

AGENDA
July 27, 2015

Regular Meeting
Mayor and Borough Council

Borough of Chatham
54 Fairmount Avenue
Chatham, NJ 07928

CALL MEETING The meeting will be called to order at 7:30 p.m.
TO ORDER

SALUTE TO FLAG

MOMENT OF SILENCE

STATEMENT OF
ADEQUATE NOTICE

Pursuant to the requirements of R.S. 10:4-10, adequate notice of this meeting has been provided by including same in the Annual Notice, copies of which were posted on the Municipal Bulletin Board on the main floor of the Municipal Building, emailed to the Independent Press, the Daily Record, the Star Ledger, the Chatham Courier, the Chatham Patch, and The Alternative Press and filed with the Borough Clerk, all on January 2, 2015.

ROLL CALL

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

APPOINTMENTS

RESOLUTION #15-248

**RESOLUTION APPOINTING ALEXANDER "AJ" SWEETIN AS A PROBATIONARY
FIREFIGHTER FOR THE CHATHAM BOROUGH VOLUNTEER FIRE DEPARTMENT
HOSE COMPANY**

WHEREAS, the Mayor and Council of the Borough of Chatham recognize the valuable contributions volunteer firefighters make to our community every day of every year; and

WHEREAS, Alexander "AJ" Sweetin has expressed interest in becoming a Probationary Firefighter with the Chatham Borough Volunteer Fire Department Hose Company; and

WHEREAS, the Fire Chief, Fire Coordinator and Hose Company Lieutenant have all recommended that Alexander “AJ” Sweetin be appointed as a Probationary Firefighter to the Chatham Borough Volunteer Fire Department Hose Company.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Alexander “AJ” Sweetin is hereby appointed as a Probationary Firefighter to the Chatham Borough Volunteer Fire Department Hose Company; and

BE IT FURTHER RESOLVED, that Alexander “AJ” Sweetin’s Application for Membership to the Chatham Borough Volunteer Fire Department is hereby approved.

RESOLUTION #15-249

RESOLUTION APPOINTING COREY C. DUREN AS A PROBATIONARY FIREFIGHTER FOR THE CHATHAM BOROUGH VOLUNTEER FIRE DEPARTMENT RESCUE COMPANY

WHEREAS, the Mayor and Council of the Borough of Chatham recognize the valuable contributions volunteer firefighters make to our community every day of every year; and

WHEREAS, Corey C. Duren has expressed interest in becoming a Probationary Firefighter with the Chatham Borough Volunteer Fire Department Rescue Company; and

WHEREAS, the Fire Chief, Fire Coordinator and Hose Company Lieutenant have all recommended that Corey C. Duren be appointed as a Probationary Firefighter to the Chatham Borough Volunteer Fire Department Rescue Company.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Corey C. Duren is hereby appointed as a Probationary Firefighter to the Chatham Borough Volunteer Fire Department Rescue Company; and

BE IT FURTHER RESOLVED, that Corey C. Duren’s Application for Membership to the Chatham Borough Volunteer Fire Department is hereby approved.

RESOLUTION #15-250

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:

July 13, 2015

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:

July 13, 2015

DISCUSSION ITEMS

1. Scout Project – Mr. Jack Dean
2. Scout Project – Mr. Mark Castellano
3. Lum Field Soccer Practice Area – Mr. Jim LeMon
4. Municipal Pool Update – Mr. Jim LeMon

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.

REPORTS

Board & Commission Members & Liaison Reports

Affordable Housing Advisory Committee	Mayor Bruce A. Harris
Traffic & Pedestrian Safety Advisory Committee	Council Member James J. Collander
MyChathamNJ Advisory Committee	Council Member Victoria Fife
Mayors' Wellness Committee	Council Member Victoria Fife
Planning Board	Council Member Victoria Fife
Project Community Pride	Council Member Victoria Fife
Public Arts Council Advisory Committee	Council Member Victoria Fife
Senior Center of the Chathams	Council Member Victoria Fife
Special Events Advisory Committee	Council Member Victoria Fife
Communications & Technology Advisory Committee	Council Member James Lonergan
Joint Recreation Advisory Committee	Council Member James Lonergan
Municipal Pool Advisory Committee	Council Member James Lonergan
Board of Health	Council Member John Holman
Farmers' Market Advisory Committee	Council Member John Holman
Joint Community Gardens Advisory Committee	Council Member John Holman
Madison Chatham Joint Meeting	Council Member John Holman
Board of Education	Council President Gerald J. Helfrich
9/11 Memorial Advisory Committee	Council President Gerald J. Helfrich
Environmental Commission	Council Member Alida Kass
Historic Preservation Commission	Council Member Alida Kass
Open Space & Historic Preservation Trust Advisory Committee	Mayor Bruce A. Harris
Shade Tree Commission	Council Member Alida Kass
	Council Member Alida Kass

MAYOR'S REPORT

ADMINISTRATOR'S REPORT

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 #15-251 through Resolution #15-259 have been placed on the Consent Agenda.

**RESOLUTION[S] REMOVED FROM THE CONSENT AGENDA
FOR DISCUSSION AND VOTE**

RESOLUTION #15-

CONTRACTS

RESOLUTION #15-251

**RESOLUTION AUTHORIZING AN INTERLOCAL SHARED SERVICES AGREEMENT
FOR LOCAL PUBLIC HEALTH SERVICES WITH THE BOROUGH OF MADISON**

WHEREAS, the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1 et seq.*, permits a local unit of the State to enter into an agreement with any other local unit to provide or receive any service that each local unit participating in the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Borough of Chatham and the Borough of Madison, in consultation with their respective Boards of Health, desire to contract with one another, whereby the Borough of Madison shall provide public health services of a technical and professional nature in accordance with *N.J.S.A. 26:3A2-1 et seq.* for the period of January 1, 2016 through December 31, 2018; and

WHEREAS, the Borough Council of the Borough of Chatham desires to enter into a shared service agreement with the Borough of Madison for said public health services; and

WHEREAS, the Borough of Madison is agreeable to providing such services.

BE IT RESOLVED by the Council of the Borough of Chatham, in the County of Morris and the State of New Jersey, that the Mayor and Borough Clerk are authorized to enter into a shared services agreement for local public health services with the Borough of Madison for the period January 1, 2016 thorough December 31, 2018; and

BE IT FURTHER RESOLVED, that 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 #15-252

**RESOLUTION TO AWARD CONTRACT FOR THE INSTALLATION OF DRAINAGE
IMPROVEMENTS ON LINCOLN AVENUE TO CONSOLIDATED MAINTENANCE
SOLUTIONS, LLC**

WHEREAS, the Borough of Chatham has determined the need to improve the drainage on certain Borough roadways; and

WHEREAS, the Borough of Chatham appropriates funds each year for drainage improvements; and

WHEREAS, the Borough Engineer has identified a drainage issue on Lincoln Avenue; and

WHEREAS, the Borough of Chatham has received three (3) quotes for the required drainage installation; and

WHEREAS, the bid submitted by Consolidated Maintenance Solutions, LLC of Pine Brook, NJ, in the amount not to exceed \$28,000.00, was the low quote for the drainage improvements; and

WHEREAS, the Borough Engineer has reviewed the quotes and finds the low bidder qualified; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in capital account # C-04-55-915-101.

BE IT RESOLVED by the Council of the Borough of Chatham, County of Morris, State of New Jersey that a contract be awarded to Consolidated Maintenance Solutions, LLC of Pine Brook, NJ, in the amount not to exceed \$28,000.00; and

BE IT RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute the contract contingent upon review and approval by the Borough Attorney for said improvements.

RESOLUTION #15-253

RESOLUTION TO AWARD CONTRACT FOR THE INSTALLATION OF DRAINAGE IMPROVEMENTS ON CORNELL PLACE AND YALE STREET TO PAVELEC BROTHERS CONSTRUCTION

WHEREAS, the Borough of Chatham has determined the need to improve the drainage on certain Borough roadways; and

WHEREAS, the Borough of Chatham appropriates funds each year for drainage improvements; and

WHEREAS, the Borough Engineer has identified a drainage issue on Cornell Place and Yale Street; and

WHEREAS, the Borough of Chatham has received three (3) quotes for the required drainage installation; and

WHEREAS, the bid submitted by Pavelec Brothers Construction of Nutley, NJ, in the amount not to exceed \$39,500.00, was the low quote for the drainage improvements; and

WHEREAS, the Borough Engineer has reviewed the quotes and finds the low bidder qualified; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in capital account # C-04-55-915-101.

BE IT RESOLVED by the Council of the Borough of Chatham, County of Morris, State of New Jersey that a contract be awarded to Pavelec Brothers Construction of Nutley, NJ, in the amount not to exceed \$39,500.00; and

BE IT RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute the contract contingent upon review and approval by the Borough Attorney for said improvements.

RESOLUTION #15-254

RESOLUTION TO AWARD CONTRACT FOR THE INSTALLATION OF DRAINAGE IMPROVEMENTS ON NORTH SUMMIT AVENUE TO ARMSTRONG, INC.

WHEREAS, the Borough of Chatham has determined the need to improve the drainage on certain Borough roadways; and

WHEREAS, the Borough of Chatham appropriates funds each year for drainage improvements; and

WHEREAS, the Borough Engineer has identified a drainage issue on North Summit Avenue; and

WHEREAS, the Borough of Chatham has received three (3) quotes for the required drainage installation; and

WHEREAS, the bid submitted by Armstrong, Inc. of Berkeley Heights, NJ, in the amount not to exceed \$35,000.00, was the low quote for the drainage improvements; and

WHEREAS, the Borough Engineer has reviewed the quotes and finds the low bidder qualified; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in capital account # C-04-55-915-101.

BE IT RESOLVED by the Council of the Borough of Chatham, County of Morris, State of New Jersey that a contract be awarded to Armstrong, Inc. of Berkeley Heights, NJ, in the amount not to exceed \$35,000.00; and

BE IT RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute the contract contingent upon review and approval by the Borough Attorney for said improvements.

FINANCE

RESOLUTION #15-255

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 Chief Financial Officer.

RESOLUTION #15-256

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM AUTHORIZING THE SETTLEMENT OF 2012, 2013, 2014 AND 2015 TAX APPEAL ENTITLED IMANUEL, OFER AND IMANUEL/LIU, OFER/ZHOXIA V. BOROUGH OF CHATHAM FILED IN THE TAX COURT OF NEW JERSEY UNDER DOCKET NOS.: 019302-2012; 007770-2013; 005173-2014 AND 001378-2015 CONTESTING THE REAL PROPERTY ASSESSMENT OF BLOCK 56, LOT 8.01, KNOWN AS 76 NORTH PASSAIC AVENUE, IN THE BOROUGH OF CHATHAM, MORRIS COUNTY, STATE OF NEW JERSEY

WHEREAS, an appeal of the real property tax assessment for tax years 2012, 2013, 2014 and 2015 involving Block 56, Lot 8.01, has been filed by the Taxpayer, Imanuel, Ofer and Imanuel/Liu, Ofer/Zhoxia; 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 Expert; 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 Borough of Chatham, New Jersey, as follows:

1. Settlement of the 2012 tax appeal is hereby authorized as follows:

76 North Passaic Avenue
Block 56, Lot 8.01

Year: 2012

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$0.00	\$0.00	WITHDRAWN
Imprvts:	\$700,000	\$700,000	WITHDRAWN
Total:	\$700,000	\$700,000	WITHDRAWN

2. Settlement of the 2013 tax appeal is hereby authorized as follows:

76 North Passaic Avenue
Block 56, Lot 8.01

Year: 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$369,400	N/A	WITHDRAWN
Imprvts:	\$775,300	N/A	WITHDRAWN
Total:	\$1,144,700	N/A	WITHDRAWN

3. Settlement of the 2014 and 2015 tax appeals are hereby authorized as follows:

76 North Passaic Avenue
Block 56, Lot 8.01

Years: 2014, 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$369,400	N/A	\$369,400
Imprvts:	\$775,300	N/A	\$665,600
Total:	\$1,144,700	N/A	\$1,035,000

4. Any and all refunds as a result of the settlement due to the Taxpayer shall be in the form of a credit to the Taxpayer.
5. 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.

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 #15-257

RESOLUTION ACCEPTING THE RESIGNATION OF PUBLIC WORKS SERVICE PERSON EDISON J. CAMPO

WHEREAS, Edison Campo has notified Public Works Director Robert “Bob” Venezia that he will be resigning from his position as Service Person with the Chatham Borough Public Works Department, effective August 2, 2015; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Edison Campo’s resignation from his position as Service Person with the Chatham Borough Public Works Department, effective August 2, 2015 is hereby accepted; and

BE IT FURTHER RESOLVED, that the Mayor and Council do hereby extend their thanks and appreciation to Mr. Campo for his service to Chatham Borough and wish him well in his future endeavors.

OTHER

RESOLUTION #15-258

RESOLUTION AUTHORIZING THE FIRST ANNUAL SUSTAINABILITY FAIR TO BE HELD AT THE CHATHAM BOROUGH FARMERS’ MARKET, RAILROAD PLAZA SOUTH, SATURDAY, SEPTEMBER 12, 2015 FROM THE HOURS OF 9:00 A.M. TO 2:00 P.M.

WHEREAS, since 2008, the Chatham Borough Environmental Commission, the Chatham Borough Green Initiatives Committee, and the Chatham Township Environmental Commission have organized and hosted the *Green Fair of the Chathams*, a collaborative effort promoting eco-friendly organizations, companies and products that offer wide-ranging, affordable environmental solutions to sustain our community; and

WHEREAS, the Mayors’ Wellness Campaign of the Chathams Committee, a joint committee with Chatham Township, in cooperation with the Chatham Borough Farmers’ Market Advisory Committee, has been working with Mayors and key leaders promoting healthier lifestyles for all citizens in their communities by championing practices and organizing programs that promote active living; and

WHEREAS, inspired by concern about health and wellness, and in particular how it affects students and adults who have special needs, the ECLC School in Chatham organized and hosted its first *Community Wellness Fair* in March 2015; and

WHEREAS, the Borough of Chatham acknowledges that its residents desire a healthy, stable, and sustainable future for themselves and future generations and have desire to take steps to sustain their quality of life over the long term; and

WHEREAS, the Chatham Borough Environmental Commission, the Chatham Borough Green Initiatives Committee, and the Chatham Township Environmental Commission, the Mayors’ Wellness Committee and the Chatham Borough Farmers’ Market Advisory Committee wish to collaborate and hold a *Sustainability Fair “Healthy Self, Healthy Earth”* on Saturday, September 12, 2015; and

WHEREAS, the *Sustainability Fair “Healthy Self, Healthy Earth”* will be held at the Chatham Borough Farmers’ Market, Railroad Plaza South, from the hours of 9:00 a.m. to 2:00 p.m. on Saturday, 12, 2015.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby applaud and support the collaborative initiative and authorize the *Sustainability Fair “Healthy Self, Healthy Earth”* to be held at the Chatham Borough Farmers’ Market, Railroad Plaza South, from the hours of 9:00 a.m. to 2:00 p.m. on Saturday, September 12, 2015, subject to compliance and approval of police and public safety directives; 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.

RESOLUTION #15-259

RESOLUTION AUTHORIZING VILLA MILAGRO VINEYARDS TO CONDUCT RETAIL SALES AND PROVIDE SAMPLES OF ITS PRODUCTS AT THE CHATHAM BOROUGH FARMERS’ MARKET

WHEREAS, Villa Milagro Vineyards wishes to conduct retail sales and provide free samples of its products at the Chatham Borough Farmers’ Market; and

WHEREAS, the New Jersey Beverage Control Act, N.J.S.A. 33:1-10(2)(a) and N.J.S.A. 33:1-10(2)(b), authorizes holders of a Farm Winery Licenses or Plenary Winery License to provide free samples of their products to the public, and sell those products, in original containers, for off-premises consumption, provided a valid permit is issued to the licensee from the Division of Alcoholic Beverage Control; and

WHEREAS, the Borough Clerk has verified that Villa Milagro Vineyards has received from the New Jersey Division of Alcoholic Beverage Control a Special Wine Festival Permit authorizing them to display and sell products produced by its winery under the authority of its New Jersey Farm Winery License or Plenary Winery License and to provide wine samples at the Chatham Borough Farmers’ Market on the following dates and time in the month of August:

Saturday, 08/01/2015, 8:00 AM to 1:00 PM
Saturday, 08/08/2015, 8:00 AM to 1:00 PM
Saturday, 08/15/2015, 8:00 AM to 1:00 PM
Saturday, 08/22/2015, 8:00 AM to 1:00 PM
Saturday, 08/29/2015, 8:00 AM to 1:00 PM

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby grant permission to Villa Milagro Vineyards to display and sell products produced by its winery and to provide free wine samples at the Chatham Borough Farmers’ Market on the referenced dates and times in accordance with state laws; 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.

CONSENT AGENDA VOTE:

Mayor Harris asks Council Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions #15-251 through #15-259.

Council Member _____: I would like to make a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Council.

Seconded by Council Member: _____.

ADD-ON RESOLUTIONS

RESOLUTION #15-260

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:

Attorney-Client Privilege: 1. Shade Tree Commission Liability – Mr. Lott

BE IT FURTHER RESOLVED, 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.

ADJOURNMENT