

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

June 13, 2016 MINUTES

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, June 13, 2016 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 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

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

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

Mayor Bruce Harris asked Council Member Collander to proceed with Resolution #16-212.

Council Member Collander read Resolution #16-212.

APPOINTMENT

RESOLUTION #16-212

**RESOLUTION APPOINTING ALEX CHIN AS A MEMBER OF THE JUNIOR FIREMEN'S
AUXILIARY COMPANY OF THE CHATHAM BOROUGH VOLUNTEER FIRE
DEPARTMENT**

WHEREAS, Section 15-24 of the Borough Code established a Junior Firemen's Auxiliary Company to the Chatham Fire Department; and

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, Alex Chin has expressed interest in becoming a member of the Junior Firemen's Auxiliary Company of the Chatham Borough Volunteer Fire Department; and

WHEREAS, the Fire Chief has recommended that Alex Chin be appointed as a member of the Junior Firemen's Auxiliary Company.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Alex Chin is hereby appointed as a member of the Junior Firemen's Auxiliary Company of the Chatham Borough Volunteer Fire Department.

Council Member Collander made a motion to approve Resolution #16-212. The motion was seconded by Council President Lonergan. A vote was taken and Resolution #16-212 was approved.

ADMINISTRATION OF THE OATH OF OFFICE

The Borough Clerk administered the oath of office to Alex Chin. Accompanying Alex during the administration of his oath of office were his parents and Fire Battalion Chief, Donald Almgren.

Mayor Harris and the Borough Council thanked Alex for joining the Junior Firemen's Auxiliary Company of the Chatham Borough Volunteer Fire Department and wished him well.

Mayor Bruce Harris proceeded with Resolution #16-213.

RESOLUTION #16-213

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:

May 23, 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:

May 23, 2016

Council Member Resto made a motion to approve Resolution #16-213. Council Member Collander seconded the motion. A vote was taken and Resolution #16-213 was approved.

DISCUSSION ITEMS

BAN Sale – Tim Day, Chief Financial Officer, reported on the \$5.2 million Bond Anticipation Note (BAN) Sale scheduled to go to bid on June 21st. The BAN issuance will occur on June 30th and the BAN will be payable on February 17, 2017. Resolution #16-225, listed on the agenda for Council action, would authorize the BAN Sale. Mr. Day briefly explained that BANs are smaller short-term interest-bearing bonds that are issued by local municipalities wishing to generate funds for upcoming capital projects and are issued in advance of a larger, future bond issue. The notes are then repaid from the proceeds of the issuance of long-term bonds.

Morris County Trail Grant – Mayor Harris provided a summary of the Borough’s proposed Passaic River Trail Project, which he said would be a joint project with the City of Summit traversing the two sides of the river. He mentioned that new grant funding for trail development is being made available to Morris County communities using funds collected from the county’s Open Space tax levy.

Council Member Len Resto, liaison to the Environmental Commission, reported that the Morris County Trail Grant would provide funding for trail projects that are ready to be developed and would require a 20% municipal match, which he said could be either a cash match or satisfied by “in-kind” services. He reported that the proposed trail project would begin in Shepard Kollock Park and continue along the Passaic River to Tallmadge Avenue/Summit Avenue. The trail would incorporate interpretive educational kiosks, highlighting local historical events and natural resources. Engineering costs for Phase I have been estimated at approximately \$80,000.00. Council Member Len Resto, reported that Chatham Borough would need to file a letter of intent with the county no later than July 29th. The grant application deadline is September 1st.

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.

Brian Becker, 40 Orchard Road, voiced his opposition to the expansion of the Washington Avenue School parking lot.

Robert Steelman, 55 Chatham Street, commented that on-street parking should be explored in lieu of expanding the Washington Avenue School parking lot. He further commented that he was disappointed that school district officials did not provide full details of the proposed site plan at the Planning Board hearing.

Benson Hawk, 98 Washington Avenue, commented that the hydrologic conditions of the proposed Washington Avenue School parking lot site, as well as off-site drainage conditions, should be evaluated before moving forward with the expansion of the school parking lot.

Janet Langborgh, 82 Washington Avenue, commented that during the Planning Board’s public hearing concerning the Washington Avenue School parking lot, school officials were not prepared to answer residents’ questions and were unfamiliar with the traffic flow on Washington Avenue. She urged the Mayor and Council to consider on-street parking in lieu of expanding the parking lot.

Andrea Skarra, 26 Orchard Road, commented that she has been documenting the number of unoccupied parking spaces in the Washington Avenue School parking lot during various times of the school day and reported that at least ten parking spaces remained unused at any given time. She questioned why there is a need to expand the Washington Avenue School parking lot.

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

Council President Lonergan inquired whether the school district had notified the Borough of any changes made to the proposed parking lot site plan. Mr. Falzarano responded that the school district did not communicate any changes to the project and further confirmed that the shared services agreement has been fully-executed by the parties.

Council Member Fife inquired if residents' concerns were addressed at the Board of Education meeting. Mr. Steelman, a resident who attended the meeting, answered that school officials did not fully address all concerns raised by residents.

Council Member Collander cautioned that allowing on-street parking adjacent to the school would bring other issues to the residential neighborhood. He reminded everyone that a few years ago neighborhood roads adjacent to the Milton Avenue School were congested with on-street parking making it difficult for motorists and residents. Once the school parking lot was expanded, these issues were resolved.

REPORTS

BOARD & COMMISSION MEMBERS & LIAISON REPORTS

Affordable Housing Advisory Committee - Mayor Harris had nothing new to report.

Open Space & Historic Preservation Trust Advisory Committee – Mayor Harris had nothing new to report.

Traffic & Pedestrian Safety Advisory Committee - Council Member Collander reported that the committee continues to work with Borough residents and Chatham Township officials to address traffic issues along Dellwood Avenue. A recommendation will be brought before the Council in the near future.

Shade Tree Commission - Council Member Collander reported that the Shade Tree Commission treated approximately 100 trees for the emerald ash borer and further reported that 50 new street trees were planted this season. He mentioned that the Shade Tree Commission would be applying for shade tree grant funding later this year.

Communications & Technology Advisory Committee - Council President Lonergan had nothing new to report.

Joint Recreation Advisory Committee - Council President Lonergan reported that the sport clubs are managing their programs very well and no concerns have been reported.

Municipal Pool Advisory Committee - Council President Lonergan reported that pool membership remains low. As a result, pool expenses will be tightly managed by the Committee. He reported that the Committee continues to explore opportunities to increase pool membership.

Farmers' Market Advisory Committee - Council Member Fife reported that the Chatham Farmers' Market Advisory Committee opened its 10th season on Saturday, June 11th.

Mayors' Wellness Advisory Committee - Council Member Fife had nothing new to report.

MyChathamNJ Advisory Committee - Council Member Fife reported that an estimated 8,000-10,000 visitors attended Fishawack last Saturday. She thanked Janice Piccolo and the MyChathamNJ Advisory Committee members for organizing and managing a successful event. She also thanked the Police Department and Public Works Department for their assistance.

Planning Board - Council Member Fife reported that the Planning Board's Master Plan Subcommittee has scheduled a final Community Workshop on June 21st at 7:00 p.m. at the Library of the Chathams. She encouraged public attendance.

Project Community Pride - Council Member Fife had nothing new to report.

Senior Center of the Chathams - Council Member Fife reported that senior residents have expressed concerns upon recently learning that the Board of Education has scheduled a referendum for September

27th. She said senior residents have not been informed nor provided information of this by the school district.

9/11 Memorial Advisory Committee - Council Member Helfrich reported that the committee continues to plan its 15th 9/11 Memorial Service this year.

Board of Education - Council Member Helfrich had nothing new to report.

Joint Municipal Court - Council Member Helfrich had nothing new report.

Municipal Alliance of the Chathams - Council Member Helfrich had nothing new to report. Council Member Fife thanked the Municipal Alliance of the Chathams for sponsoring the “movie under the stars” at Fishwack.

Environmental Commission - Council Member Resto provided a report on the Morris County Trail Grant earlier in the meeting and had nothing else to report.

Joint Community Gardens Advisory Committee - Council Member Resto reported that a garden clean-up is scheduled for Wednesday, June 22nd from 5:00 pm to 8:00 pm. He also reported that the committee has requested that the driveway be improved.

Madison-Chatham Joint Meeting - Council Member Resto had nothing new to report.

Pilgrim Pipeline Advisory Committee - Council Member Resto reported that he attended the DEP public hearing regarding proposed changes to the Highlands Septic Density Rule. He further reported that he would be attending the Pequannock Township Committee meeting on June 14th to help persuade Pequannock Township elected officials to join the Municipal Pipeline Group’s legal retainer.

Public Arts Council Advisory Committee - Council Member Resto reported that the Public Arts Council Advisory Committee worked with second grade students in crafting American flags out of popsicle sticks. The American flags were given to veterans at the Borough’s Memorial Day event.

Board of Health - Council Member Hoffman reported that all sanitary inspections were completed for pool operators and food vendors prior to the Memorial Day weekend. He further reported that the Board of Health continues to monitor the Zika virus, as well as the meningitis breakout at Rutgers University.

Historic Preservation Commission - Council Member Hoffman reported that the Historic Preservation Commission continues to review the Borough’s Land Development Ordinances relative to historic preservation. He further reported that the Commission met with the Planning Board Master Plan Subcommittee and provided input on the Master Plan re-examination.

MAYOR’S REPORT

Mayor Harris reported that Fishawack was a wonderful event and thanked the owners of Charley’s Aunt for their contribution to the “Passaic Bar.” He also acknowledged Council Member Fife for her time and efforts devoted in making this year’s Fishawack a success. Mayor Harris reported that 2016 Volunteer Commendations and Awards were presented to former Fishawack organizers Chris Tomaino, Mary Tracy, Caroline Cherry, as well as to the Chatham Girl Scouts, the Chatham Boy Scouts Troop 8 and Kate Murphy, chair of the Environmental Commission, for their service to the community. Mayor Harris also announced that Kelly Loofbourrow will be the new chairperson of the Municipal Alliance of the Chathams and wished her well.

Mayor Harris also reported that the New Jersey Department of Transportation (DOT) confirmed it would begin looking into recalibrating the timing of traffic signals along Route 124 (Main Street) in efforts to improve traffic flow. DOT has not yet confirmed that they will explore widening or adding another exit from Route 24. He advised that his annual tax letter will go out next month and asked the

Council to send him any information they would like included. Lastly, he announced that the July 25th meeting of the Mayor and Council will be cancelled.

ADMINISTRATOR'S REPORT

Mr. Falzarano provided a brief report on the following matters:

1. The Personnel Committee finalized interview questions for the police lieutenant position. Chief Crosson has posted the promotional notice for the position and interviews will be conducted in 30 days.
2. The Personnel Committee will be reviewing revisions to the Employee Practices Handbook at their next meeting scheduled for June 17th.
3. The Memorial Day ceremony was a success. Mr. Falzarano thanked the Police Department and Fire Department for their assistance in helping to relocate the Memorial Day event to the firehouse due to rainy weather.
4. Mr. Falzarano reported Fishawack went extraordinarily well. A follow up meeting has been scheduled for next week.
5. The IT Team met to discuss network security. Verizon has been scheduled to install fast internet service that would allow the Borough to back up records to the cloud. The IT Team will also train staff on how to recognize suspicious e-mails that may contain malware.
6. The Shade Tree Commission will be submitting an application for a 2017 Community Stewardship Incentive Program Grant later in the year.
7. A newly formed Tree Team will meet on June 24th to discuss the Shade Tree Ordinance.
8. It has been confirmed that there will be no LOSAP increase for 2015.
9. A resident on Overlook Road is interested in changing the street name in efforts to eliminate confusion with mail delivery routed to Overlook Road in Chatham Township. The Borough resident advised he will seek the support of all residents on Overlook Road to change the street name.

CONSENT AGENDA

The following items are considered 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 #16-214 through Resolution #16-224 have been placed on the Consent Agenda.

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

None.

CONTRACTS

RESOLUTION #16-214

RESOLUTION AUTHORIZING THE PURCHASE OF ONE BOBCAT COMPACT EXCAVATOR FOR THE DEPARTMENT OF PUBLIC WORKS, IN THE AMOUNT NOT TO EXCEED \$72,758.97

WHEREAS, there is a the need to purchase one (1) E50 T4 Bobcat Compact Excavator for the Department of Public Works; and

WHEREAS, each year the Borough realizes cost savings by purchasing equipment and materials through county cooperative pricing systems; and

WHEREAS, the Borough is a member of the Bergen County Co-op Purchasing and Pricing System (CK04-BERGEN); and

WHEREAS, the Public Works Director has received a quotation for the purchase one (1) E50 T4 Bobcat Compact Excavator through the Bergen County Co-op Purchasing and Pricing System (CK04-BERGEN) in the amount of \$72,758.97; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract in Water Capital account W-06-55-916-303.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby authorize the purchase of one (1) E50 T4 Bobcat Compact Excavator for the Department of Public Works through the Bergen County Co-op Purchasing and Pricing System (CK04-BERGEN), in the amount of \$72,758.97; 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 #16-215

RESOLUTION AWARDING A CONTRACT FOR THE LEASE OF COPIER EQUIPMENT TO RICOH USA, INC.

WHEREAS, there exists a need to lease copier equipment for Borough use; and

WHEREAS, the Borough solicited proposals from Konica Minolta, Ricoh USA, Inc. and Toshiba for the lease of said equipment; and

WHEREAS, upon the review of all proposals, the Borough's Chief Financial Officer has recommended the proposal submitted by Ricoh USA, Inc. ("Ricoh") dated April 27, 2016 for the lease of six (6) copier/printer fax multi-function machines for various Borough departments and one (1) additional copier/printer fax multi-function machine for the Police Department; and

WHEREAS, the lease term is 60 months commencing August 2016 with a monthly lease amount of \$1,116.68 per month; and

WHEREAS, the lease includes 40,000 black and white copies monthly (black and white overages \$.0065 each) and color copies at \$.0420 each and all maintenance and supplies except paper; and

WHEREAS, this lease is awarded pursuant to Ricoh's New Jersey State Contract #40467; and

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a State contract; and

WHEREAS, upon the recommendation of the Borough's Chief Financial Officer, the Mayor and Borough Council wish to authorize the execution of a lease with Ricoh; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, as this is a multi-year lease agreement, for the additional calendar years it is contingent upon the adoption of temporary and/or permanent budgets for those years; and

WHEREAS, the Chief Financial Officer has confirmed that sufficient funds are available in Current Fund Account #6-01-20-100-212 for the award of this contract.

BE IT RESOLVED, by the Council of the Borough of Chatham that the Mayor is hereby authorized to execute a lease agreement with Ricoh USA, Inc. in accordance with this Resolution and Ricoh's proposal dated April 27, 2016. The substance and form of the lease agreement shall be acceptable to the Borough Attorney; 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 #16-216

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 #16-217

RESOLUTION AUTHORIZING 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>
129=24	Hillman, David & Niamh 48 Parrott Mill Road Make check payable & mail to: Hillman, David & Niamh 48 Parrott Mill Road Chatham, NJ 07928	\$73.87	2013/3Qtr.

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.

RESOLUTION #16-218

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2010, 2011, 2012, 2013, 2014, 2015 AND 2016 TAX APPEALS ENTITLED, DRISCOLL PROPERTIES LP V. BOROUGH OF CHATHAM, DOCKET NOS.: 009666-2010; 006640-2011; 010646-2012; 007526-2013; 007036-2014; 004170-2015; 005826-2016 OF THE TAX ASSESSMENT OF BLOCK 91, LOT 3, KNOWN AS 44 FAIRMOUNT AVENUE IN THE BOROUGH OF CHATHAM, MORRIS COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessment for tax years 2010, 2011, 2012, 2013, 2014, 2015 and 2016 on Block 91, Lot 3 have been filed by the taxpayer, Driscoll Properties LP; and

WHEREAS, the proposed Stipulation of Settlement, as provided and attached hereto, has been reviewed and recommended by the Borough Tax Assessor and the Municipal Tax Attorney; and

WHEREAS, the 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 as follows:

1. Settlement of the 2010 and 2011 tax appeals are hereby authorized as follows:

44 Fairmount Avenue
Block 91, Lot 3

Years: 2010, 2011

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 612,800	N/A	WITHDRAWN
Imprvts:	\$ 414,700	N/A	WITHDRAWN
Total:	\$1,027,500	N/A	WITHDRAWN

2. Settlement of the 2012-2016 tax appeals are hereby authorized as follows:

44 Fairmount Avenue
Block 91, Lot 3

Years: 2012, 2013, 2014, 2015, 2016

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 612,800	N/A	\$ 612,800
Imprvts:	\$ 414,700	N/A	\$ 231,500
Total:	\$1,027,500	N/A	\$ 844,300

And,

BE IT FURTHER RESOLVED, that the Municipal Tax Attorney is hereby authorized to enter into the Stipulation of Settlement; 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 #16-219

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2010, 2011, 2012, 2013, 2014, 2015 AND 2016 TAX APPEALS ENTITLED, DRISCOLL PROPERTIES LP V. BOROUGH OF CHATHAM, DOCKET NOS.: 009664-2010; 006641-2011; 010627-2012; 006969-2013; 007042-2014; 004177-2015; AND 005829-2016 OF THE TAX ASSESSMENT OF BLOCK 85, LOT 16, KNOWN AS 10 FAIRMOUNT AVENUE IN THE BOROUGH OF CHATHAM, MORRIS COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessment for tax years 2010, 2011, 2012, 2013, 2014, 2015 and 2016 on Block 85, Lot 16 have been filed by the Taxpayer, Driscoll Properties LP; and

WHEREAS, the proposed Stipulation of Settlement, as provided and attached hereto, has been reviewed and recommended by the Borough Tax Assessor and the Municipal Tax Attorney; and

WHEREAS, the 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 as follows:

1. Settlement of the 2010 and 2011 tax appeals are hereby authorized as follows:

10 Fairmount Avenue
Block 85, Lot 16

Years: 2010, 2011

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 269,900	N/A	WITHDRAWN
Imprvts:	\$ 989,000	N/A	WITHDRAWN
Total:	\$1,258,900	N/A	WITHDRAWN

2. Settlement of the 2012-2016 tax appeals are hereby authorized as follows:

10 Fairmount Avenue
Block 85, Lot 16

Years: 2012, 2013, 2014, 2015, 2016

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 269,900	N/A	\$ 269,000
Imprvts:	\$ 989,000	N/A	\$ 800,100
Total:	\$1,258,900	N/A	\$1,070,000

And,

BE IT FURTHER RESOLVED, that the Municipal Tax Attorney is hereby authorized to enter into the Stipulation of Settlement; 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 #16-220

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2010, 2011, 2012, 2013, 2014, 2015 AND 2016 TAX APPEALS ENTITLED, DRISCOLL PROPERTIES LP V. BOROUGH OF CHATHAM, DOCKET NOS.: 009664-2010; 006641-2011; 010627-2012; 006969-2013; 007042-2014; 004177-2015; AND 005829-2016 OF THE TAX ASSESSMENT OF BLOCK 85, LOT 14, KNOWN AS 283 MAIN STREET IN THE BOROUGH OF CHATHAM, MORRIS COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessment for tax years 2010, 2011, 2012, 2013, 2014, 2015 and 2016 on Block 85, Lot 14 have been filed by the Taxpayer, Driscoll Properties LP; and

WHEREAS, the proposed Stipulation of Settlement, as provided and attached hereto, has been reviewed and recommended by the Borough Tax Assessor and the Municipal Tax Attorney; and

WHEREAS, the 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 as follows:

1. Settlement of the 2010 and 2011 tax appeals are hereby authorized as follows:

283 Main Street

Block 85, Lot 14

Years: 2010, 2011

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 416,000	N/A	WITHDRAWN
Imprvts:	\$ 857,300	N/A	WITHDRAWN
Total:	\$1,273,300	N/A	WITHDRAWN

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

283 Main Street

Block 85, Lot 14

Years: 2012

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 416,000	N/A	\$ 416,000
Imprvts:	\$ 857,300	N/A	\$ 674,000
Total:	\$1,273,300	N/A	\$1,090,000

3. Settlement of the 2013-2016 tax appeals are hereby authorized as follows:

283 Main Street

Block 85, Lot 14

Years: 2013, 2014, 2015, 2016

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 416,000	N/A	\$ 416,000
Imprvts:	\$ 781,100	N/A	\$ 674,000
Total:	\$1,197,100	N/A	\$1,090,000

And,

BE IT FURTHER RESOLVED, that the Municipal Tax Attorney is hereby authorized to enter into the Stipulation of Settlement; 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 #16-221

RESOLUTION AUTHORIZING THE CANCELLATION OF CERTAIN UNEXPENDED CAPITAL APPROPRIATION BALANCES

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects that have been completed; and

WHEREAS, N.J.S.A. 40A:4-60 provides for the cancellation of part, or all, of the unexpended balances for budgeted appropriations; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to the Fund Balance and unused debt authorizations may be cancelled.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that in accordance with the N.J.S.A. 40A:4-60, the following appropriations are hereby cancelled:

<u>Ord. Number</u>	<u>Date Auth.</u>	<u>GENERAL CAPITAL Purpose</u>	<u>Amount</u>
12-06	4/23/12	Road Projects	\$11,720.30
14-04	4/28/14	DPW Fluoride Monitoring and Equipment	\$26,422.97
15-05	4/27/15	Town Hall, Police & DPW Improvements	<u>\$3,149.56</u>
Total Cancelled			\$41,292.83

<u>Ord. Number</u>	<u>Date Auth.</u>	<u>WATER UTILITY CAPITAL Purpose</u>	<u>Amount</u>
12-07	4/23/12	Road Projects	\$29.43
13-08	3/25/13	Water Line on Watchung Ave & Various Equipment	\$102,058.89
14-05	4/28/14	Various Tools and Equipment	\$3,184.03
15-06	4/27/15	Various Equipment & Fencing	<u>\$3,650.82</u>
Total Cancelled			\$108,923.17

And;

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Chief Financial Officer.

BOARDS, COMMISSIONS & COMMITTEES

RESOLUTION #16-222

RESOLUTION APPOINTING KARA SIBILIA TO THE CHATHAM BOROUGH FARMERS' MARKET ADVISORY COMMITTEE

WHEREAS, Resolution #16-13, adopted by the Borough Council on January 4, 2016, re-established the Chatham Borough Farmers' Market Advisory Committee; and

WHEREAS, Kara Sibilias has expressed interest in being appointed to the Chatham Borough Farmers' Market Advisory Committee and has submitted a Volunteer Application to the Mayor and Borough Council for consideration.

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Chatham that Kara Sibia is hereby appointed to the Chatham Borough Farmers' Market Advisory Committee; 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.

OTHER

RESOLUTION #16-223

APPROVING THE RENEWAL OF LIQUOR LICENSES FOR THE 2016-2017 LICENSING TERM

WHEREAS, applications have been filed by holders of liquor licenses in the Borough of Chatham seeking the renewal of their licenses for the 2016-2017 licensing term; and

WHEREAS, inspections were conducted at each of the licensee's premises in accordance with N.J.S.A. 33:1-24 and the Borough of Chatham Board of Health regulations; and

WHEREAS, the Chatham Borough Police Department prepared an annual investigation report, which reported no items of concern; and

WHEREAS, the Borough Clerk reported no objections were filed, either written or in person, with respect to the renewal of any liquor license in the Borough; and

WHEREAS, the Borough Clerk confirmed that each of the following liquor license renewal applications are complete in all respects, that all required fees have been paid, and that Tax Clearance Certificates have been issued by the New Jersey Division of Taxation:

PLENARY RETAIL CONSUMPTION LICENSES

1404-33-008-001	Charley's Aunt Inc.
1404-33-002-005	Chatham Towne Tavern, Inc. t/a River Grille
1404-33-006-009	Jamnan, Inc. t/a Restaurant Serenade
1404-33-007-004	Jesus Saves, Inc. t/a Scalini Fedeli

PLENARY RETAIL DISTRIBUTION LICENSES

1404-44-001-006	OMGS LLC t/a Cottage Deli
1404-44-003-009	Chatham Bottle King, Inc.
1404-44-004-005	Srinidhi Liquors LLC (inactive)

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they are hereby satisfied that all requirements for the renewal of said liquor licenses have been met and approve the renewal of the herein referenced liquor licenses for the 2016-2017 licensing term; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to file a certified copy of this Resolution with the Director of the Division of Alcoholic Beverage Control; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to issue liquor licenses for the 2016-2017 licensing term on the form and certificate approved by the Alcoholic Beverage Control Commission in the State of New Jersey for each of the herein referenced liquor licenses.

RESOLUTION #16-224

RESOLUTION REQUESTING THE BOROUGH OF MADISON TO AUTHORIZE THE MADISON DEPARTMENT OF HEALTH TO SUBMIT AN APPLICATION FOR PHASE 2 OF THE GROTTA FUND FOR SENIOR CARE AGE FRIENDLY COMMUNITIES GRANT ON BEHALF OF THE MADISON/CHATHAM TRI-TOWN 55+ COALITION FOR AGE FRIENDLY COMMUNITIES

WHEREAS, The Madison/Chatham Tri-Town 55+ Coalition for Age Friendly Communities (the “Coalition”) has met all requirements in Phase I of the Grotta Fund for Senior Care to apply for the \$75,000 Phase 2 Age Friendly Communities Grant (the “Grant”) on behalf of the communities of Madison Borough, Chatham Borough and Chatham Township; and

WHEREAS, the Coalition will function to assess the assets and needs of these communities to become or maintain age friendly status; and

WHEREAS, the Grant will run in two parts for up to \$25,000 from October 1, 2016 through December 31, 2016 in Part A and up to \$75,000 (less the amount spent in Part A) from January 1, 2017 through September 30, 2017 for Part B, and will be renewable for two additional years; and

WHEREAS, there is a 100% match request that will be met through existing resources and in-kind donations and will not require additional funds from any of the involved communities; and

WHEREAS, additional resources will need to be included in the Madison Department of Health’s budget, in an amount not to exceed \$75,000, which will be reimbursed by way of this Grant, should the application be successful.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, County of Morris, in the State of New Jersey that it hereby requests the governing body of the Borough of Madison to authorize the Madison Department of Health to submit an application for the \$75,000 Phase 2 of the Grotto Fund for Senior Care Age Friendly Communities Grant on behalf of the Madison/Chatham Tri-town 55+ Coalition for Age Friendly Communities; 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 Member Collander moved to approve Resolution #16-214 through Resolution #16-224. Council Member Resto seconded the motion. A vote was taken and Resolution #16-214 through Resolution #16-224 listed on the Consent Agenda was approved.

RESOLUTION REQUIRING SEPARATE ACTION AND VOTE

Mayor Harris asked Council President Lonergan to proceed with Resolution #16-225.

Council President Lonergan read Resolution #16-225.

RESOLUTION 16-225

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF CHATHAM AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$5,200,000 BOND ANTICIPATION NOTE ISSUE TO BE DATED JUNE 30, 2016 AND PAYABLE FEBRUARY 17, 2017 AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Chatham, in the County of Morris, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue a \$5,200,000 bond anticipation note issue dated June 30, 2016 and payable February 17, 2017 (collectively, the "Notes"); and

WHEREAS, the Borough desires to designate the Notes as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code.

BE IT RESOLVED, by the Borough Council of the Borough of Chatham, in the County of Morris, New Jersey, as follows:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Notes be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Notes are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) said Notes are not "private activity bonds" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2016.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Notes) during the calendar year 2016.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Notes and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2016 dated as of the date of delivery of the Notes.

SECTION 8. This resolution shall take effect immediately upon its adoption.

Council President Lonergan made motion to approve Resolution #16-225.

Council Member Collander seconded the motion.

Mayor Harris asked the Borough Clerk for a roll call vote.

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

Mayor Harris announced that Resolution #16-225 passed.

ADD-ON RESOLUTION(S)

None.

Mayor Harris asked Council Member Helfrich to proceed with Resolution #16-226.

Council Member Helfrich read Resolution #16-226.

RESOLUTION #16-226

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:

Contract Matters: 1. Municipal Auditor – Council President Lonergan
 2. ECLC Lease Extension – Mr. Falzarano

Attorney-Client Privilege: 1. Property Easement – Mr. Lott

Litigation Matter: 1. Affordable Housing Declaratory Action – 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.

Council Member Helfrich moved to approve Resolution #16-226. Council Member Collander seconded the motion. A vote was taken and Resolution #16-226 was approved unanimously.

ADJOURNMENT

Having no other business to be conducted, Mayor Harris adjourned the public meeting.

The Mayor and Borough Council convened into Closed Session.

Meeting adjourned at 9:17 p.m.

Respectfully Submitted:

Robin R. Kline

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