

# MINUTES

Regular Meeting of Town Council  
Tuesday, April 14, 2009

## 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 April 14, 2009 in the council room, 200 South Street, Morristown, New Jersey, beginning at 7:00 p.m., prevailing time.

Council President John Cryan presiding.

Municipal Clerk Matthew Stechauner 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 reorganization Meeting on January 6, 2009, 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 had requested and prepaid the established fee for such meeting notice.”

## B. Roll-Call

ATTENDANCE:

YEAS: Mr. Anthony Cattano, Jr., Ms Alison Deeb, Ms Rebecca Feldman, Mr. James Smith, Mrs. Raline Smith-Reid, Council President John Cryan

ABSENT: Mrs. Michelle Harris-King, Mrs. Raline Smith-Reid (absent at roll call, joining the meeting in progress)

## C. Executive Session

CLOSED SESSION At this time, the clerk read the following resolution:

BE IT RESOLVED by the Council of the Town of Morristown, County of Morris, State of New Jersey, as follows:

That pursuant to Sections 7 and 8 of the "Open Public Meetings Act," the following subjects be discussed in a meeting of the council to be held on this date and closed to the public:

The subjects to be discussed at closed session are:

1. Tax appeal – 9 Speedwell Avenue (enclosed resolution may be considered in open session)

2.- Contract negotiations – public works maintenance facility land acquisition

The information to be discussed in closed session shall be made available to the public within thirty (30) days and/or at the conclusion of said litigations and negotiations, as determined by council.

Mr. Anthony Cattano, Jr. moved the adoption of the foregoing resolution, which motion was seconded by Ms Rebecca Feldman and passed on the following roll call:

YEAS: Mr. Anthony Cattano, Jr., Ms Alison Deeb, Ms Rebecca Feldman, Mr. James Smith, Mrs. Raline Smith-Reid, Council President John Cryan

NAYS: None

ABSTAINING: None

ABSENT: Mrs. Michelle Harris-King

**Upon reconvening in open session:**

D. Moment of Silence

The Council asked that the members of the Armed Forces serving around the world be remembered. The Council also asked for Anhia Rosario be remembered.

E. Pledge of Allegiance

F. Consent Agenda

The Town Clerk presented the Consent Agenda, consisting of the following items:

1. Regular meeting minutes – February 10, 2009
2. Executive session minutes – February 10, 2009

Mr. Anthony Cattano, Jr. made a motion that the Consent Agenda be approved as distributed. The motion was seconded by Mr. James Smith and passed on the following roll-call:

YEAS: Mr. Anthony Cattano, Jr., Ms Alison Deeb, Ms Rebecca Feldman, Mr. James Smith, Mrs. Raline Smith-Reid, Council President John Cryan

NAYS: None

ABSTAINING: None

ABSENT: Mrs. Michelle Harris-King

## G. Public Hearing

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

Kevin Dickson of 1 Washington St., representing Wind of the Spirit, thanked the Mayor for the upcoming meeting regarding 287-G.

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

The Council and the Administration responded to citizen complaints.

## H. Report of Mayor and Town Officials

The Mayor wished everyone a happy Easter, happy Orthodox Easter and a happy Passover. He reminded the public of the School Board Election scheduled for April 21<sup>st</sup>, and of the Town wide garage sale, at the parking garage, which would take place on Saturday, May 30<sup>th</sup>. He handed out a drawing for the possible design for “healing arts” park behind Town Hall.

Ms Rebecca Feldman thanked Michael D'Altilio, Christine Ace and Caroll Huber for their participation in the aforementioned park project. The Mayor informed he was offering naming rights for the park should someone wish to contribute to the park's construction.

He informed the Solar Plant had been completed and was generating electricity and that perhaps in the future more solar panels could be installed at the airport and the public works site.

Mr. Anthony Cattano, Jr. informed of the upcoming Little League opening day.

Ms Rebecca Feldman informed of the upcoming “child car seat recycling” event.

## I. Council Liaison Reports

## J. Open Applications to Council Appointed Boards and Bodies

Ms Rebecca Feldman informed that the application to apply for open applications to Town Boards and Bodies was available on the Town's website.

Council President John Cryan informed of the upcoming Burnham Park “arbor day” event.

K. Regular Business

**Ordinances for Public Hearing and Adoption**

**Ordinance No. O-10-09  
Postponed**

The Clerk offered for public hearing and adoption Ordinance No. O-10-09, entitled: "REFUNDING BOND ORDINANCE PROVIDING FOR PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN, BY AND FOR THE TOWN OF MORRISTOWN, IN THE COUNTY OF MORRIS, NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,265,000 TO PAY THE COST THEREOF AND TO AUTHORIZE THE ISSUANCE OF \$1,265,000 OF BONDS OR NOTES TO FINANCE SUCH APPROPRIATION." The Council President directed that the ordinance be read by title only.

**PURPOSE: AUTHORIZES THE ISSUANCE OF BONDS OR NOTES TO PROVIDE FOR PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED BY THE TOWN OF MORRISTOWN (Please note that the Administration has requested that the public hearing and final adoption be adjourned to the April 28, 2009 regular Council meeting)**

Mr. Anthony Cattano, Jr. moved the adoption of Ordinance No. O-10-09 by title only on second reading and final adoption thereof. The motion was seconded by Council President John Cryan.

Mr. Anthony Cattano, Jr. moved that consideration of Ordinance No. O-10-09, be postponed to the regular meeting of April 28, 2009. The motion was seconded by Council President John Cryan.

Called to question Ordinance No. O-10-09 was postponed on the following roll call:

YEAS: Mr. Anthony Cattano, Jr., Ms Alison Deeb, Ms Rebecca Feldman, Mr. James Smith, Mrs. Raline Smith-Reid, Council President John Cryan

NAYS: None

ABSTAINING: None

ABSENT: Mrs. Michelle Harris-King

**Ordinance No. O-13-09  
Adopted**

The Clerk offered for public hearing and adoption Ordinance No. O-13-09, 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 \$4,025 THEREFORE TO FINANCE PART OF THE COST THEREOF." The Council President directed that the ordinance be

read by title only.

PURPOSE: APPROPRIATES GRANT FUNDS FOR WILDLIFE  
TRAINING AND EDUCATION AT THE MORRISTOWN MUNICIPAL  
AIRPORT

The Clerk read the ordinance by title and stated that it had been published in the Morris County *Daily Record*, in the edition of March 14, 2009, according to law.

Council President John Cryan moved the adoption of Ordinance No. O-13-09 by title only on second reading and final adoption thereof. The motion was seconded by Mr. Anthony Cattano, Jr.

**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.

Council President John Cryan noted that no municipal monies were spent for the project.

There being no one to be heard, the Council President declared the public hearing closed.

Called to question Ordinance No. O-13-09 was adopted on the following roll call:

YEAS: Mr. Anthony Cattano, Jr., Ms Alison Deeb, Ms Rebecca Feldman, Mr. James Smith, Mrs. Raline Smith-Reid, Council President John Cryan

NAYS: None

ABSTAINING: None

ABSENT: Mrs. Michelle Harris-King

The 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, and that the ordinance would be duly entered into the Code of the Town of Morristown.

**At this time the Council considered the following resolution:**

**Resolution No. R-96-09**

**Passed** Mr. Anthony Cattano, Jr. moved the adoption of the following resolution: Here follows Resolution R-96-09, entitled: "RESOLUTION OF THE TOWN OF MORRISTOWN AUTHORIZING APPLICATION TO THE LOCAL FINANCE BOARD FOR A REDUCED PENSION CONTRIBUTION PURSUANT TO N.J.S.A. 43:15a (c) ET SEQ. AND/OR N.J.S.A. 43:16a-15 (9) ET SEQ."

The motion was seconded by Mr. James Smith.

Mr. Jonathan Williams, Esq., addressed the Council and noted the Administration was working vigorously to prepare the 2009 Budget. He said the Local Finance Board would not consider the Town's application for the tax appeal bond unless the Town applied for the pension deferral. Mr. Michael Rogers said the deadline to file the Local Finance Board application for the pension deferral was April 22<sup>nd</sup>. Mayor Cresitello said that the school tax impact on tax payers, due to the change of ratios, would cause a \$400 tax increase for the owner of a \$350,000 house. He asked that the pension deferral be considered as a short term fix. Jeff Bliss, the Town's Auditor, said that a \$1million pension deferral to 2012, would allow a savings of \$165 for a tax payer of a \$350,000 house. He noted that the pension deferral could be paid off at any time and if paid off over 15 years would require a \$10/year payment. Mr. Bliss explained that the State was doing this as a short term fix to help the towns through the current difficult economic times. Mr. Robert Calise, Town Finance Officer, noted that if the economy was normal the Town would have a \$2.8 to \$3 million surplus but now the surplus was less than ½ a million dollars.

Called to question, the resolution passed on the following roll call:

YEAS: Mr. Anthony Cattano, Jr., Mr. James Smith, Mrs. Raline Smith-Reid, Council President Mr. John Cryan

NAYS: Ms Alison Deeb, Ms Rebecca Feldman

ABSTAINING: None

ABSENT: Mrs. Michelle Harris-King

### **Resolutions for Adoption**

#### **Resolution No. R-89-09**

**Passed** Mr. Anthony Cattano, Jr. moved the adoption of the following resolution: Here follows Resolution R-89-09, entitled: "RESOLUTION ENDORSING THE TOWN OF MORRISTOWN PLAN ENDORSEMENT ADVISORY COMMITTEE'S MUNICIPAL ASSESSMENT PREPARED FOR THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, OFFICE OF SMART GROWTH."

PURPOSE: SELF EXPLANATORY

The motion was seconded by Council President John Cryan and passed on the following roll call:

YEAS: Mr. Anthony Cattano, Jr., Ms Alison Deeb, Ms Rebecca Feldman, Mr. James Smith, Mrs. Raline Smith-Reid, Council President Mr. John Cryan

NAYS: None

ABSTAINING: None

ABSENT: Mrs. Michelle Harris-King

**Resolution No. R-90-09**

**Passed** Mr. Anthony Cattano, Jr. moved the adoption of the following resolution:  
Here follows Resolution R-90-09, entitled: "RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO JO-MED CONTRACTING CORP. FOR THE BURNHAM PARK IMPROVEMENTS, MORRISTOWN, NEW JERSEY."

PURPOSE: SELF EXPLANATORY (\$23,360.00)

The motion was seconded by Council President John Cryan and passed on the following roll call:

YEAS: Mr. Anthony Cattano, Jr., Ms Alison Deeb, Ms Rebecca Feldman, Mr. James Smith, Mrs. Raline Smith-Reid, Council President Mr. John Cryan

NAYS: None

ABSTAINING: None

ABSENT: Mrs. Michelle Harris-King

**Resolution No. R-91-09**

**Passed** Mr. Anthony Cattano, Jr. moved the adoption of the following resolution:  
Here follows Resolution R-91-09, entitled: "RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO COPPOLA SERVICES, INC. TO FURNISH AND INSTALL ONE (1) NEW 15 H.P. RETURN ACTIVATED SLUDGE PUMP (FLYGH T MODEL NZ3153.181LT OR APPROVED EQUAL) AT THE TOWN OF MORRISTOWN'S WASTE WATER TREATMENT PLANT."

PURPOSE: SELF EXPLANATORY (\$50,490.00)

The motion was seconded by Council President John Cryan and passed on the following roll call:

YEAS: Mr. Anthony Cattano, Jr., Ms Alison Deeb, Ms Rebecca Feldman, Mr. James Smith, Mrs. Raline Smith-Reid, Council President Mr. John Cryan

ABSTAINING: None

ABSENT: Mrs. Michelle Harris-King

**Resolution No. R-92-09**

**Passed** Council President John Cryan moved the adoption of the following resolution:  
Here follows Resolution R-92-09, entitled: "RESOLUTION AUTHORIZING THE FILING OF A HIGHWAY OCCUPANCY PERMIT

APPLICATION WITH THE NEW JERSEY DEPARTMENT OF  
TRANSPORTATION FOR CONSTRUCTION OF THE SOUTH  
STREET STREETScape IMPROVEMENTS PHASE I AND  
ACCEPTING RESPONSIBILITY FOR MAINTENANCE OF CERTAIN  
IMPROVEMENTS.”

PURPOSE: SELF EXPLANATORY

The motion was seconded by Mr. James Smith.

Town Engineer, Jeff Hartke, said that the agreement was in regards to non-standard objects in the right of way, such as, recycling, receptacles and benches, which would be the Town’s responsibility. He said that the filing of the application and accepting responsibility for maintenance of these improvements would allow the Town to take bids on the project next week.

Called to question the resolution passed on the following roll call:

YEAS: Mr. Anthony Cattano, Jr., Ms Alison Deeb, Ms Rebecca Feldman, Mr. James Smith, Mrs. Raline Smith-Reid, Council President Mr. John Cryan

NAYS: None

ABSTAINING: None

ABSENT: Mrs. Michelle Harris-King

**Resolution No. R-93-09**

**Passed** Mr. Anthony Cattano, Jr. moved the adoption of the following resolution:  
Here follows Resolution R-93-09, entitled: “RESOLUTION REQUESTING THAT THE STATE OF NEW JERSEY AND COUNTY OF MORRIS CONSIDER ALTERNATIVE FUNDING FOR COMMUNITIES THAT SERVE AS HOST COMMUNITIES FOR COUNTY SEATS, COUNTY AND STATE GOVERNMENT FACILITIES AND NOT-FOR-PROFIT ENTITIES.”

PURPOSE: SELF EXPLANATORY

The motion was seconded by Council President John Cryan and passed on the following roll call:

YEAS: Mr. Anthony Cattano, Jr., Ms Alison Deeb, Ms Rebecca Feldman, Mr. James Smith, Mrs. Raline Smith-Reid, Council President Mr. John Cryan

NAYS: None

ABSTAINING: None

ABSENT: Mrs. Michelle Harris-King

**Resolution No. R-94-09**

**Passed** Mr. Anthony Cattano, Jr. moved the adoption of the following resolution:  
Here follows Resolution R-94-09, entitled: "A RESOLUTION  
AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT  
WITH JOHN M. IACIOFANO, ESQ. OF THE FIRM OF IACIOFANO,  
FIAMINGO & PERRONE AS SPECIAL DEFENSE COUNSEL FOR  
JOHN FUGGER, THE ZONING OFFICER OF THE TOWN OF  
MORRISTOWN IN DEFENSE OF A COMPLAINT FILED BY CELIA  
K. DeHUFF."

PURPOSE: SELF EXPLANATORY

The motion was seconded by Council President John Cryan and passed on the following roll call:

YEAS: Mr. Anthony Cattano, Jr., Ms Rebecca Feldman, Mr. James Smith,  
Mrs. Raline Smith-Reid, Council President Mr. John Cryan

NAYS: Ms Alison Deeb

ABSTAINING: None

ABSENT: Mrs. Michelle Harris-King

**Resolution No. R-95-09**

**Passed** Mr. Anthony Cattano, Jr. moved the adoption of the following resolution:  
Here follows Resolution R-95-09, entitled: "RESOLUTION  
PROVIDING FOR TEMPORARY SEWER CAPITAL BUDGET  
AMENDMENT OF 2009".

PURPOSE: TEMPORARY SEWER CAPITAL BUDGET FOR  
ACQUISITION OF SEWER UTILITY MAINTENANCE FACILITY

The motion was seconded by Council President John Cryan and passed on the following roll call:

YEAS: Mr. Anthony Cattano, Jr., Ms Alison Deeb, Ms Rebecca  
Feldman, Mr. James Smith, Mrs. Raline Smith-Reid, Council President Mr.  
John Cryan

NAYS: None

ABSTAINING: None

ABSENT: None

**Resolution No. R-97-09**

**Passed** Mr. James Smith moved the adoption of the following resolution:  
Here follows Resolution R-97-09, entitled: "RESOLUTION AUTHORIZING SETTLEMENT OF A TAX APPEAL FOR THE PROPERTY LOCATED AT 9 SPEEDWELL AVENEUE, ALSO KNOWN AS BLOCK 4901, LOT 1.03, TOWN OF MORRISTOWN, MORRIS COUNTY, NEW JERSEY"

The motion was seconded by Mr. Anthony Cattano, Jr. and passed on the following roll call:

YEAS: Mr. Anthony Cattano, Jr., Ms Alison Deeb, Ms Rebecca Feldman, Mr. James Smith, Mrs. Raline Smith-Reid, Council President Mr. John Cryan

NAYS: None

ABSTAINING: None

ABSENT: Mrs. Michelle Harris-King

K. Unfinished Business

1. Temporary sign ordinance – Ms. Deeb and Council President Cryan  
The Council directed this issue to be placed for introduction on the Agenda for the next regular meeting.
2. Pedestrian crosswalks on South Street – Council President Cryan  
Council President John Cryan asked this matter be tabled to the April 28<sup>th</sup> meeting.
3. Rescheduling of Alcoholic Beverage Control hearing for Callallo, Inc.  
The Council set the date for the ABC meeting for Callallo for May 13<sup>th</sup>.
4. Date for public input workshop - Washington Street Redevelopment - Ms. Feldman  
Ms Rebecca Feldman said that the hearing would allow stake holders to have input into the project. She said that paul Philips could moderate the public workshop. The Council directed that the public input workshop be scheduled for May 7<sup>th</sup>, 14<sup>th</sup> or 19<sup>th</sup>, depending on Paul Philips availability.
5. Rescheduling redevelopment meeting  
The Council informed that the Redevelopment meeting would be considered at the same time as the public input workshop was scheduled.
6. Itinerant Restaurant licensing ordinance  
This matter was re-listed to the April 28<sup>th</sup> meeting.
7. King Street – traffic and parking patterns - Ms. Feldman  
Mayor Cresitello said the Administration would report back to the Council on this issue.

8. Lackawanna Place road conditions and lane markings; coordination with Parking Authority – Ms. Feldman

Ms Rebecca Feldman said the paving had deteriorated and the Parking Authority was making plans to mill and fix their lot. She asked the Administration to touch base with the Parking Authority regarding the possibility of doing the entire street with line markings onto Morris from Lackawanna. Mayor Cresitello said the Town would paint the lines. In response to Mrs. Raline Smith-Reid, Mayor Cresitello said that NJ Transit responsibilities stopped at the sidewalk. Mayor Cresitello said that since there was a project coming in that previously it was done on a minimal basis.

9. Relocation of DPW - other municipalities' experience and possible site visits and opportunities to "Green" the facility - Ms. Feldman

Ms Rebecca Feldman informed she had reached out through the League of Municipalities to see where new public work facilities had been recently built and found that Trenton, had built a "green" facility as well as, Somerset and Ocean counties. Mayor Cresitello said that there would be no need for trips anywhere without a fifth vote for bonding.

L. New Business

1. Permit parking – DeHart Street – Council President Cryan

Council President John Cryan asked the Administration for input regarding the possibility of permit parking for DeHart St., for the next regular meeting

M. Adjournment

There being no further business, a motion to adjourn was made by Mr. Anthony Cattano, Jr. seconded by Council President John Cryan and passed unanimously by acclamation.

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John Cryan  
Council President

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Matthew Stechauner  
Town Clerk  
(prepared: Wilma Lara)