

AGENDA

Monday, November 11, 2013

Regular Meeting
Mayor and Borough Council

Borough of Chatham
54 Fairmount Avenue
Chatham, NJ 07928

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

SALUTE TO THE FLAG

MOMENT OF SILENCE

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.

OATH OF ALLEGIANCE

Alida Kass

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 President John Holman
Council Member Victoria Fife
Council Member Gerald J. Helfrich
Council Member Alida Kass
Robert J. Falzarano, Borough Administrator
James L. Lott, Jr., Borough Attorney
Catherine Baldwin, Deputy Clerk

RESOLUTION #13-360

RESOLUTION TO RECOGNIZE SATURDAY NOVEMBER 30, 2013 AS SMALL BUSINESS SATURDAY

WHEREAS, the Borough of Chatham celebrates our local small businesses and the contribution they make to our local economy and community, and recognizes that, according to the United States Small Business Administration, there are currently 28 million small businesses in the United States, representing more than 99 percent of American companies, creating two-thirds of the net new jobs, and generating half of private gross domestic product; and

WHEREAS, small businesses employ ½ of the employees in the private sector in the United States; and

WHEREAS, 89 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue; and

WHEREAS, 86 percent of consumers in the United States have small businesses in their community that the consumers would miss if the small businesses closed; and

WHEREAS, 93 percent of consumers in the United States agree that it is important for people to support the small businesses that they value in their community

WHEREAS, 90 percent of consumers in the United States are willing to pledge support for a “buy local” movement; and

WHEREAS, the Borough of Chatham supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and

WHEREAS, advocacy groups and public and private organizations across the country have endorsed the Saturday after Thanksgiving, November 30, 2013 as “Small Business Saturday”.

BE IT RESOLVED, I, Bruce Harris, Mayor of Chatham Borough and the Council of the Borough of Chatham do hereby recognize, November 30, 2013, as:

SMALL BUSINESS SATURDAY

AND urge the residents of our community, and communities across the country, to support small businesses and merchants on “Small Business Saturday” and throughout the year.

RESOLUTION #13-361

RESOLUTION TO ADOPT COUNCIL MEETING MINUTES

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, October 28, 2013

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Chatham that the Executive Session minutes be adopted herein as approved and redacted by the Borough Attorney:

Executive Sessions, September 9 & 23, 2013
Executive Session, October 15, 2013

DISCUSSION ITEMS

1. November 30, 2013-Small Business Saturday-Mr. Britt
2. Cares & Shares- Mr. Lonergan
3. 2014 Fees: Recreation, Construction, Water, Solid Waste, Sewer and others- Mr. Lonergan
4. Post Office Plaza Plan- Mr. DeNave
5. Recycling Contract- Mr. Lott

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.

SECOND READING ORDINANCE PROCEDURE

Mayor Harris asks **Council Member Fife** to proceed with Ordinance #13-20

Council Member Fife reads Ordinance #13-20 entitled:

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS AMENDING CHAPTER 6 OF THE BOROUGH CODE ENTITLED "COURT"

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on October 28, 2013.

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

COUNCIL MEETING
November 11, 2013

The Clerk states: A legal notice was published indicating that Ordinance #13-20 was introduced and passed on first reading at the October 28, 2013 meeting and indicating that the second reading and public hearing would be held at the Council meeting on November 11, 2013 for consideration of final adoption. Copies were made available to the general public and posted in accordance with the law.

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

Mayor Harris: I will now close the meeting to the public.

Council Member Fife: I offer the following Ordinance and move its adoption:

Resolved, that this Ordinance as read by title on second reading, at this regular meeting, be adopted and finally passed.

Council Member _____ seconds the motion.

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

Mayor Harris: I declare this Ordinance adopted and finally passed. I hereby request the Clerk to publish the proper notice of this adoption in the newspaper and to record the Ordinance in the proper places.

Council Liaison Reports

Affordable Housing Advisory Committee

Mayor Bruce A. Harris

Communications Technology Advisory Committee

Mayor Bruce A. Harris

Community Gardens Advisory Committee

Vacant

Environmental Commission

Vacant

Overnight Parking Advisory Committee

Vacant

Cares & Shares Advisory Committee

James Lonergan

Municipal Pool Advisory Committee

James Lonergan

Joint Recreation Advisory Committee

James Lonergan

Shade Tree Commission

James Lonergan

Board of Health

John Holman

Community Garden

John Holman

Farmers' Market Advisory Committee

John Holman

COUNCIL MEETING
November 11, 2013

**Madison Chatham Joint Meeting
Mayors' Wellness Committee
Project Community Pride
Chamber of Commerce
Planning Board
Public Arts Council Advisory Committee
Senior Center of the Chathams
9/11 Memorial Advisory Committee
Historic Preservation Commission
Board of Education
Traffic Safety Advisory Committee**

John Holman
Victoria Fife
Victoria Fife
Victoria Fife
Victoria Fife
Victoria Fife
Victoria Fife
Gerald J. Helfrich
Gerald J. Helfrich
Gerald J. Helfrich
James Collander

MAYOR'S REPORT

Mayor Bruce A. Harris

ADMINISTRATOR'S REPORT

Robert J. Falzarano

RESOLUTION #13-362

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, AUTHORIZING A SHARED SERVICE AGREEMENT FOR UNIFORM CONSTRUCTION CODE SERVICES WITH THE BOROUGH OF MADISON

WHEREAS, the Borough of Madison currently provides certain State mandated Uniform Construction Code Services to the Borough of Chatham pursuant to a shared services agreement; and

WHEREAS, the Mayor and Borough Council of the Borough of Chatham are satisfied with the services provided by Madison and understand that such shared services arrangements help achieve financial and operational benefits as a result of economies of scale and are in the best interest of Chatham, and

WHEREAS, the Mayor and Borough Council desire to enter into a shared service arrangement with Madison for all State mandated Uniform Construction Code Services; and

WHEREAS, Madison is interested in providing such services to Chatham in accordance with the terms and conditions set forth in a shared services agreement; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) provides that local units of government may enter into a contract for the joint provision of any service which either party to said agreement is empowered to render or perform within its own jurisdiction.

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

1. The Mayor and Borough Clerk of the Borough of Chatham are hereby authorized to execute a shared services agreement with the Borough of Madison for all State mandated Uniform Construction Code Services consistent with the terms and conditions of this Resolution and in a form satisfactory to the Borough Attorney.

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

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 #13-363 through Resolution #13-369 have been placed on the Consent Agenda.

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA

APPOINTMENTS

RESOLUTION #13-363

RESOLUTION TO APPOINT ELIZABETH MIKULEWICZ TO THE FARMERS' MARKET ADVISORY COMMITTEE AS JUNIOR MEMBER WITH A TERM TO EXPIRE ON DECEMBER 31, 2013

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Elizabeth Mikulewicz be appointed as a junior member of the Farmers' Market Advisory Committee as a Junior Member.

RESOLUTION #13-364

RESOLUTION TO APPOINT ADDISON WALKER TO THE FARMERS' MARKET ADVISORY COMMITTEE AS JUNIOR MEMBER WITH A TERM TO EXPIRE ON DECEMBER 31, 2013

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Addison Walker be appointed as a junior member of the Farmers' Market Advisory Committee as a Junior Member.

FINANCE

RESOLUTION #13-365

RESOLUTION TO APPROVE PAYMENT OF VOUCHERS

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

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

RESOLUTION #13-366

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM AUTHORIZING THE SETTLEMENT OF 2012 TAX APPEAL ENTITLED PAUL ELIA MCDERMOTT ET AL. V. BOROUGH OF CHATHAM FILED IN THE TAX COURT OF NEW JERSEY UNDER DOCKET NO.: 010825-2012 CONTESTING THE REAL PROPERTY ASSESSMENT OF BLOCK 19, LOT 16, KNOWN AS 11 MEADOWBROOK ROAD, IN THE BOROUGH OF CHATHAM, MORRIS COUNTY, NEW JERSEY

WHEREAS, an appeal of the real property tax assessment for tax year 2012, involving Block 19, Lot 16, has been filed by the Taxpayer, Paul Elia McDermott et al.; 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:

11 Meadowbrook Road

Year: 2012

<u>Original Assessment</u>		<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$542,200	\$542,200	\$542,200
Imprvts:	\$393,400	\$393,400	\$352,800
Total:	\$935,600	\$935,600	\$895,000

2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

RESOLUTION #13-367

**RESOLUTION TO TRANSFER MONIES IN THE APPROPRIATION BUDGET 2013
CURRENT FUND**

WHEREAS, N.J.S.A. 40A: 4-59 provides that during the last two months of any fiscal year, when the amount of the current fiscal year is insufficient to pay the claims authorized or incurred during said current year which were chargeable to said appropriation.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham in the County of Morris and state of New Jersey that the Chief Financial Officer is hereby authorized to make the following line-item transfers in the 2013 Current Fund Budget with an effective date of November 11st, 2013:

<u>Departments</u>	<u>Account #</u>	<u>To</u>
Administrative S/W	20-100-010	\$18,000.00
Human Resources S/W	20-105-010	3,000.00
Financial S/W	20-150-010	6,000.00
Assessment O/E	20-150-223	1,000.00
Group Insurance O/E	23-220-000	35,000.00
P.E.O.S.H.A. O/E	26-310-245	<u>2,400.00</u>
TOTAL		\$65,400.00

<u>Departments</u>	<u>Account #</u>	<u>From</u>
Tax Assessor S/W	22-150-010	\$3,000.00
Construction S/W	22-195-010	7,000.00
Police S/W	25-240-010	25,400.00
Parking S/W	25-245-010	<u>30,000.00</u>
TOTAL		\$65,400.00

MISCELLANEOUS

RESOLUTION #13-368

**RESOLUTION TO AUTHORIZE ST. PATRICK SCHOOL TO PLACE ONE OPEN
HOUSE BANNER AT REASONER PARK AND ONE AT THE CHATHAM TRAIN
STATION PARKING LOT**

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that St. Patrick School is authorized to place one banner at Reasoner Park and one banner at the Chatham Train Station from Monday, January 13th through Monday, February 3, 2014.

RESOLUTION #13-369

RESOLUTION OF THE BOROUGH OF CHATHAM SUPPORTING THE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR FUNDS TO DE-SNAG THE PASSAIC RIVER.

WHEREAS, the Borough of Chatham received a letter from the DEP advising of the availability of grant funds for the purpose of de-snagging the Passaic River; and

WHEREAS, the maximum grant available for each municipality is \$100, 000; and

WHEREAS, the letter suggests coordinating municipal efforts with contiguous municipalities and submitting a grant application through the county; and

WHEREAS, interest has been generated in Long Hill, Berkeley Heights, Summit; Chatham Township, and New Providence, as well as Union and Morris Counties; and

WHEREAS, a preliminary meeting was held on September 27, 2013 with interested parties, and a subsequent meeting was held on October 11, 2013 with the purpose of touring the river with representatives of the DEP; and

WHEREAS, Union County will be coordinating the grant applications for all participating municipalities.

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Chatham, County of Morris and State of New Jersey that the Borough Council supports the coordinated efforts of the aforementioned municipalities and concurs with the submittal of said grant application.

CONSENT AGENDA VOTE:

Mayor Harris asks Council Member _____ to proceed with the Resolutions listed on the Consent Agenda, Resolutions #13-363 through #13-369.

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

Seconded by: _____

FIRST READING ORDINANCE PROCEDURE

- (1) Mayor Harris asks **Council Member Fife** to introduce Ordinance #13-21
- (2) **Council Member Fife** introduces Ordinance #13-21 by title as follows:

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF CHATHAM,
CHAPTER 165 ARTICLE IV, THEREOF ENTITLED “RESIDENTIAL DISTRICT
REGULATIONS” TO ADD EXCEPTIONS FOR PORTICOS UNDER FRONT YARD
AND BUILDING COVERAGE REQUIREMENTS**

(3) **Council Member Fife** explains the purpose of the Ordinance and 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 November 11, 2013.

BE IT RESOLVED, that at the Council meeting to be held on November 25, 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						
Loneragan						
Holman						
Fife						
Helfrich						
Kass						

FIRST READING ORDINANCE PROCEDURE

- (1) Mayor Harris asks **Council Member Collander** to introduce Ordinance #13-22
- (2) **Council Member Collander** introduces Ordinance #13-22 by title as follows:

**AN ORDINANCE OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY AMENDING VARIOUS
SECTIONS OF CHAPTER 139 OF THE BOROUGH CODE RELATED TO PARKING**

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

Council Member Collander reads:

WHEREAS, the above Ordinance was introduced, read by title at this Council meeting held on November 11, 2013.

BE IT RESOLVED, that at the Council meeting to be held on November 25, 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						
Kass						

RESOLUTION #13-370
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:

LITIGATION: 1. Tricare-Mr. Lott/Mr. Falzarano

CONTRACTS: 1. Sale of 57 Watchung Avenue- Mr. Lott
2. Recycling- Mr. Lott/Mr. Falzarano

PERSONNEL: 1. 2014 Employee Salaries- Mrs. Fife
2. Professional Service Provider Evaluations- Mrs. Fife
3. Council Assignments- Mayor Harris

COUNCIL MEETING
November 11, 2013

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.