

L. Regular Business

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.

After discussion on this matter amongst Council Members and a question and answer session involving the Town Attorneys. Council Member Harris made a motion to table this matter until the next regular Council Meeting (October 13, 2015). Council Member Deeb seconded and the Motion to Table passed on the following Roll Call vote:

YEAS: Mr. Armington, Ms. Deeb, Mr. Elms, Ms. Harris,
Mrs. Smith-Reid

NAYS: Council Vice President Foster

ABSTAINING: None

ABSENT: Council President Feldman

Ordinances for Introduction

Ordinance No. O-26-2015

Introduced The Town Clerk offered for introduction
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 establishing compensation for Management/Non Union positions in the Town of Morristown, New Jersey and amending all Ordinances concerning such compensation heretofore adopted”.

Purpose: Amends the salary range of the Sewage Plant Superintendent/Sewer Superintendent.

Council Vice President Foster made a motion that Ordinance O-26-2015 be introduced, read by title, passed on first reading and that a meeting be held on October 13, 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 Harris.

Called to question Ordinance No. O-26-2015 was introduced on the following roll call:

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

NAYS: None

ABSTAINING: None

ABSENT: Council President Feldman

Ordinances for Public Hearing and Adoption

The Town Clerk informed the Council Vice President that there were no ordinances on the agenda for public hearing and adoption this evening.

Resolutions for Adoption

**A Motion to Add Resolutions R-157-15 and R-158-15 to Resolution
Items for Consideration on the Regular Agenda**

Proposed Resolutions R-157-15 and R-158-15 were discussed in Executive Session with Council deciding to consider them this evening. Council President Vice President Foster moved that Resolutions R-157-15 and R-158-15 be added to the list of Resolutions to be considered for the evening. Council Member Harris seconded and the Motion was adopted by the following Roll Call vote:

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

NAYS: None

ABSTAINING: None

ABSENT: Council President Feldman

Council Vice President Foster determined and announced that these Resolutions would be placed at the end of the Resolution items on the agenda.

Resolution No. R-148-15

Passed Council Member Deeb moved the adoption of the following resolution: Here follows Resolution R-148-15 entitled:
“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.

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

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

NAYS: None

ABSTAINING: None

ABSENT: Council President Feldman

Resolution No. R-149-15

Passed

Council Member Deeb moved the adoption of the following resolution: Here follows Resolution R-149-15 entitled: “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.

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

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

NAYS: None

ABSTAINING: None

ABSENT: Council President Feldman

Resolution No. R-150-15

Passed

Council Member Deeb moved the adoption of the following resolution: Here follows Resolution R-150-15 entitled: “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.

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

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

NAYS: None

ABSTAINING: None

ABSENT: Council President Feldman

Resolution No. R-151-15

Passed

Council Member Deeb moved the adoption of the following resolution: Here follows Resolution R-151-15 entitled: "Resolution Authorizing Disposal of Surplus Property."

Purpose: Self-Explanatory.

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

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

NAYS: None

ABSTAINING: None

ABSENT: Council President Feldman

Resolution No. R-152-15

Passed

Council Member Deeb moved the adoption of the following resolution: Here follows Resolution R-152-15 entitled: "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.

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

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

NAYS: None

ABSTAINING: None

ABSENT: Council President Feldman

Resolution No. R-153-15

Passed

Council Member Deeb moved the adoption of the following resolution: Here follows Resolution R-153-15 entitled: "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.

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

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

NAYS: None

ABSTAINING: None

ABSENT: Council President Feldman

Resolution No. R-154-15

Passed

Council Member Deeb moved the adoption of the following resolution: Here follows Resolution R-154-15 entitled:

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

Purpose: Self-Explanatory.

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

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

NAYS: None

ABSTAINING: None

ABSENT: Council President Feldman

Resolution No. R-155-15

Passed

Council Member Armington moved the adoption of the following resolution: Here follows Resolution R-155-15 entitled:

“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.

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

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

NAYS: None

ABSTAINING: None

ABSENT: Council President Feldman

Resolution No. R-156-15

Passed

Council Member Deeb moved the adoption of the following resolution: Here follows Resolution R-156-15 entitled:
“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.

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

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

NAYS: None

ABSTAINING: None

ABSENT: Council President Feldman

Resolution No. R-157-15

Passed

Council Member Deeb moved the adoption of the following resolution: Here follows Resolution R-157-15 entitled:
“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.

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

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

NAYS: None

ABSTAINING: None

ABSENT: Council President Feldman

Resolution No. R-158-15

Passed Council Member Deeb moved the adoption of the following resolution: Here follows Resolution R-158-15 entitled:
“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.

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

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

NAYS: None

ABSTAINING: None

ABSENT: Council President Feldman

M. Unfinished Business

1. Parking Issue – Morristown High School. (requested by Council Member A. Deeb).

Council Deeb stated that the issue has been resolved.

2. Amended Swimming Pool Ordinance (requested by Council President R. Feldman).

The Town Clerk stated that a sample Ordinance has been provided and if it is the will of the Council it may be moved for introduction on October

13, 2016. Council Member Deeb stated that the matter should be carried as unfinished business until October 13, 2015.

3. Ordinance amending and supplementing Chapter 30 “Land Use Regulations” Article VIIA “Affordable Housing Overlay Zone”.

The Town Clerk informed the Council that Council may wish to table discussion. Council Vice President Foster agreed.

N. 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).

Council Member Armington stated that his primary concern was the maintenance of sidewalks and landscaping on Speedwell Avenue and the Route 202 access. Council Member Armington stated that he is aware that some items are under State control and some under the Town. Mr. Pawar stated that he would look into the matter and try to get an explanation from the State as to why they are not maintaining properties.

2. Water Conservation Ordinance (requested by Council President R. Feldman).

The Town Clerk noted that items were distributed including a sample Ordinance. Council Member Harris noted that in the Council President’s absence; the matter should be continued as “New Business”. Council Vice President Foster agreed.

3. “Gifts” to Council Members (requested by Council Member Smith-Reid and Council President Feldman)

The Town Clerk notified Council that Mr. Pawar had rendered an opinion. Mr. Pawar noted that a more detailed Memorandum would be presented at the next meeting. Council Member Smith-Reid noted an event at the Theater where Council were provided with complimentary tickets and asked Mr. Pawar to provide the statutory reference.

Council Member Deeb suggested that the matter be continued as “Unfinished Business” for the next meeting. Council Vice President Foster agreed.

- O. Adjournment. There being no further business, a motion to adjourn was made by Council Vice President Foster and seconded by Council Member Harris and passed by acclamation. The meeting was adjourned at 9:09 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, September 22, 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