

## **AGENDA**

### **Monday, September 23, 2013**

**Regular Meeting**  
**Mayor and Borough Council**

**Borough of Chatham**  
**54 Fairmount Avenue**  
**Chatham, NJ 07928**

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

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**SALUTE TO THE FLAG**

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**MOMENT OF SILENCE**

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**ADEQUATE NOTICE**

Statement re: Adequate Notice of Meeting

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, 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 filed with the Borough Clerk, all on January 4, 2013.

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**ROLL CALL**

On a call of the roll the following officials should be present:

Mayor Bruce A. Harris  
Council Member James J. Collander  
Council Member James Lonergan  
Council Member John Holman  
Council Member Victoria Fife  
Council Member Gerald J. Helfrich  
Robert J. Falzarano, Borough Administrator  
James L. Lott, Jr., Borough Attorney  
Susan Caljean, Municipal Clerk

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**RESOLUTION #13-319**  
**RESOLUTION TO ADOPT COUNCIL MEETING MINUTES**

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**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the minutes from the following meeting are approved as typed and filed in the Borough Clerk's office:

Council Meeting, September 9, 2013

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### **DISCUSSION ITEMS**

1. Breast Cancer Awareness- Mrs. Gulla
2. Capital Project Update- Mr. DeNave
3. Leak Detection Report- Mr. DeNave
4. Parking Fines/Time Limit Parking (Update)- Mr. Falzarano

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### **MEETING OPEN TO THE PUBLIC**

#### **NOTICE OF PUBLIC COMMENT**

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.

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#### **SECOND READING ORDINANCE PROCEDURE**

Mayor Harris asks **Council Member Collander** to proceed with Ordinance #13-18

**Council Member Collander** reads Ordinance #13-18 entitled:

#### **HAZARDOUS SUBSTANCE ORDINANCE**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on September 9, 2013.

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

The Clerk states: That due to the error on the part of the Chatham Courier newspaper and publishing the of the required notice of introduction, this ordinance needs to be carried to the next Council Meeting which will be held on Tuesday, October 15, 2013.

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#### **COUNCIL COMMITTEE REPORTS**

**Budget and Finance**

James Lonergan

**Public Works Planning**

John Holman

**Personnel**

Victoria Fife

**Public Safety & Emergency Services** James J. Collander

**Shared Services & 3<sup>rd</sup> Party Agreements** Victoria Fife

**Long Range Traffic & Pedestrian  
Safety Planning** James J. Collander

**Madison/Chatham Joint Meeting** Gerald J. Helfrich

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**MAYOR'S REPORT** Mayor Bruce A. Harris

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**ADMINISTRATOR'S REPORT** Robert J. Falzarano

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### **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 #13-320 through Resolution #13-326 have been placed on the Consent Agenda.

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### **RESOLUTIONS REMOVED FROM THE CONSENT AGENDA**

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### **PERSONNEL**

#### **RESOLUTION #13-320**

#### **RESOLUTION TO APPOINT PETER ATKINSON TO PERMANENT STATUS AS LEAD SERVICE PERSON FOR THE DEPARTMENT OF PUBLIC WORKS WITH AN EFFECTIVE DATE OF SEPTEMBER 27, 2013**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Peter Atkinson be appointed to permanent status as Lead Service person for the Department of Public Works with an effective date of September 27, 2013.

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### **FINANCE**

#### **RESOLUTION #13-321**

#### **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.

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**RESOLUTION #13-322**

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, SUPPORTING CHATHAM SPRING CLEAN 2014 AND AUTHORIZING SOLICITATION FOR CHARITABLE CONTRIBUTIONS FOR SAME**

**WHEREAS**, Chatham Spring Clean is a Borough-wide day of volunteerism in honor of Earth Day focused on litter removal and neighborhood beautification for the Borough of Chatham; and

**WHEREAS**, Chatham Spring Clean 2014 will be held on May 3, 2014; and

**WHEREAS**, the Mayor and Borough Council of the Borough of Chatham support this grassroots initiative and hope to make Chatham Spring Clean an annual event; and

**WHEREAS**, the Mayor and Borough Council wish to authorize the solicitation of charitable contributions to Chatham Spring Clean.

**BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham as follows:

1. The Mayor and Borough Council hereby declare their support of the Chatham Spring Clean.
2. The Mayor and Borough Council further hereby authorize the solicitation of charitable contribution in support of Chatham Spring Clean and direct Chief Financial Officer Mariniello to establish a trust fund account for any such contributions received.
3. All Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

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**RESOLUTION #13-323**

**RESOLUTION TO REFUND PROPERTY TAXES**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that a refund of property taxes be issued to the individuals listed below as follows:

<b>BLOCK/LOT</b>	<b>OWNERS &amp; PROPERTY ADDRESS</b>	<b>AMOUNT</b>	<b>YEAR/QTR</b>
94/13	Veale, Stuart & Linda 114 Fairmount Avenue	\$4,627.42 Overpayment	2013/2 Qtr.

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**MISCELLANEOUS**

**RESOLUTION #13-324**

**RESOLUTION OF THE BOROUGH OF CHATHAM AUTHORIZING  
PARTICIPATION IN THE JOINT MUNICIPAL COURT**

**WHEREAS**, the Borough of Chatham, the Township of Chatham, the Township of Harding and the Township of Morris have all indicated a desire to participate in a Joint Municipal Court agreement with the Borough of Madison for use of the court facilities at the Hartley Dodge Memorial at Kings Road in Madison effective January 1, 2014; and

**WHEREAS**, the Borough Administrator and Joint Court Administrator recommend that the Borough Council authorize entry into an agreement for the Joint Municipal Court; and

**WHEREAS**, the agreement is subject to the concurrence of the Assignment Judge, Superior Court of New Jersey, Morris County; and

**WHEREAS**, the Borough Council deems it appropriate to authorize entry into an agreement for a Joint Municipal Court with the Borough of Madison, the Township of Chatham, the Township of Harding and the Township of Morris.

**BE IT RESOLVED**, by the Council of the Borough of Chatham, in the County of Morris and State of New Jersey, that the Mayor is authorized to execute an agreement for a Joint Municipal Court as described herein and as reviewed and approved by the Assignment Judge of the Superior Court of New Jersey, Morris County.

**BE IT FURTHER RESOLVED**, that upon execution of the agreement, it shall be forwarded to the Assignment Judge together with a copy of the authorizing resolutions from the participating municipalities.

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**RESOLUTION #13-325**

**RESOLUTION OF THE MAYOR AND COUNCIL AUTHORIZING THE DISPOSAL  
OF SURPLUS PROPERTY**

**WHEREAS**, the Borough of Chatham is the owner of certain surplus property which is no longer needed for public use; and

**WHEREAS**, the Mayor and Council are desirous of selling said surplus property in a “as is” condition without express or implied warranties.

**BE IT RESOLVED**, by the Council of the Borough of Chatham, County of Morris as follows:

The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com. The sale will be conducted online and the address of the auction site is govdeals.com. The sale is being conducted pursuant to Local Finance Notice 2008-9.

A list of the surplus property to be sold is as follows:

2008 Ford Crown Victoria 4.6L	
Vin#2FAHP71V08X178611 Miles 66,181	\$4,000.00 or best offer
Needs transmission	

The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property. The Borough of Chatham reserves the right to accept or reject any bid submitted.

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**RESOLUTION #13-326**

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, CORRECTING RESOLUTION #13-313 AUTHORIZING THE SALE OF CERTAIN BOROUGH-OWNED REAL PROPERTY LOCATED AT 83 CHATHAM STREET (BLOCK 17, LOT 6).**

**WHEREAS**, the Mayor and Borough Council of the Borough of Chatham adopted Resolution #13-313 authorizing the sale of certain Borough-owned real property commonly known as 83 Chatham Street and designated as Block 17, Lot 6 on the Borough Official Tax Map (the “Property”); and

**WHEREAS**, Resolution #13-313 stated that sealed bids for the Property would be accepted on September 25, 2013 at 10:00 a.m, or as soon thereafter as the matter may be reached; and

**WHEREAS**, publication of the notice of sale required pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., was delayed due to newspaper error; and

**WHEREAS**, as a result, the date for receipt of sealed bid has been rescheduled for October 3, 2013 and the Mayor and Borough Council wish to recognize this new date.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham as follows:

1. Sealed bids for the sale of certain Borough-owned real property commonly known as 83 Chatham Street and designated as Block 17, Lot 6 on the Borough Tax Map shall be accepted on October 3, 2013 at 10:00 a.m., or as soon thereafter as the matter may be reached, at Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

2. All other provisions of Resolution #13-313 not amended or supplemented herein remain in full force and effect.

3. All Borough employees and officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

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**CONSENT AGENDA VOTE:**

Mayor Harris asks Council Member \_\_\_\_\_ to proceed with the Resolutions listed on the Consent Agenda. Resolutions #13-320 through #13-326

Council Member \_\_\_\_\_: I would like to make a motion to allow the resolution on this evening's agenda to be approved by consent of the Council; and I so move.

Seconded by: \_\_\_\_\_

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**FIRST READING ORDINANCE PROCEDURE**

- (1) Mayor Harris asks **Council Member Fife** to introduce Ordinance #13-19
- (2) **Council Member Fife** introduces Ordinance #13-19 by title as follows:

**AN ORDINANCE OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS,  
STATE OF NEW JERSEY ACCEPTING GRANT OF EASEMENT OVER A PORTION  
OF 51 SUMMIT AVENUE (BLOCK 124, LOT 11).**

(3) **Council Member Fife** explains the purpose of the Ordinance and Council Member Fife moves for introduction of the First Reading.

**Council Member Fife** reads:

**WHEREAS**, the above Ordinance was introduced, read by title at this Council meeting held on September 23, 2013.

**BE IT RESOLVED**, that at the Council meeting to be held on October 15, 2013 at 7:30 p.m. prevailing time, at the Borough Hall in said Borough, this Council will further consider this Ordinance for a second reading and final passage; and

**BE IT FURTHER RESOLVED**, that the Clerk of this Borough 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.

Mayor asks Clerk for a Roll Call Vote:

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

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**RESOLUTION #13-327**  
**RESOLUTION TO RECESS INTO CLOSED SESSION**

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that it 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. Telephone Audit Services- Mr. Mariniello  
2. Energy Aggregation- Mr. Falzarano

LITIGATION: 1. Tricare- Mr. Lott

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.

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