

EXECUTIVE SESSION, IF ANY, BEGINS AT 7:00 PM

THE Regular Meeting WILL BEGIN AT 7:30 PM
OR IMMEDIATELY AFTER THE CONCLUSION OF EXECUTIVE SESSION

Regular Meeting of Town Council

Tuesday, December 4, 2018

Statement of Compliance with Open Public Meetings Act

- A. Call to Order/Statement of Compliance
- B. Roll-Call
- C. Moment of Silence
- D. Pledge of Allegiance
- E. Consent Agenda
 - 1. Approval of Minutes - October 23, 2018 Town Council Regular Meeting
 - 2. Approval of Minutes - November 8, 2018 Town Council Special Meeting
 - 3. Morristown and Morris Township Library 2019 Operating Budget Consideration and Approval
- F. Public Hearing
- G. Council Response to Public Hearing Comments
- H. Report of Mayor and Town Officials
- I. Other Presentations & Reports
 - 1. Swearing in of Firefighter Daniel Whitehead
 - 2. Swearing in of Police Officer Vanessa Appel
 - 3. Swearing in of Police Officer John Sweetman
- J. Council Liaison Reports
- K. Calendar of Events
- L. Regular Business

1. Ordinances for Introduction

Ordinance No. O-43-2018

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 30
“LAND DEVELOPMENT CODE” SECTION 2.F (5) “UTILITIES”

Purpose: The purpose of this ordinance to amend Chapter 30, Land Development Ordinance, Section 2.F(5) utilities to amend the provision relating to the installation of utilities at new developments

Ordinance No. O-44-2018

AN ORDINANCE OF THE TOWN OF MORRISTOWN, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING COMPENSATION FOR CERTAIN OFFICERS AND EMPLOYEES OF THE TOWN OF MORRISTOWN

Purpose: The purpose of this ordinance is to establish the compensation for certain officers and employees of the Town of Morristown

2. Ordinances for Adoption

Ordinance No. O-40-2018

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWN OF MORRISTOWN CHAPTER 7, "TRAFFIC"

Purpose: The purpose of this ordinance is to amend Chapter 7 Traffic to address changes to residential parking on certain Town streets

Ordinance No. O-41-2018

ORDINANCE APPROPRIATING \$670,000 FROM THE SEWER CAPITAL IMPROVEMENT FUND FOR VARIOUS SEWER IMPROVEMENTS IN AND BY THE TOWN OF MORRISTOWN, IN THE COUNTY OF MORRIS, NEW JERSEY

Purpose: To appropriate \$670,000 from the Sewer Capital Improvement Fund for various sewer improvements

3. Resolutions for Adoption

Resolution No. R-217-2018

RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT BY AND BETWEEN THE TOWN OF MORRISTOWN AND NIGHTS VISION 1776, LLC

Purpose: The purpose of this resolution is to authorize the execution of a developer's agreement between the Town of Morristown and Nights Vision 1776, LLC

Resolution No. R-218-2018

RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF MORRISTOWN AND FMBA LOCAL 43, MORRISTOWN FIREFIGHTERS

Purpose: The purpose of this resolution is to authorize the execution of a Memorandum of Agreement between the Town of Morristown and FMBA Local 43, Morristown Firefighters

Resolution No. R-219-2018

Appropriations Transfer between 2018 Budget Appropriations

Purpose: Transfers are necessary based on year end projections. N.J.S.A. 40A:4-58 permits transfers during the last two months of the fiscal year.

- M.** Unfinished (Old) Business
- N.** New Business
- O.** Adjournment

TOWN COUNCIL

To:

From: Ms. Margot G. Kaye, Town Clerk

Date: December 4, 2018

Re: Approval of Minutes - October 23, 2018 Town Council Regular Meeting

TOWN COUNCIL

To:

From: Ms. Margot G. Kaye, Town Clerk

Date: December 4, 2018

Re: Approval of Minutes - November 8, 2018 Town Council Special Meeting

TOWN COUNCIL

To:

From: Ms. Margot G. Kaye, Town Clerk

Date: December 4, 2018

Re: Morristown and Morris Township Library 2019 Operating Budget Consideration and Approval

TOWN COUNCIL

To:

From: Ms. Margot G. Kaye, Town Clerk

Date: December 4, 2018

Re: Swearing in of Firefighter Daniel Whitehead

TOWN COUNCIL

To:

From: Ms. Margot G. Kaye, Town Clerk

Date: December 4, 2018

Re: Swearing in of Police Officer Vanessa Appel

TOWN COUNCIL

To:

From: Ms. Margot G. Kaye, Town Clerk

Date: December 4, 2018

Re: Swearing in of Police Officer John Sweetman

TOWN OF MORRISTOWN**ORDINANCE O-43-2018****AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 30 “LAND DEVELOPMENT CODE” SECTION 2.F (5) “UTILITIES”**

WHEREAS, the Town of Morristown now desires to amend Chapter 30 Land Development Code, Section 2.F (5) Utilities, to amend the provisions relating to the installation of utilities at new developments;

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 30 Land Development Code Section 2.F(5) Utilities of the Town of Morristown Ordinances be and hereby is amended and supplemented to read as follows:

2.F USE REGULATIONS APPLICABLE TO ALL ZONES**5. Utilities**

a. Location of Utilities

i. Requirements

- (1) In general, all utilities shall be located in a way that is visually unobtrusive.
- (2) Utilities shall be placed to the rear of or within the interior of the principal structure whenever feasible. Otherwise, utilities shall be located to the side of the principal structure where such locations are feasible.
- (3) All utilities shall be screened so as to not be visible from the public right of way.
- (4) If the utilities are located on the interior of the building along a street facing frontage, that portion of the building shall be designed to be

visually unobtrusive and to conform to the general architectural character of the façade.

- (5) In the case of new construction, the developer shall arrange with the servicing utility for the underground installation of the utility's distribution supply lines and service connections.
- (6) In the case of new construction, the lots which abut existing streets where overhead utility lines and service connections have heretofore been installed may be supplied with service from those overhead lines, but the service connections from the overhead lines shall be installed underground. In the case of existing overhead utilities, should a roadway widening, or an extension of service, or other such condition occur as a result of the development and necessitate the replacement, relocation or extension of such utilities, such replacement, relocation, or extension shall be underground.
- (7) If the developer of new construction considers it a hardship to comply with the provisions of this Section because of soil conditions, rock formations, wooded areas, or other special conditions of the land, the developer may apply to the approving authority for an exception from the terms of this Section in accordance with the provisions of N.J.S.A. 40:55D-51. Where overhead lines are permitted as the exception, the alignments and pole locations shall be carefully routed to avoid locations along horizons, avoid the clearing of swaths through treed areas by selective cutting and a staggered alignment, by planting trees in open areas at key locations to minimize the views of the poles and alignments, by following rear lot lines and interior locations, and similar design and location considerations to lessen the visual impact of overhead lines.

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.

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:

Margot G. Kaye,
Town Clerk

Timothy P. Dougherty,
Mayor
Date: _____

TOWN OF MORRISTOWN

ORDINANCE O-44-2018

AN ORDINANCE OF THE TOWN OF MORRISTOWN, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING COMPENSATION FOR CERTAIN OFFICERS AND EMPLOYEES OF THE TOWN OF MORRISTOWN

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.; and

WHEREAS, under the Faulkner Act all salaries and wages for municipal employees are established by ordinance; and

WHEREAS, the Town of Morristown recently reached a Memorandum of Agreement with the Firefighters Mutual Benevolent Association Local No. 43, Morristown Firefighters, for the period between January 1, 2018 and December 31, 2021; and

WHEREAS, this Memorandum of Agreement contains the salaries for the respective employees for the years 2018, 2019, 2020, and 2021; and

WHEREAS, the Town of Morristown now desires to codify the salaries for these employees of 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 the following salary range is hereby established for the instant municipal employees of the Town of Morristown for the years 2018, 2019, 2020, and 2021:

Title	Salary Range
Fire Fighters	\$38,442 - \$99,505

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:

Margot G. Kaye,
Town Clerk

Timothy P. Dougherty,
Mayor
Date: _____

TOWN OF MORRISTOWN

ORDINANCE O-40-2018

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWN OF MORRISTOWN CHAPTER 7, "TRAFFIC"

WHEREAS, the Town of Morristown desires to make amendments to the section of the Town Code that regulates residential parking on Town streets;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Morristown, County of Morris, State of New Jersey, that Chapter 7 Traffic Section 7-17.3 Exemptions and Section 7-17.5 Administration of the Town of Morristown Ordinances be and hereby is amended as follows:

7-17.3 Exemptions.

The following vehicles shall be exempt from the two (2) hour parking limitation.

- a. Vehicles owned and operated on a regular basis by a resident of that street or an employee of an entity permitted to do business on that street whose vehicle has displayed on its left rear window a current Regulation Exemption Sticker for that street (hereinafter "Sticker").
- b. *Visitors.* A vehicle displaying a current reusable visitor parking permit may park a maximum of seven (7) days, provided that the operator of the vehicle is a bona fide guest of a resident within the permit parking area. A vehicle displaying a single-use permit may park only on the date of validation until 8AM the next morning. The visitor's permit shall hang from the rear view mirror of his/her vehicle in such manner as it may be clearly visible to any officer enforcing parking regulations.
- c. *Contractors, Service and Delivery Vehicles.* Contractors, service and delivery vehicles bearing the name and address of a commercial business may park without a permit during the time they are rendering service to a residence within the permit parking area.
- d. *Emergency Vehicles.* Emergency vehicles and public service, telephone and other public utility vehicles may park within the two (2) hour parking area during the time they are rendering service or repairs within the area.

- e. *Caregivers.* Persons who on a regular basis are caregivers for a resident of said streets may be issued a special reusable visitor parking permit hangtag which may be used when such person is caring for a resident of said streets. Prior to the issuance of such a parking permit hangtag, the caregiver(s) must provide proof of such services to the Business Administrator and receive approval.

7-17.5 Administration.

Applications for parking permits pursuant to this section shall be made in writing on forms provided by the Town Clerk. Permits shall be issued only under the following terms and conditions:

- a. To persons who are residents of said streets or portion thereof upon which parking is restricted by this section, a maximum of three (3) permanent Stickers per dwelling unit, valid through December 31 of the year of issue, shall be issued for vehicles owned or principally operated by such persons who can provide proof of residency.
- b. One (1) reusable visitor parking permit hangtag shall be issued to each dwelling unit on any street or portion thereof upon which parking is restricted by this section for use only by visitors to that dwelling unit. There is no fee for a new application; however, any replacement tag issued will invalidate the initial permit and a \$5.00 fee will be imposed. Single-use, self-validating visitor permit parking hangtags are available for purchase in bundles of five (5) for a fee of \$5.00.
- c. A maximum of six (6) permanent Stickers shall be issued to each nonresidential entity whose place of business is located on a street or portion thereof upon which parking is restricted by this section, and shall be valid through December 31 of the year of issue.
- d. A properly displayed Sticker shall constitute authorization to park the vehicle for an unlimited period of time in any legal parking space on the street for which the Sticker was issued, except when alternate side, emergency or snow removal restrictions are in effect.

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.

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:

Margot G. Kaye,
Town Clerk

Timothy P. Dougherty,
Mayor

Date: _____

TOWN OF MORRISTOWN

ORDINANCE O-41-2018

ORDINANCE APPROPRIATING \$670,000 FROM THE SEWER CAPITAL IMPROVEMENT FUND FOR VARIOUS SEWER IMPROVEMENTS IN AND BY THE TOWN OF MORRISTOWN, IN THE COUNTY OF MORRIS, NEW JERSEY

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MORRISTOWN, IN THE COUNTY OF MORRIS, NEW JERSEY AS FOLLOWS:

Section 1. \$670,000 is hereby appropriated from the Sewer Capital Improvement Fund of the Town of Morristown, in the County of Morris, New Jersey (the "Town") for various sewer improvements, including, but not limited to, sanitary sewer repairs, the acquisition of an emergency generator for the Sewer Plant, the acquisition of a pickup truck with plow and lift gate and a contribution to the Federal Emergency Management Agency Generator Grant, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

Section 2. 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 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

ATTEST:

ADOPTED:

Margot G. Kaye,
Town Clerk

Timothy P. Dougherty,
Mayor
Date: _____

TOWN OF MORRISTOWN**RESOLUTION R-217-2018****RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT BY AND BETWEEN THE TOWN OF MORRISTOWN AND NIGHTS VISION 1776, LLC**

WHEREAS, Nights Vision 1776, LLC (the "Developer") received site plan approval with variance relief from the Town of Morristown Planning Board (the "Board") in connection with the property located at 67 East Park Place, Morristown, New Jersey, and identified as Block 4901, Lot 14 on the official tax map of the Town of Morristown, Morris County, New Jersey (the "Property"); and

WHEREAS, the Board's approval permits the construction of a canopy at the entrance to the existing building on the Property, a pedestrian drop-off zone along Speedwell Avenue and related signage (collectively, the "Project"); and

WHEREAS, the Board granted final major site plan approval with variance relief for the Project in a resolution memorialized on September 27, 2018 (the "Resolution"); and

WHEREAS, the Resolution requires the Developer to enter into a developer's agreement with the Town in connection with the Project; and

WHEREAS, the developer's agreement between the Town and the Developer attached hereto (the "Developer's Agreement") has been prepared by the Board Attorney, and approved by the Town Attorney, Town Engineer and the attorney for the Developer; and

WHEREAS, the parties have determined that entering into the Developer's Agreement is desirable to confirm the parties' agreement with respect to the Project and the Developer's construction and operation of the Project; and

WHEREAS, the Mayor and Council of the Town of Morristown desire to enter into the Developer's Agreement with Nights Vision 1776, LLC, all in accordance with the provisions of the Resolution and the Town Code.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Morristown in the County of Morris, New Jersey, that the form of Developer's Agreement by and between the Town and Nights Vision 1776, LLC attached hereto is approved, subject to any and all conditions contained herein and such revisions as deemed advisable by the Town Attorney or Board Attorney; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute the Developer’s Agreement, with such revisions as deemed advisable by the Town Attorney or Board Attorney, on behalf of the Town of Morristown; and the Town is authorized to thereafter perform and enforce the rights and obligations set forth therein.

ATTEST:

ADOPTED:

MARGOT G. KAYE ,
TOWN CLERK

TOSHIBA FOSTER
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 December 4, 2018 in the Morristown Council Room, 200 South Street, Morristown, New Jersey, beginning at 7:30 PM, prevailing time.

DATED: December 4, 2018

Margot G. Kaye, Town Clerk

TOWN OF MORRISTOWN

RESOLUTION R-218-2018

RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF MORRISTOWN AND FMBA LOCAL 43, MORRISTOWN FIREFIGHTERS

WHEREAS, the Town of Morristown (hereinafter the “Town”) and Morristown FMBA Local No. 43, Morristown Firefighters, (“FMBA Local No. 43) were parties to a Collective Negotiations Agreement (“CNA”) that expired; and

WHEREAS, the Town and FMBA Local No. 43 have engaged in good faith negotiations in an attempt to come to agreement on terms to be contained in the successor CNA; and

WHEREAS, through these negotiations the Town and FMBA Local No. 43 were able to agree on terms for the new CNA; and

WHEREAS, the annexed Memorandum of Agreement (“MOA”) sets forth those terms and conditions agreed to by the parties; and

WHEREAS, it is in the best interests of both the Town and FMBA Local No. 43 to ratify this MOA;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Morristown, being the governing body thereof, that the Town of Morristown ratifies the annexed Memorandum of Agreement and authorizes the Mayor and/or Business Administrator to execute and the Municipal Clerk to witness, the annexed Memorandum of Agreement between the Town and FMBA Local No. 43 for the period between January 1, 2018 and December 31, 2021.

ATTEST:

ADOPTED:

MARGOT G. KAYE ,
TOWN CLERK

TOSHIBA FOSTER
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 December 4, 2018 in the Morristown Council Room, 200 South Street, Morristown, New Jersey, beginning at 7:30 PM, prevailing time.

DATED: December 4, 2018

Margot G. Kaye, Town Clerk

TOWN OF MORRISTOWN

RESOLUTION R-219-2018

APPROPRIATIONS TRANSFER BETWEEN 2018 BUDGET APPROPRIATIONS

WHEREAS, transfers are permitted between appropriations during the last two months of the fiscal year per N.J.S.A. 40A:4-58

BE IT RESOLVED, by the Town Council of the Town of Morristown, County of Morris, in the State of New Jersey by not less than 2/3's vote of the full membership thereof, transfer between 2018 Budget Appropriations as follows:

Sewer Utility

<u>ACCOUNT</u>	<u>TITLE</u>	<u>TO</u>	<u>From</u>
	Sewer Utility		
8-07-26-307-001-071	Sewer Utility		
	Other Expenses -Electricity	\$50,000	
	Sewer Utility		
8-07-26-307-001-011	Salary & Wages		\$50,000
		<u>\$50,000</u>	<u>\$50,000</u>

ATTEST:

ADOPTED:

MARGOT G. KAYE ,
TOWN CLERK

TOSHIBA FOSTER
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 December 4, 2018 in the Morristown Council Room, 200 South Street, Morristown, New Jersey, beginning at 7:30 PM, prevailing time.

DATED: December 4, 2018

Margot G. Kaye, Town Clerk