

AGENDA
November 14, 2016

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 the Open Public Meetings Act, 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 Borough Hall, emailed to 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 11, 2016.

ROLL CALL Mayor Bruce A. Harris
 Council Member James J. Collander
 Council President James Lonergan
 Council Member Victoria Fife
 Council Member Gerald J. Helfrich
 Council Member Leonard Resto
 Council Member Peter Hoffman
 Robert J. Falzarano, Borough Administrator
 James L. Lott, Jr., Borough Attorney
 Robin R. Kline, Borough Clerk

PROCLAMATION

RESOLUTION #16-312

RESOLUTION CONGRATULATING SAGE ELDERCARE AS IT CELEBRATES ITS 50TH
ANNIVERSARY IN PROVIDING MEALS ON WHEELS SERVICE TO OUR COMMUNITY

WHEREAS, in October 1966, SAGE Eldercare began its Meals on Wheels program with funding received from the Summit Junior League and volunteers from several local organizations who were recruited to deliver the meals; and

WHEREAS, SAGE Eldercare is the oldest continuously run Meals on Wheels program in New Jersey and is one of more than 5,000 community-based senior nutrition programs across the country that are dedicated to addressing senior hunger and isolation by delivering meals to those who are homebound and unable to prepare food for themselves; and

WHEREAS, SAGE Eldercare's Meals on Wheels program currently serves about 44,000 meals to almost 250 clients annually in the communities of Berkeley Heights, Chatham, Madison, Millburn, Mountainside, New Providence, Short Hills, South Orange, Springfield, and Summit; and

WHEREAS, this year marks the 50th anniversary of SAGE Eldercare's Meals on Wheels program, which continues to deliver nutritious meals, friendly visits and safety checks to our seniors and help enable them to live healthier and more independent lives in their homes.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby offer their sincerest congratulations to SAGE Eldercare as it celebrates its 50th anniversary in providing Meals on Wheels service to our seniors and those who are homebound and unable to prepare food for themselves, and extend their best wishes on this occasion.

RESOLUTION #16-313

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:

October 24, 2016

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:

October 24, 2016

DISCUSSION ITEMS

1. Library Renovations – Ms. Karen Brodsky, Library Director
2. 2016 Leaf Collection – Mr. Tony Torello, Public Works Director
3. 2017 Fee Schedule: Recreation, Water, Solid Waste, Sewer and Others –

Council President James Lonergan

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.

ORDINANCE FOR SECOND READING

Council President Lonergan asks Council Member Collander to proceed with Ordinance #16-15.

Council Member Collander reads Ordinance #16-15 entitled:

ORDINANCE #16-15

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 139 OF
THE BOROUGH CODE TO ESTABLISH A RESTRICTED HANDICAP PARKING SPACE ON
WASHINGTON AVENUE IN THE BOROUGH.**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on October 24, 2016.

Council President Lonergan asks the Borough Clerk to give a summary of the legal notice.

The Borough Clerk states: A legal notice was published indicating that Ordinance #16-15 was introduced and passed on first reading at the October 24, 2016 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on November 14, 2016 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Council President Lonergan: The meeting is now open for a public hearing on the Ordinance and any member of the public may be heard.

Council President Lonergan: Seeing no one else wishing to be heard, I will now close the public hearing.

Council Member Collander: I offer the following Ordinance and move 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.

Council Member _____ seconds the motion.

Council President Lonergan asks the Borough Clerk for a Roll Call Vote.

Name	Motion	Second	Yes	No	Abstain	Absent
Collander						
Lonergan						
Fife						
Helfrich						
Resto						
Hoffman						

Council President Lonergan: I declare this Ordinance adopted and finally passed and request the Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

REPORTS

Board & Commission Members & Liaison Reports

Affordable Housing Advisory Committee

Mayor Bruce A. Harris
Council Member James J. Collander
Council Member Victoria Fife

Open Space & Historic Preservation Trust Advisory Committee

Mayor Bruce A. Harris
Council Member Leonard Resto

Traffic & Pedestrian Safety Advisory Committee Shade Tree Commission

Council Member James J. Collander
Council Member James J. Collander

Communications & Technology Advisory Committee Joint Recreation Advisory Committee Municipal Pool Advisory Committee

Council President James Lonergan
Council President James Lonergan
Council President James Lonergan

Farmers' Market Advisory Committee
Mayors' Wellness Committee

Council Member Victoria Fife
Council Member Victoria Fife

MyChathamNJ Advisory Committee
Planning Board

Council Member Victoria Fife
Council Member Victoria Fife

Project Community Pride
Senior Center of the Chathams

Council Member Victoria Fife
Council Member Victoria Fife

9/11 Memorial Advisory Committee

Council Member Gerald J. Helfrich

Board of Education

Council Member Gerald J. Helfrich

Joint Municipal Court

Council Member Gerald J. Helfrich

Municipal Alliance of the Chathams

Council Member Gerald J. Helfrich

Environmental Commission

Council Member Leonard Resto

Joint Community Gardens Advisory Committee

Council Member Leonard Resto

Madison-Chatham Joint Meeting

Council Member Leonard Resto

Pilgrim Pipeline Advisory Committee

Council Member Leonard Resto

Public Arts Council Advisory Committee

Council Member Leonard Resto

Board of Health

Council Member Peter Hoffman

Historic Preservation Commission

Council Member Peter Hoffman

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 #16-314 through Resolution #16-322 have been placed on the Consent Agenda.

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

RESOLUTION #16-

CONTRACTS

RESOLUTION #16-314

RESOLUTION APPROVING A TEMPORARY LIGHT DUTY POLICY FOR THE CHATHAM BOROUGH POLICE DEPARTMENT

WHEREAS, the Borough of Chatham and PBA Local #226 have negotiated a Temporary Light Duty Policy to establish the authority for temporary light-duty assignments and procedures for the Chatham Borough Police Department; and

WHEREAS, the Mayor and Borough Council have reviewed the Temporary Light Duty Policy attached hereto and made a part hereof; and

WHEREAS, upon the recommendation of the Borough Administrator as the Appropriate Authority as defined under N.J.S.A. 40A:14-118, the Mayor and Borough Council are satisfied that the Temporary Light Duty Policy will promote the safe and efficient operation of the Chatham Borough Police Department and is in the best interest of the Borough.

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Chatham that they hereby approve of the Temporary Light Duty Policy attached hereto and made a part hereof; 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 #16-315

RESOLUTION AUTHORIZING THE EXECUTION OF AN ADDENDUM TO THE CURRENT COLLECTIVE BARGAINING AGREEMENT BETWEEN THE BOROUGH OF CHATHAM AND PBA LOCAL #226

WHEREAS, the Borough of Chatham and PBA Local #226 have negotiated an addendum to their current Collective Bargaining Agreement to recognize four (4) overtime lists as set forth in the addendum attached hereto and made a part hereof this Resolution; and

WHEREAS, upon the recommendation of the Borough Administrator as the Appropriate Authority as defined under N.J.S.A. 40A:14-118, the Mayor and Borough Council are satisfied that the changes made to the Department's overtime lists as a result of the addendum will promote the safe and efficient operation of the Chatham Borough Police Department and are in the best interest of the Borough.

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Chatham that they hereby approve of the addendum to the current Collective Bargaining Agreement between the Borough of Chatham and PBA Local #226 and authorize the Administrator to execute the addendum in substantially the same form as the addendum attached hereto and made a part hereof; 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 #16-316

RESOLUTION APPROVING A PROFESSIONAL SERVICES CONTRACT WITH TOPOLOGY AS A SPECIAL PLANNING CONSULTANT TO THE BOROUGH OF CHATHAM

WHEREAS, the Borough of Chatham requires special planning services and wishes to appoint a Special Planning Consultant; and

WHEREAS, such services constitute a professional service as defined by the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-2, and are specifically exempt from the public bidding process in accordance with N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, Topology submitted a proposal for professional planning services dated November 2, 2016; and

WHEREAS, the Borough Council finds that it would be in the best interests of the Borough to enter into a professional services agreement with Topology, 60 Union Street – Loft 1N, Newark, NJ 07105 as a Special Planning Consultant based upon the firm's expertise and extensive experience in planning matters; and

WHEREAS, the contract was not awarded through a “fair and open” process pursuant to N.J.S.A. 19:44A-20.4 et. seq.; and

WHEREAS, the Chief Financial Officer has confirmed that sufficient funds are available in Current Fund Account #6-01-21-180-225 for the award of this contract.

BE IT RESOLVED, by the Council of the Borough of Chatham that a professional service contract is hereby awarded to Topology for special planning services and the Mayor is hereby authorized to execute a professional services contract with Topology on behalf of the Borough; and

BE IT FURTHER RESOLVED, that Topology, its subsidiaries, assigns or principals controlling in excess of 10% of the firm will be required to submit to the Borough a Business Entity Disclosure Certification pursuant to the New Jersey Pay-to-Play Act, N.J.S.A. 19:44A-1 et seq., along with a New Jersey Business Registration Certificate, a completed affirmative action report (Form AA-302) and a completed W-9 form; 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.

FINANCE

RESOLUTION #16-317

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 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 #16-318

RESOLUTION AUTHORIZING TRANSFERS BETWEEN CERTAIN BUDGET RESERVE APPROPRIATIONS IN THE 2016 CURRENT FUND BUDGET PURSUANT TO N.J.S.A. 40A:4-58

WHEREAS, N.J.S.A. 40A:4-58 provides that transfers may be made between appropriation accounts in the General Budget in the last two months of the fiscal year; and

WHEREAS, such transfers are made to cover expenses in accounts in excess of that anticipated and from accounts having expenses in lesser amounts than anticipated: and

WHEREAS, these transfers do not affect the total of the operations budget as originally approved in the 2016 Current Fund Budget.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, in the County of Morris, State of New Jersey, that the Chief Financial Officer is hereby authorized to make the following line-item transfers in the 2016 Current Fund Budget with an effective date of November 14th, 2016 in accordance with N.J.S.A. 40A:4-58:

Operating Budget

Account Name	Account Number	Transfer To	Transfer From
<u>TO</u> Human Resources OE	6-01-20-105-200	\$4,000.00	

Farmer's Market OE	6-01-30-430-200	\$4,000.00	
Community Service S&W	6-01-20-115-010	\$7,000.00	
Tax Assessor OE	6-01-20-150-200	\$15,000.00	
Legal OE	6-01-20-155-200	\$15,000.00	
Finance OE (Computer Network)	6-01-20-130-200	\$4,500.00	
Board of Health OE	6-01-27-330-200	\$2,000.00	
<u>FROM</u>			
Police S&W	6-01-25-240-010		\$16,000.00
Police OE	6-01-25-240-200		\$16,500.00
Liability Insurance OE	6-01-23-210-000		\$18,000.00
Administration OE	6-01-20-100-200		\$1,000.00
Totals:		\$51,500.00	\$51,500.00

Water Operating

Account Name	Account Number	Transfer To	Transfer From
<u>TO</u>			
Interest on Notes - Water Operating	6-05-55-523-000	\$4,462.50	
<u>FROM</u>			
Group Insurance - Water Operating	6-05-55-502-223		\$4,462.50
Totals:		\$4,462.50	\$4,462.50

And,

BE IT FURTHER RESOLVED, that a certified copy of this resolution adopted by not less than a two-thirds (2/3) vote of the full membership of the governing body shall be forwarded to the Borough Administrator and to the Chief Finance Officer.

RESOLUTION #16-319

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised that an overpayment was made at the time of the mortgage refinance closing resulting in an overpayment of property taxes; and

WHEREAS, the Tax Collector has further advised that a refund for the duplicate property tax overpayment is to be made as follows:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
33 / 28	Monks, David & Kristin 49 Ellers Drive	\$1,876.27	2016/4Qtr.

Make check payable & mail to:
Equity National Title, Inc.
50 Jordan Street, Suite 100
East Providence, R.I. 02914

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough Tax Collector to process a refund for the duplicate overpayment of property taxes as herein referenced.

OTHER

RESOLUTION #16-320

RESOLUTION AUTHORIZING THE ROTARY CLUB TO PLACE SIGNS AT RAILROAD PLAZA SOUTH AND AT BICENTENNIAL ROTARY PARK FOR THE SALE OF CHRISTMAS LUMINARIES

WHEREAS, the Rotary Club of Chatham (“Rotary Club”) has requested permission to place signs at Railroad Plaza South, on the southwest corner facing east/west, and at the north side at Bicentennial Rotary Park, facing Fairmount Avenue, for the sale of Christmas luminaries during the holiday season.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that authorization is hereby granted for the Rotary Club to place signs for the sale of Christmas luminaries at Railroad Plaza South on the southwest corner facing east/west and at the north side at Bicentennial Rotary Park facing Fairmount Avenue for the period of Sunday, November 27, 2016 through Monday, December 26, 2016; and

BE IT FURTHER RESOLVED, that all signage shall be removed on or before Monday, December 26, 2016.

RESOLUTION #16-321

RESOLUTION AUTHORIZING THE CHATHAM ROTARY CLUB TO PLACE LIGHTED CHRISTMAS LUMINARIES AT REASONER PARK ON CHRISTMAS EVE

WHEREAS, it is a holiday tradition that the Rotary Club of Chatham (“Rotary Club”) places lighted Christmas luminaries at Reasoner Park on Christmas Eve or, in the event of rain, on the evening of Christmas Day; and

WHEREAS, the Rotary Club has again requested permission to place lighted Christmas luminaries at Reasoner Park on Christmas Eve or, in the event of rain, on the evening of Christmas Day.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Rotary Club is hereby authorized to place lighted Christmas luminaries at Reasoner Park on Christmas Eve or, in the event of rain, on the evening of Christmas Day; and

BE IT FURTHER RESOLVED, that all Christmas luminaries shall be removed on Christmas Day or, in the event of rain, on Monday, December 26th.

RESOLUTION #16-322

RESOLUTION AUTHORIZING THE USE OF THE BOROUGH’S MULCH AREA FOR THE BOY SCOUT TROOP #8 KLONDIKE DERBY PRACTICE

WHEREAS, Boy Scout Troop #8 has requested permission to use the Borough’s mulch area access road and mulch area to hold a Klondike Derby practice and campfire on January 14, 2017; and

WHEREAS, Boy Scout Troop #8 will practice the “Leave no Trace” principle and remove all remnants of the event and campfire.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby grant permission for Boy Scout Troop #8 to use the Borough’s mulch area access road and mulch area to hold a Klondike Derby practice and campfire on January 14, 2017; and

BE IT FURTHER RESOLVED, that the campfire shall be conducted in accordance with regulations established by the Chatham Borough Fire Safety Bureau and be centrally located on hard

pack gravel at least 50 feet from any combustible item with water and other extinguishing devices close at hand; and

BE IT FURTHER RESOLVED, that Boy Scout Troop #8 shall be required to file a completed Fire Permit Application with the Chatham Borough Fire Safety Bureau, in addition to filing a completed Facility Use Application with the Department of Community Services; 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.

CONSENT AGENDA VOTE:

Council President Lonergan asks Council Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions #16-314 through #16-322.

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:_____.

RESOLUTION REQUIRING SEPARATE ACTION AND ROLL CALL VOTE

Council President Lonergan asks Council Member Collander to introduce Resolution #16-323.

Council Member Collander reads Resolution #16-323 by title as follows:

RESOLUTION #16-323

RESOLUTION OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, PRESCRIBING THE DETAILS AND BOND FORM FOR \$3,235,000 GENERAL IMPROVEMENT REFUNDING BONDS (SERIES 2016) AND \$600,000 WATER UTILITY REFUNDING BONDS (SERIES 2016), EACH ISSUE DATED NOVEMBER 23, 2016, AUTHORIZING THE ACCEPTANCE OF AN OFFER TO PURCHASE SAID BONDS AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

Council Member Collander: I offer Resolution #16-323 and move its adoption.

Council Member _____ seconds the motion.

Council President Lonergan asks the Borough Clerk for a Roll Call Vote:

Name	Motion	Second	Yes	No	Abstain	Absent
Collander						
Lonergan						
Fife						
Helfrich						
Resto						
Hoffman						

ADD-ON RESOLUTIONS

ORDINANCE FOR FIRST READING

Council President Lonergan asks Council Member Resto to introduce Ordinance #16-16.

Council Member Resto introduces Ordinance #16-16 by title as follows:

ORDINANCE #16-16

AN ORDINANCE TO AMEND THE SALARIES AND WAGES FOR CERTAIN MUNICIPAL POSITIONS OF THE BOROUGH OF CHATHAM FOR THE YEAR 2017

Council Member Resto explains the purpose of the Ordinance and moves for introduction on First Reading.

Council Member Resto reads:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on November 14, 2016.

BE IT RESOLVED, that at the Council meeting to be held on November 28, 2016 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 Borough Hall and make copies available to members of the general public.

Council Member Resto: I offer Ordinance #16-16 and move its adoption on first reading.

Council Member _____ seconds the motion.

Council President Lonergan asks the Borough Clerk for a Roll Call Vote:

Name	Motion	Second	Yes	No	Abstain	Absent
Collander						
Lonergan						
Fife						
Helfrich						
Resto						
Hoffman						

RESOLUTION #16-324

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:

Contracts: 1. Professional Service Provider Evaluations – Mr. Falzarano
 2. MUA Recycling Contract Extension – Mr. Falzarano
 3. ECLC Lease – Mr. Falzarano
 4. Health Services – Council Member Hoffman

Personnel: 1. Community Services Functions and Staffing – Council Member Resto

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