

**REGULAR MEETING OF THE  
MAYOR AND BOROUGH COUNCIL**

**October 14, 2014 MINUTES**

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, October 14, 2014 at 7:30 p.m. in the Council Chambers in the Municipal Building, 54 Fairmount Avenue, Chatham, New Jersey.

**SALUTE TO FLAG**

The Mayor and Borough Council led the assembled in the Pledge of Allegiance.

**MOMENT OF SILENCE**

Mayor Harris asked for a moment of silence for those who have given their lives for our country.

**STATEMENT OF ADEQUATE NOTICE**

Robin R. Kline, Municipal Clerk, read the following Adequate Notice of Meeting statement:

Adequate notice of this meeting had been provided on January 2, 2014 in accordance with N.J.S.A. 10:4-10, by including same in the Annual Meeting Notice, a copy of which was posted on the Municipal Bulletin Board located on the main floor in the Municipal Building, was e-mailed to the Independent Press, the Morris County Daily Record, the Star Ledger, the Chatham Courier, the Chatham Patch, and The Alternative Press, and such Annual Meeting Notice was filed with the Borough Clerk.

**ROLL CALL**

On a call of the roll the following officials were present:

Mayor Bruce A. Harris  
Council Member James J. Collander  
Council Member John Holman  
Council President Victoria Fife  
Council Member Gerald J. Helfrich  
Council Member Alida Kass  
Robert J. Falzarano, Borough Administrator  
James L. Lott, Jr., Borough Attorney  
Robin R. Kline, Municipal Clerk

Council Member James Lonergan was absent.

Mayor Bruce A. Harris asked Council Member John Holman to read the following Resolution:

**RESOLUTION #14-297**

**RESOLUTION TO ADOPT COUNCIL MEETING MINUTES**

**BE IT RESOLVED** by the Council of the Borough of Chatham that the minutes from the following meeting are approved as prepared and shall be filed as a permanent record in the Borough Clerk's office:

September 22, 2014

**BE IT FURTHER RESOLVED** by the Council of the Borough of Chatham that the minutes from the following Closed Session meeting(s) are approved as prepared and shall be filed as a permanent record in the Borough Clerk's office:

September 22, 2014

Council Member Holman moved to approve Resolution #14-297, seconded by Council Member Collander. A voice vote was taken and Resolution #14-297 was approved unanimously.

## **DISCUSSION ITEMS**

**M-Zone Ordinance Update** – Mayor Harris asked Council President Fife to open discussion of this matter. Council President Fife introduced Dr. Susan Blickstein, Planner, Mr. Matthew Wagner and Mr. Bitar, members of the Planning Board M-Zone Subcommittee. Dr. Blickstein presented a brief history of the Master Plan Amendment, which contains the vision of the M-Zone, and advised the Ordinance closely follows the Master Plan Amendment. Dr. Blickstein explained that by establishing a “Gateway Overlay District” the M-Zone can be opened to new businesses and multi-family dwellings , making the Watchung Avenue-River Road area a friendlier, attractive entrance to the Borough. The proposed ordinance amendment would allow, in the M-3 Zone, apartments, multi-family dwellings, and “neighborhood scaled commercial uses” such as retail stores, boutiques, hotels, art galleries, etc. The proposed ordinance would restrict the construction of buildings larger than three stories or over 35 feet. Outdoor storage of materials for businesses would be allowed provided containment, enclosures, and buffers are provided. Like for the M-2 Zone, shared parking will be allowed in some situations. Dr. Blickstein explained that the Gateway Area would allow for a wider range of uses. If a proposed building desires an additional story, there are certain conditions, two of them “green” related, that need to be agreed upon. Dr. Blickstein noted that certain design standards must be taken into consideration for the Gateway section. After listening to input from Council Members, Council President Fife concluded the discussion by informing everyone that the M-Zone Ordinance will be introduced at the October 27, 2014 Council Meeting. It will then be referred back to the Planning Board for their consideration at their November 5, 2014 meeting. The proposed ordinance will then return to the Borough Council for a Second Reading,

**Zoning Board of Adjustment’s Ordinance Suggestions** – Mr. Peter Hoffman provided the Council with an update on the activities of the Zoning Board of Adjustment and trends on variances being granted, while keeping in the spirit of the Master Plan. After reviewing the history of zoning applications from the 1990s, Mr. Hoffman noted the large number of applicants that had withdrawn their applications. Applications underwent extreme scrutiny by the Board of Adjustment a decade ago. Mr. Hoffman reviewed some suggestions on how to possibly update present zoning ordinances while still respectfully requiring a burden of proof from the applicant. Mr. Hoffman reviewed possible reasons why there has been a recent uptick of applications before the Board of Adjustment. However these applications are mostly proposing safety updates and modernizations to older homes. Liberalization of the zoning requirements should be seriously considered.

**Emerald Ash Borer** – Mr. Tony Torello, Deputy Public Works Director, and Mr. John Linson, the Borough’s Certified Tree Expert, provided a summary of pretreatment processes and associated costs to help protect the Borough’s ash trees from destruction by the emerald ash borer (EAB). 205 Borough ash trees have been inventoried. Mr. Torello estimated that an annual pre-treatment of ash trees could cost \$17,000 - \$24,000 per year; a 2-year pre-treatment process would cost up to \$44,000. Cost estimates do not include ash trees located on private property. Mr. Linson recommended that only healthy specimen trees that are able to survive should be treated, since it is his observation that many ash trees are currently dying from other diseases and are on a decline.

At the conclusion of the presentation, Council Member James Collander asked if a study could be conducted to help the Council determine the number and location of trees that should be treated and

associated budget costs. Council President Victoria Fife and Member Collander also inquired whether residents could retain the Borough's certified tree expert independently at their cost to treat ash trees on their private property. Mr. Linson advised pre-treatments could be applied in the spring and would prepare a cost assessment for the 2015 budget.

## **MEETING OPEN TO THE PUBLIC**

### **NOTICE OF PUBLIC COMMENT TIME LIMIT**

Hearing of citizens during the Public Comment section of the Agenda is an opportunity for any member of the public to be heard about issues which are/are not topics scheduled for Public Hearing tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to a reasonable length of time.

Mayor Harris opened the meeting to the public.

Ken Samara, 6 Bartow Lane, thanked the Public Works Department, Water Department and Police for their quick response in fixing a broken water pipe, preventing extensive property damage to his home. Mr. Samara also commented that he recently retained a tree service to apply a soil treatment to protect an ash tree on his property at a cost of \$120.00.

Seeing no one else wishing to speak Mayor Harris closed the meeting to the public.

## **ORDINANCE FOR SECOND READING**

Mayor Harris asks Council President Fife to proceed with Ordinance #14-07.

Council President Fife read Ordinance #14-07 by title:

### **ORDINANCE #14-07**

#### **AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY PROVIDING FOR THE VACATION OF A PORTION OF THE BOROUGH RIGHT-OF-WAY KNOWN AS 11 EDGEWOOD ROAD, BLOCK 15, LOT 17 IN THE BOROUGH OF CHATHAM**

**WHEREAS**, pursuant to N.J.S.A. 40:67-1 et seq., the governing body of a municipality may make, amend, repeal and enforce an ordinance to vacate any public street, highway, lane or alley, or any portion thereof; and

**WHEREAS**, the Borough of Chatham (the "Borough") has received a request from Michael and Ellen M. Blazoski with an address of 9 Edgewood Road, Block 15, Lot 11 and William Calvert III and Janet B. Calvert with an address of 13 Edgewood Road, Block 15, Lot 12 on the official Tax Map of the Borough (collectively, the "Adjacent Property Owners"), for the Borough to vacate the Borough right-of-way known as 11 Edgewood Road, Block 15, Lot 17 immediately adjacent to their properties; and

**WHEREAS**, the area to be vacated is more particularly described by the metes and bounds descriptions entitled "A PORTION OF TAX LOT 17 IN BLOCK 15 TO BE ANNEXED TO TAX LOT 11 IN BLOCK 15 LANDS NOW OR FORMERLY OF MICHAEL AND ELLEN M. BLAZOSKI DESCRIBED IN DEED BOOK 3784 AT PAGE 209," attached hereto as Exhibit "A" and together with "A PORTION OF TAX LOT 17 IN BLOCK 15 TO BE ANNEXED TO TAX LOT 12 IN BLOCK 15 LANDS NOW OR FORMERLY OF WILLIAM, III AND JANET B. CALVERT DESCRIBED IN DEED BOOK 6036 AT PAGE 8," attached hereto as Exhibit "B"; and as more fully delineated on a survey entitled "SURVEY OF PROPERTY PART OF LOT 17 BLOCK 15 EDGEWOOD ROAD BOROUGH OF CHATHAM MORRIS COUNTY, NEW JERSEY," attached

hereto as Exhibit "C", which description and survey were prepared by DPK CONSULTING, 147 Union Ave., Ste. 1C, Middlesex, NJ 08846, last revised June 10, 2014; and

**WHEREAS**, the Mayor and Borough Council have determined that the area to be vacated is no longer needed for public purposes; and

**WHEREAS**, the Mayor and Borough Council are of the opinion that it is in the best interests of the Borough and its citizenry to vacate the aforementioned right-of-way; and

**WHEREAS**, upon adoption of this vacation ordinance, one half of the area to be vacated will be thereby conveyed to each of the Adjoining Property Owners in its "as is" condition; and

**WHEREAS**, the Adjacent Property Owners have agreed to reimburse the Borough for all reasonable professional fees expended with regard to the vacation and have posted and will maintain the escrow required by § 244-50.1 et seq. of the Borough Code.

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Chatham, County of Morris, and State of New Jersey as follows:

Section 1. Subject to the conditions set forth herein, the rights of the public in and to the Borough right-of-way known as 11 Edgewood Road, Block 15, Lot 17, as described in Exhibits "A" and "B" and as more fully depicted on Exhibit "C", all being attached hereto and made a part hereof, are hereby released, extinguished and vacated.

Section 2. The area hereby vacated, is conveyed to the Adjacent Property Owners of, and shall merge, consolidate with, and become a part of their respective adjoining lots identified as Block 15, Lots 11 and 12 on the Official Tax Map of the Borough as described in Exhibits A and B and depicted on Exhibit C hereto.

Section 3. The vacation hereby enacted expressly reserves and excepts from vacation all rights and privileges possessed by public utilities, as defined by R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act" P.L. 1972c. 186 (c.48:5A-1 et. Seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the vacated right-of-way.

Section 4. The vacation hereby enacted further expressly reserves to the Borough, its successors and assigns, and excepts from vacation a fifteen foot wide perpetual utility easement for the construction, reconstruction, inspection, maintenance, operation, use, and repair of any sanitary sewer, storm water drainage or public water supply improvements located on or under the vacated right-of-way including related appurtenances such as storm drain inlets, valve pits, shut off boxes, manholes, metering vaults, clean outs, and similar features which may be installed on or above the ground. The Borough, its successors and assigns shall give reasonable notice to the Adjacent Property Owners before commencing any work within easement area and shall generally restore the easement area as nearly as possible to the same condition as it may have been prior to the start of the work.

Section 5. It is the intent of the Mayor and Borough Council to vacate the aforementioned interests that the public may have in the aforementioned right-of-way, subject, however, to the reservations set forth herein, and to provide that the property shall be conveyed in its "as is" condition, to the Adjoining Property Owners for no further consideration.

Section 6. The Borough Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under the seal of the Borough to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Morris in the Book of Vacations, in accordance with applicable law.

Section 7. 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 provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section 8. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 9. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

\* \* \*

Mr. Lott advised he has made a technical amendment to Section 2 of the ordinance, replacing the word “properties” with the “lots.” The ordinance, as presented herein, reflects the amended revision.

Mayor Harris asked the Borough Clerk to give a summary of the legal notice.

The Borough Clerk stated a legal notice was published indicating that Ordinance #14-07 was introduced and passed on first reading at the September 22, 2014 meeting and further indicated that the second reading and public hearing would be held on October 14, 2014 at 7:30 p.m. for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with law.

Mayor Harris opened the meeting for a public hearing on the Ordinance and invited any interested member of the public to be heard. Seeing no one else wishing to be heard, Mayor Harris closed the public hearing.

Council President Fife offered Ordinance #14-07 and moved its adoption:

**BE IT RESOLVED**, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed, as amended.

Council Member Collander seconded the motion.

Mayor Harris asked the Clerk for a Roll Call Vote.

Name	Motion	Second	Yes	No	Abstain	Absent
Collander		x	x			
Loneragan						x
Holman			x			
Fife	x		x			
Helfrich			x			
Kass			x			

Mayor Harris declared this Ordinance adopted, as amended, and finally passed and requested the Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

## REPORTS

### COUNCIL COMMITTEE REPORTS

**Budget and Finance** - Council Member James Lonergan was absent.

**Long Range Traffic & Pedestrian Safety Planning** - Council Member James J. Collander reported the Committee’s next meeting is scheduled for October 20, 2014.

**Public Safety & Emergency Services** - Council Member James J. Collander reported he and Mr. Falzarano are working with the Fire Department to update its policies to allow its membership to elect a Fire Chief annually in December. An ordinance is scheduled for introduction on October 27, 2014.

**Personnel** - Council President Victoria Fife reported the Borough's new Chief Finance Officer has been hired and will start on October 16, 2014 and further reported the Personnel Committee will be presenting its 2015 salary recommendations at the next Council Meeting for closed session discussion.

**Public Works Planning** - Council Member John Holman reported this year's seasonal leaf collection program begun today.

**Shared Services & 3<sup>rd</sup> Party Agreements** - Council Member Gerald Helfrich reported he and Mr. Falzarano attended the quarterly meeting of the Joint Court.

## **MAYOR'S REPORT**

Mayor Bruce A. Harris reported tonight's Consent Agenda includes a resolution to accept the retirement of Bernie Conlon, effective at the end of the year. Mayor Harris thanked Mr. Conlon for his 41 years of service with the Borough's Public Works Department and announced recognition of his years of service will be presented later in the year. Mayor Harris also announced the Borough's Director of Finance, Michael Mariniello, has submitted his resignation to take a position closer to home and thanked him for his service. The Borough will be welcoming Mr. Timothy Day as its new Chief Finance Officer.

Mayor Harris reminded everyone that on Saturday, October 18<sup>th</sup>, the Morris County Municipal Utilities Authority will be conducting a hazardous and electronic waste drop-off collection at the Chatham High School, 9:00 a.m. until 2:00 p.m., rain or shine. More information is posted on the Borough's website where residents can learn more about what items are acceptable or unacceptable for drop-off.

Mayor Harris further reported he had contacted County Freeholders about the need to include Chatham Borough in discussion of regional traffic impacts along the Park Avenue/Columbia Turnpike corridor as the area continues to be built out. Mayor Harris also reported he solicited county officials to schedule re-paving of the Fairmount Avenue (Watchung Avenue to Southern Blvd.) paving, as well as, portions of Watchung Avenue.

## **ADMINISTRATOR'S REPORT**

Mr. Robert Falzarano reported all 2015 budget submissions are due October 15<sup>th</sup> from municipal departments, as well as, from all Boards and Commissions. The next Budget Committee meeting is scheduled for October 24<sup>th</sup>. Mr. Falzarano reported the 3<sup>rd</sup> Quarter Goal and Objective Achievement Report was sent to the Mayor and Council and reported good progress is being made this year. The School of Rock, 60 Main Street, will be performing at the gazebo on Saturday, October 25<sup>th</sup>, 3:00 p.m. to 6:00 p.m. The performance will support the canned food charity drive. Chief Crosson reported the Police Department did not receive any calls concerning the Chatham Athletic Foundation's Gala event held on September 27<sup>th</sup>. Lastly, Mr. Falzarano reported the 2015 Professional Provider requests were sent out last week. Proposals are due November 1<sup>st</sup>.

## **RESOLUTION REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE**

Council President Victoria Fife requested that Resolution #14-299 be removed from the Consent Agenda for further discussion.

Council President Victoria Fife made a motion to table Resolution #14-299 further discussion. Motion seconded by Council Member Gerald Helfrich. A voice vote was taken and Mayor Harris announced Resolution #14-299 has been tabled pending receipt of more information.

#### **RESOLUTION #14-299**

**RESOLUTION AUTHORIZING THE SETTLEMENT OF 2009, 2010 AND 2011 TAX APPEALS ENTITLED NEW WAY ASSOCIATES V. THE BOROUGH OF CHATHAM FILED IN THE TAX COURT OF NEW JERSEY UNDER DOCKET NUMBERS 007683-2009, 005397-2010 AND 004162-2011 CONTESTING THE REAL PROPERTY ASSESSMENT OF BLOCK 123, LOT .1, KNOWN AS 169 MAIN STREET, IN THE BOROUGH OF CHATHAM, MORRIS COUNTY, STATE OF NEW JERSEY**

**WHEREAS**, an appeal of the real property tax assessment for tax years 2009, 2010 and 2011, involving Block 123, Lot 1, has been led by the Taxpayer, New Way Associates; and

**WHEREAS**, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Attorney; and

**WHEREAS**, settlement of said matter as more fully set forth below is in the best interest of the Borough of Chatham.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the settlement of the 2009, 2010 and 2011 tax appeals are hereby authorized as follows:

169 Main Street, Block 123, Lot 1

**Years: 2009, 2010, 2011**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 622,100	N/A	\$622,100
Imprvts:	\$ 540,300	N/A	\$277,900
Total:	\$1,162,400	N/A	\$900,000

And;

**BE IT FURTHER RESOLVED**, that any and all refunds as a result of the settlement due to the Taxpayer shall be in the form of a tax credit to the Taxpayer; and

**BE IT FURTHER RESOLVED**, that all municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

[Resolution #14-299 removed and tabled]

#### **CONSENT AGENDA**

The following items are considered to be routine by the Chatham Borough Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda: Resolution #14-298 through Resolution #14-306 have been placed on the Consent Agenda. (Resolution #14-299 was removed and tabled pending receipt of more information.)

## **FINANCE**

### **RESOLUTION #14-298**

#### **RESOLUTION TO APPROVE PAYMENT OF VOUCHERS**

**WHEREAS**, vouchers for payment have been submitted to the Borough Council by the various municipal departments.

**BE IT RESOLVED** by the Borough Council of the Borough of Chatham that all vouchers approved by the Finance Chairman be paid subject to the certification of the availability of funds by the Director of Finance.

### **RESOLUTION #14-300**

#### **RESOLUTION AUTHORIZING THE REFUND OF RECREATION FEES**

**WHEREAS**, the Deputy Director of the Chatham Joint Recreation Program has advised that refunds for certain recreation fees should be refunded as follows:

<b>Last Name</b>	<b>Amount</b>	<b>Activity</b>	<b>Reason</b>
Cuttita	\$20.00	Basketball	Medical
Sorvino	\$120.00	Swim Class	Class not held
Peterson	\$70.00	Volleyball	Medical

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Deputy Director of the Chatham Joint Recreation Program to process recreation fee refunds as herein referenced; and

**BE IT FURTHER RESOLVED**, all other Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

### **RESOLUTION #14-301**

#### **RESOLUTION REFUNDING REDEMPTION OF TAX SALE CERTIFICATE #2013-6**

**WHEREAS**, the Tax Collector for the Borough of Chatham has advised that the following tax sale redemption refund should be made:

<b><u>BLK/LOT</u></b>	<b><u>OWNERS &amp; PROPERTY ADDRESS</u></b>	<b><u>AMOUNT</u></b>
135/10	16 River Road Holdings LLC 16 River Road, Chatham	\$110,638.71 Redemption of Tax Sale Certificate #2013-6 (includes \$65,000.00 premium)

Refund should be made payable & mailed to lien holder:

U.S. Bank Custody for Pro Capital III LLC  
2 Liberty Place  
50 South 16<sup>th</sup> Street – Suite# 1950  
Philadelphia, PA 19102

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough Tax Collector to issue a refund for the redemption of tax sale certificate #2013-6 as herein referenced.



## **CONTRACTS**

### **RESOLUTION #14-302**

#### **RESOLUTION AUTHORIZING THE EXTENSION OF THE TERM OF THE AGREEMENT WITH THE SCULPTURE FOUNDATION, INC.**

**WHEREAS**, the Borough of Chatham (the “Borough”) entered into an agreement with the Sculpture Foundation, Inc. dated May 5, 2010 to exhibit the sculptures entitled Attic Trophy and Crescent (the “Agreement”); and

**WHEREAS**, the Borough, upon the recommendation of the Chatham Borough Public Arts Council and the Sculpture Foundation, Inc. wish to extend the term of this Agreement for an additional one-year period, with such term terminating on December 1, 2015; and

**WHEREAS**, the Mayor and Borough Council has determined that the continued exhibition of the sculptures promotes public appreciation and knowledge of public sculpture and the fine arts and desires to authorize the extension of the Agreement.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that the Mayor of the Borough of Chatham is hereby authorized to execute a letter agreement extending the Agreement with the Sculpture Foundation, Inc. to exhibit the sculptures entitled Attic Trophy and Crescent for an additional one-year period, with such term terminating on December 1, 2015; and

**BE IT FURTHER RESOLVED**, that all Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

## **PERSONNEL**

### **RESOLUTION #14-303**

#### **RESOLUTION TO HONOR BERNARD “BERNIE” CONLAN ON THE OCCASION OF HIS RETIREMENT FROM THE CHATHAM BOROUGH PUBLIC WORKS DEPARTMENT**

**WHEREAS**, Bernard “Bernie” Conlan has notified Public Works Director Bob Venezia that he is retiring from the Chatham Borough Public Works Department, effective December 31, 2014; and

**WHEREAS**, Bernie Conlan began his employment with the Chatham Borough Public Works Department as a Serviceperson on October 29, 1973 and was promoted to Equipment Operator in 2001; and

**WHEREAS**, during his forty-one (41) years of service, Bernie Conlan worked effectively and served the Borough of Chatham with exceptional service and dedication.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham, together with the entire municipal workforce, that they wish to congratulate Bernie Conlan on his retirement after forty-one (41) years of service to the Chatham Borough Public Works; and

**BE IT FURTHER RESOLVED**, that Mr. Conlon’s enthusiasm for his work and years of service may serve as an excellent example to all who serve the Chatham Borough community.

### **RESOLUTION #14-304**

#### **RESOLUTION ACCEPTING THE RESIGNATION OF MICHAEL MARINELLO AS CHATHAM BOROUGH’S DIRECTOR OF FINANCE**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Michael Marinello's resignation as the Borough's Director of Finance is hereby accepted with an effective date of September 30, 2014; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council thank Mr. Marinello for his years of service to Chatham Borough and wish him well in his future endeavors.

**RESOLUTION #14-305**

**RESOLUTION APPOINTING TIMOTHY DAY AS CHATHAM BOROUGH'S CHIEF FINANCE OFFICER**

**WHEREAS**, there currently exists a vacancy in the office of the Chief Finance Officer; and

**WHEREAS**, the Borough Administrator publicly advertised and solicited resumes from candidates who expressed an interest in appointment to the office of the Chief Finance Officer; and

**WHEREAS**, the Borough Administrator and Borough Council Personnel Committee conducted interviews of interested and qualified candidates; and

**WHEREAS**, the Borough Administrator and the Borough Council Personnel Committee after considering all interested and qualified candidates finds that Mr. Timothy Day is the best qualified candidate for appointment to the office of the Chief Finance Officer and has recommended his appointment to the Mayor and Council.

**BE IT RESOLVED**, that in accordance with N.J.S.A. 40A:9-12.1 and N.J.S.A. 40A:9-140.10 Mr. Timothy Day is appointed as Chatham Borough's Chief Finance Officer effective October 15, 2014 to fill an unexpired four year term due to the resignation of the Borough's Chief Finance Office, with such term to expire December 31, 2015; and

**BE IT FURTHER RESOLVED**, that the Annual Salary for Mr. Timothy Day is appointed as Chatham Borough's Chief Finance Officer shall be fixed at Ninety Thousand Dollars (\$90,000.00) per year which shall be pro-rated over the remainder of fiscal year 2014 and thereafter paid in such amounts and at such times as set forth in the Borough of Chatham salary ordinance and the Employee Manual; and

**BE IT FURTHER RESOLVED**, that the other terms and conditions of Mr. Timothy Day's appointment as Chatham Borough's Chief Finance Officer are contained in a letter from the Borough Administrator dated September 26, 2014.

**OTHER**

**RESOLUTION #14-306**

**RESOLUTION AUTHORIZING PARTICIPATION IN THE 2015 MUNICIPAL AID GRANT PROGRAM BETWEEN THE BOROUGH OF CHATHAM AND THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE MAYOR TO SIGN THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S 2015 MUNICIPAL STATE AID GRANT FOR TRANSPORTATION IMPROVEMENTS TO LAFAYETTE AVENUE FROM MAIN STREET TO WATCHUNG AVENUE**

**WHEREAS**, the governing body wishes to participate in the 2015 Municipal Aid Grant Program sponsored by the New Jersey Department of Transportation ("NJDOT") to further the public interest by applying for a NJDOT grant for the Lafayette Avenue Improvement Project, from Main Street to Watchung Avenue; and

**WHEREAS**, the Lafayette Avenue Improvement Project, from Main Street to Watchung Avenue, will consist of roadway milling and paving, curb and sidewalk repair and/or replacement, crosswalks, stripping, and installation of Type N-Eco Water Quality Inlets; and

**WHEREAS**, the Borough Engineer has advised that a grant request of \$174,645.00 and a municipal match of \$26,196.74 would be required for the Lafayette Avenue Improvement Project.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby agree to participate in the 2015 Municipal Aid Grant Program sponsored by the New Jersey Department of Transportation to further the public interest by applying for a grant for the Lafayette Improvement Project, from Main Street to Watchung Avenue; and

**BE IT FURTHER RESOLVED**, by the Borough Council that Mayor Bruce A. Harris is hereby authorized to make application for such a grant, and, if awarded, to execute a grant agreement with the State of New Jersey for a 2015 Municipal Aid Grant, and any amendments thereto; and

**BE IT FURTHER RESOLVED** that the Borough of Chatham, as the Grantee of any grant award, agrees to comply with all applicable federal, state, and municipal laws, rules, and regulations in its performance of the agreement.

#### **CONSENT AGENDA VOTE:**

Mayor Harris asked Council Member Collander to proceed with Resolution #14-298 through Resolution #14-306 listed on the Consent Agenda. Resolution #14-299 was removed and tabled for further consideration.

Council Member Collander moved to approve the Consent Agenda, seconded by Council Member Holman. A voice vote was taken and all Resolutions listed on the Consent Agenda were approved unanimously.

#### **ORDINANCES FOR FIRST READING**

Mayor Harris asked Council Member Gerald Helfrich to introduce Ordinance #14-08.

Council Member Helfrich introduced Ordinance #14-08 by title:

#### **ORDINANCE #14-08**

##### **AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER A325 TO GRANT CONSENT FOR THE NON-EXCLUSIVE USE OF PUBLIC RIGHTS-OF-WAY**

**WHEREAS**, Chapter A325 of the Borough Code of the Borough of Chatham is reserved for the Borough of Chatham's consent for telecommunication rights-of-way agreements; and

**WHEREAS**, the Mayor and Borough Council wish to grant consent to Light Tower Fiber Long Island, LLC d/b/a Lighttower Fiber Networks, ("Lighttower") for the non-exclusive use of public rights-of-way located in the Borough consistent with this Ordinance and authorize the execution of a Rights-of-Way Use Agreement with same.

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Chatham, County of Morris, and State of New Jersey as follows:

**Section 1.** Chapter A325 of the Borough Code, entitled "Telecommunications Rights-of-Way Use Agreements", is hereby amended as follows:

**Add new.**

§A325-4 Authorization and Execution of Rights-of-Way Agreement

The Borough of Chatham hereby approves and shall enter into a Rights-of-Way Use Agreement with Light Tower Fiber Long Island, LLC d/b/a Lighttower Fiber Networks 1, LLC, ("Lighttower") for the purpose of owning, constructing, installing, operating and maintaining a telecommunications system consisting solely of aerial telecommunications fiber optic cable attached to existing utility poles at specific locations as set forth herein. The Borough of Chatham hereby grants consent to Lighttower for the nonexclusive use of the public rights-of-way within the Borough of Chatham for this purpose. The Mayor and Borough Clerk of the Borough of Chatham are authorized and directed to execute an agreement contingent upon the approval of the Borough Attorney, jointly with the proper representatives of Lighttower.

# # #

Mr. Lott explained the Ordinance approves a Rights-of-Way Use Agreement with Light Tower Fiber Long Island, LLC d/b/a Lighttower Fiber Networks 1, LLC, ("Lighttower") for the purpose of owning, constructing, installing, operating and maintaining a telecommunications system consisting solely of aerial telecommunications fiber optic cable attached to existing utility poles at specific locations in the Borough.

Council Member Gerald Helfrich read the following:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on October 14, 2014.

**BE IT RESOLVED**, that at the Council meeting to be held on October 27, 2014 at 7:30 p.m. prevailing time, at the Borough Hall, the Chatham Borough Council will further consider this Ordinance for a second reading, public hearing and final passage; and

**BE IT FURTHER RESOLVED** that the Clerk is hereby requested to publish the proper notice thereof, including this Ordinance, post the Ordinance on the bulletin board in the Municipal Building and make copies available to members of the general public. And I do so move.

Mayor asked the Borough Clerk for a Roll Call Vote:

Name	Motion	Second	Yes	No	Abstain	Absent
Collander			x			
Lonergan						x
Holman			x			
Fife			x			
Helfrich	x		x			
Kass			x			

The Borough Clerk stated Ordinance #14-08 passed on first reading and will be scheduled for second reading and public hearing at the October 27, 2014 meeting of the Mayor and Council.

**RESOLUTION #14-307**

**RESOLUTION TO ADJOURN INTO CLOSED SESSION**

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that it shall adjourn into closed session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of R.S. 10:4-12b:

Litigation matter: 1. TriCare Litigation Update – Mr. James Lott, Esq.  
Contract matter: 2. PSE&G Lease

**BE IT FURTHER RESOLVED**, that the matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Borough of Chatham, provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege. The Borough Council will not return to public session after this closed session.

Council Member Alida Kass moved to approve Resolution #14-307. Motion seconded by Council Member John Holman. A voice vote was taken and Resolution #14-307 was approved unanimously.

The Mayor and Council adjourned into Closed Session.

### **ADJOURNMENT**

Adjourn 9:40 p.m.

Respectfully Submitted:

*Robin R. Kline*

Robin R. Kline, MAS, RMC, CMR  
Borough Clerk  
BOROUGH OF CHATHAM