

Regular Council Meeting Minutes
February 11, 2013

REGULAR COUNCIL MEETING
February 11, 2013 7:30 p.m.

The Regular Council Meeting of the Borough of Chatham was held on Monday February 11, 2013 beginning at 7:30 p.m. in the Council Chambers, in the Municipal Building.

The meeting was called to order at 7:30 p.m.; Mayor Bruce A. Harris presiding.

The Borough Council saluted the flag.

Mayor Harris asked for a moment of silence for those people who have given their life for this country; and Council Member Holman who lost a family member this week.

Susan Caljean, Municipal Clerk read the statement regarding 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, and Chatham Courier, the Chatham Patch, and Alternative Press and filed with the Borough Clerk, all on January 4, 2013.

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

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

*by speakerphone 7:57 pm

** arrived 7:33 pm

Council President Resto read the following Proclamation.

BOROUGH of CHATHAM
NEW JERSEY

PROCLAMATION
CELEBRATING THE 6TH ANNUAL SUSAN G. KOMEN FOR THE CURE® NORTH
JERSEY RACE FOR THE CURE®

MAY 5, 2013

WHEREAS, breast cancer is the leading cause of death of women between the ages of 35 and 64 and increased public awareness of this disease, its risk factors and symptoms may save lives of women and men across New Jersey; and

WHEREAS, Susan G. Komen For The Cure® is dedicated to education and research about causes, treatment, and the search for a cure; and

WHEREAS, the Komen National Race for the Cure Series, an event of the Susan G. Komen For The Cure®, is the largest series of 5 kilometer races in the world, raising public awareness and much needed funding for breast cancer research; and

WHEREAS, on Sunday, May 5, 2013, runners, walkers, survivors, co-survivors and volunteers will unite at a new Race location to be held at the Essex County South Mountain Recreation Complex for the 6th Annual Susan G. Komen For The Cure® North Jersey Race for the Cure® 5K Certified Run, 5K Walk, and 1.5K Fun Walk event; and

WHEREAS, last year the Susan G. Komen For The Cure® North Jersey Race for the Cure® brought together thousands of women, men and children from northern New Jersey and beyond, and raised over 1 million for the North Jersey service region to help fund breast cancer research and provide local community life-saving education, screening and treatment services; now

BE IT PROCLAIMED, by the Mayor and Council of the Borough of Chatham that Sunday, May 5, 2013 is SUSAN G. KOMEN FOR THE CURE® NORTH JERSEY RACE FOR THE CURE® day in Chatham Borough; and

BE IT FURTHER PROCLAIMED, that all Chatham Borough residents are encouraged to participate in the Susan G. Komen For The Cure® North Jersey Race for the Cure® to help raise funds and awareness for the fight against this life threatening disease, to join the celebration of survivorship, and to honor those who have dedicated their lives to researching, treating, curing, and caring for victims, and to those who have lost their battle with breast cancer.

Sherry Ambrose, Race Chair this year thanked the Council for their support. Ms. Ambrose stated one million dollars was raised last year. 75% of the money goes to the nine northern New Jersey Counties; 25% goes to the national level for research.

Mayor Harris read the following Resolution.

RESOLUTION #13-111

**RESOLUTION BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM
RECOGNIZING THE HONORABLE LEANNA BROWN FOR 50 YEARS OF
DEDICATED PUBLIC SERVICE TO OUR COMMUNITY**

WHEREAS, the Honorable Leanna Brown is a “trailblazer” with many “female firsts” during her long and illustrious career of public service; and

WHEREAS, she was the first woman elected to Chatham Borough Council, where she served from 1969 to 1972; and

WHEREAS, she was elected to the Morris County Board of Chosen Freeholders in 1972; and,

WHEREAS, she was selected as Morris County Freeholder Director in 1976 and was President of the New Jersey Association of Counties in 1978, both “female firsts”; and

WHEREAS, in 1980, she won a special election to an unexpired term in the New Jersey General Assembly and was re-elected the following year, serving until 1983; and

WHEREAS, in 1983, she ran for the Republican nomination for State Senate in the 26th Legislative District and became the first Republican woman ever to serve in the upper house of the State Legislature; and

WHEREAS, after 10 distinguished years as a New Jersey Senator, she was appointed in 1993 to the New Jersey Casino Control Commission in Atlantic City; and

WHEREAS, throughout her career, Leanna Brown has worked tirelessly for improved transportation, fiscal responsibility, emergency preparedness, affordable housing, and international trade; and

WHEREAS, she has been a champion of openness and opportunity for all, encouraging others to accomplish their “impossible dreams”; and

WHEREAS, Leanna Brown has made it a priority throughout her career to mentor, champion, and bring into public service many talented people, including (but not limited to) over 100 interns, many of whom hold key leadership positions today; and

WHEREAS, Leanna Brown was appointed to serve on the President’s Commission on White House Fellows from 2007 to 2009; and

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WHEREAS, she has chaired the New Jersey Advisory Committee of the U.S. Commission on Civil Rights; and

WHEREAS, Leanna Brown has served ably in the international arena, including participating in the U.N. Conference Against Racism in Durban, South Africa; serving as a delegate to the 2001 Forum of Non-Governmental Organizations; and serving as a US delegate to the 2008 Global Summit of Women in Hanoi, Vietnam; and

WHEREAS, Leanna Brown has shown tremendous business acumen by serving as a Director on the Board of Chatham Trust Company, serving on the National Advisory Committee of the U.S. Small Business Administration, and chairing Brown Global Enterprises; and

WHEREAS, Leanna Brown has hosted a Cable T.V. show (Upbeat NJ), where she interviewed hundreds of New Jersey's key players, and continues to write a syndicated column by the same name for Recorder Community Newspapers; and

WHEREAS, she serves on the State of New Jersey Council on Local Mandates; and

WHEREAS, Leanna Brown symbolizes the epitome of "family values" by having devoted her life to her beloved late husband, Stan, her children and her grandchildren, including taking them on worldwide trips and expeditions; and

WHEREAS, we are proud and fortunate that Leanna Brown has lived in Chatham Borough for over 50 years; and

WHEREAS, it is evident that Leanna Brown will continue to serve her community for many years to come; and

WHEREAS, Leanna Brown has truly earned the title "*Honorable*" by leading such an exemplary life of service dedicated to her community, state, country and world.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, County of Morris, State of New Jersey, that we do hereby honor, recognize and thank the Honorable Leanna Brown for over 50 years of extraordinary, trailblazing, and distinguished public service.

Council President Resto moved Resolution #12-111, seconded by Council Member Lonergan. A vote was taken and it was approved unanimously.

Mayor Harris read the following Resolution.

RESOLUTION #13-112
RESOLUTION CONGRATULATING CHATHAM YOUTH WRESTLING ON
WINNING THE 2012 HOLIDAY TOURNAMENT

WHEREAS, Chatham Youth Wrestling has provided an exciting opportunity for youth of Chatham Borough and Chatham Township to learn to wrestle for over 20 years; and

WHEREAS, Chatham Youth Wrestling hosted the 2012 Holiday Tournament, a competition among the wrestling teams of various communities from New Jersey, New York and Connecticut and including more than 400 wrestlers; and

WHEREAS, Chatham Youth Wrestling came in first in the 2012 Holiday Tournament;

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, County of Morris, State of New Jersey that we congratulate Chatham Youth Wrestling on its victory and wish the team good luck in all of its future wrestling matches! You have made Chatham Borough proud!

Council President Resto moved Resolution #12-112, seconded by Council Member Helfrich. A vote was taken and it was approved unanimously.

RESOLUTION #13-113
RESOLUTION TO RECESS INTO CLOSED SESSION

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that it recess 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.

BE IT FURTHER RESOLVED, that the Borough Council will reconvene after Closed Session.

LITIGATION: 1. Tricare- Denis Driscoll

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.

Council Member Fife moved Resolution #12-113, seconded by Council Member Lonergan. A vote was taken and it was approved unanimously.

7:45 pm Closed Session

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7:57 pm Reconvene Into Public Session

Council Member Helfrich moved that we return to public session, seconded by Council President Resto. A vote was taken and approved unanimously.

RESOLUTION #13-114
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 meetings are approved as typed and filed in the Borough Clerk's office:

Council Meeting, January 28, 2013

Council Member Helfrich moved Resolution #12-114, seconded by Council President Resto. A vote was taken and it was approved unanimously.

DISCUSSION ITEMS

Chatham Downtown Alliance-Mr. Britt stated the Alliance began last fall. The purpose is to attract people to the downtown. There are approximately 87 retail establishments in town; 40 merchants are currently members. They have a website chathamdowntown.com and will soon have a Facebook page. The Alliance held several events last fall and plan to expand the events this year.

CAF Gala-Mr. Ivans reported their fundraiser was held at Reasoner Park last year and was a great success. CAF would like to hold the same event on September 28, 2013. There will be a resolution to approve the event at the next meeting.

Fishawack- Mr. Tomaino, President of Fishawack Inc. asked the Council's permission to hold the festival on June 8, 2013 from 10 a.m. to 6 p.m. The event last year raised approximately \$9,000.00 which will be donated to the Fire Department, Police Department, Emergency Squad, Senior Center, Library, 9/11 Memorial and the Chamber of Commerce; they also award one \$1,000.00 scholarship to a high school senior for community service work.

2013 Goals & Objectives- Mr. Falzarano explained the purpose of having goals and objectives. Mr. Falzarano received information from the Council Members and Department Heads. Mr. Falzarano explained the goals and objectives for 2013.

Chatham Clean-Up-Mrs. Fife reported they would like to have a clean-up similar to what Madison does on May Day each year. It will be held on April 20th 8 a.m. to 1 p.m. The Town and Country Garden Club will organize the clean-up. They would like to get the scouts and schools

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involved to clean up and put mulch down in the gardens and parks in the Borough. The Environmental Commission Trail Clean up is scheduled for the same day.

2014 Parking Fees- Mr. Lonergan explained the annual parking rate in the Borough is low compared to surrounding towns. The proposed 2014 rate would be \$425.00 a year a increase of \$5.00. At the next meeting the Committee will discuss fees for daily parking and the smaller parking lots.

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.

Mayor Harris opened the meeting to the public.

No public comment.

Mayor Harris closed the meeting to the public.

COUNCIL COMMITTEE REPORTS

Budget and Finance

James Lonergan reported the Budget Presentation will be done at the February 25th Council Meeting. Mr. Lonergan stated the budget will increase between 1.5% and 2.5%. The County budget is expected to remain flat.

Public Works Planning

John Holman stated Department of Public Works did an excellent job during the storm.

Personnel

Leonard Resto stated they will be discussing the position of Department of Public Works Deputy Director in closed session.

Public Safety & Emergency Services

James J. Collander reported the next meeting is scheduled for April. The Police Department hopes to hire a patrolman by April 1st.

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Shared Services & 3rd Party Agreements

Victoria Fife reported the Borough has signed a contract with Summit for shared services for gasoline. The Committee is working on a contract for animal control with Millburn.

Long Range Traffic & Pedestrian Safety Planning

James J. Collander stated a meeting will be scheduled in March.

Madison/Chatham Joint Meeting

Gerald J. Helfrich reported the reorganizational meeting was held. The next meeting is Tuesday.

MAYOR'S REPORT

Mayor Bruce A. Harris reported the Communications Technology Committee met last week; Steve Williams made a presentation of the Everbridge emergency notification system. You can sign up for notifications on the Borough website. Mr. Harris stated Diane O'Brien will retire as Director of the Library at the end of April. Chatham Borough received the Sustainable Champion Award from Sustainable Jersey. Mayor Harris stated he received compliments all weekend about what a good job the Department of Public Works did during the last snow storm.

ADMINISTRATOR'S REPORT

Robert J. Falzarano reported he has been working on the Goals and Objectives and the budget. He has been working with the Police Department on their rules and regulations. Mr. Falzarano has been following up with Cingular Wireless about the antennae on the roof. The Borough received a check from PSE&G for \$34,744.00 in connection with the monopole installation.

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 #13-115 through Resolution #13-123 have been placed on the Consent Agenda.

FINANCE

**RESOLUTION #13-115
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:

BLOCK/LOT	OWNERS & PROPERTY ADDRESS	AMOUNT	YEAR/QTR
99/1.09	McNutt, Paul & Cynthia 15 Woods Lane	\$5,259.59 Overpayment during refinance	2011/3 Qtr.

**RESOLUTION #13-116
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 #13-117
RESOLUTION SETTING THE SEWER SERVICE CHARGES FOR 2013**

WHEREAS, the Chapter 217, Sewers, of the Borough Code regulates, among other things, the charges for sanitary sewers in the Borough of Chatham; and

WHEREAS, Chapter 217 was amended and supplemented to permit the setting of sewer charges by Resolution to provide greater flexibility to the operations; and

WHEREAS, pursuant to Chapter 217 the sewer charges have been computed by the Borough Administrator and Director of Finance; and

WHEREAS, it has been determined that the new sewer service charge shall be computed at the rate of \$3.52 per 100 cubic feet of metered water during the preceding quarter, effective March 1, 2013.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, County of Morris, State of New Jersey that the new sewer service charge will be \$3.52 per 100 cubic feet of metered water during the preceding quarter, effective March 1, 2013.

**RESOLUTION #13-118
RESOLUTION TO RETURN THE CASH BOND TO MR. & MRS. SLAMM, FOR
WORK DONE AT 202 FAIRMOUNT AVENUE**

WHEREAS, Mr. & Mrs. Slamm submitted to the Borough of Chatham a Cash Bond in the amount of \$1,000.00; and

WHEREAS, Mrs. Slamm has submitted a request to the Chatham Borough Engineer to release the Cash Bond; and

WHEREAS, the Chatham Borough Engineer has reviewed the request from Mrs. Slamm and determined that have complied with the conditions set forth by the Chatham Borough Engineer.

BE IT RESOLVED, by the Chatham Borough Council that the Cash Bond in the amount of \$1,000.00 be released to Mr. & Mrs. Slamm.

EVENTS

RESOLUTION #13-119

RESOLUTION TO AUTHORIZE THE CHATHAM BOROUGH VOLUNTEER FIRE DEPARTMENT TO CONDUCT A PARADE ON THURSDAY, JULY 4, 2013

WHEREAS, the Borough of Chatham will celebrate Independence Day in the traditional manner this year on Thursday, July 4, 2013; and

WHEREAS, the Council wishes to recognize the authority, assistance and cooperation of the Fire Chief and the Police Chiefs and their departments in this connection.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Chatham Fire Department is hereby granted authority to conduct a parade in the Borough on July 4, 2013 and the participants and other persons involved therein are granted permission to use that day the following streets, including the roadbeds thereof, as set forth in the parade plan namely: portions of Hillside Avenue, Van Doren Avenue and Main Street (State Highway #124).

RESOLUTION #13-120

RESOLUTION FOR A FIREWORKS DISPLAY TO BE CONDUCTED BY GARDEN STATE FIREWORKS ON THURSDAY, JULY 4TH, 2013 OR SUBSEQUENT DATE IN THE EVENT OF POSTPONEMENT

WHEREAS, the Chatham Borough Volunteer Fire Department has made an application for a permit for a public display of fireworks in conjunction with and as part of the Fourth of July Celebration in the Borough of Chatham; and

WHEREAS, Garden State Fireworks, PO Box 403, Carlton Road, Millington, New Jersey will conduct the fireworks display and has filed or will file with the Borough of Chatham the bond required by R.S. 21:3-5 of the State of New Jersey and has filed or will file the certificate of insurance required by the Mayor and Borough Council and has complied with all other provisions of the statutes in each case made and provided.

BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Chatham does hereby grant permission for said fireworks display to be conducted by the said Garden State Fireworks on July 4, 2013, or subsequent date in the event of postponement.

RESOLUTION #13-121
RESOLUTION TO GRANT PERMISSION TO THE CHATHAM BOROUGH
VOLUNTEER FIRE DEPARTMENT TO HOLD A PICNIC IN CHATHAM BOROUGH
ON THURSDAY, JULY 4,TH 2013

WHEREAS, the Chatham Borough Volunteer Fire Department has applied to hold a picnic at Chatham Borough on Thursday, July 4th 2013. The Fire Department has also requested that a license be issued to dispense alcoholic beverages at said picnic.

BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Chatham does hereby grant permission for the picnic to be conducted by the Chatham Borough Volunteer Fire Department at Chatham Borough on July 4,th 2013.

BE IT FURTHER RESOLVED, that the Borough of Chatham Special Permit #13-01 be issued thereby granting permission to the Chatham Borough Volunteer Fire Department to dispense alcoholic beverages at said picnic.

LAW & PUBLIC SAFETY

RESOLUTION #13-122
RESOLUTION SUPPORTING THE OBJECTIVE OF THE NEW JERSEY COALITION
ON HUMAN RIGHTS TO ADVOCATE FOR FAIRNESS, COMPASSION, RESPECT
AND DIGNITY FOR ALL PERSONS THROUGHOUT THE WORLD FOR THE
ERADICATION OF VIOLENCE TO INNOCENT VICTIMS

WHEREAS, the state of New Jersey is recognized nationally as a leader in the area of crime victims' rights; and

WHEREAS, the Mayor and Council of the Borough of Chatham support the belief that there should be fairness, compassion, respect and dignity for those who have suffered loss or injury as the result of the violence of others; and

WHEREAS, the Mayor and Council of the Borough of Chatham recognize the New Jersey Coalition on Human Rights, whose single purpose is to bring together those individuals and organizations who wish to speak out for the end of violence to innocent victims and for the fair treatment of all individuals.

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

- 1.The Mayor and Council support the objective of the New Jersey Coalition on Human Rights to bring together those individuals and organizations who wish to speak out for the end of violence to innocent victims and for the fair treatment of all individuals; and
- 2.The Mayor and Council may consider from time to time those incidents and occasions where the importance of the advocacy for equal justice for all people should be recognized through our collective voices in order to become a strong force for change throughout the world; and
- 3.While this Resolution does not compel the municipality to take any action, the Mayor and Council recognizes its right to speak out and condemn the perpetuation of violence throughout the world and the desire to eliminate human trafficking, sexual assault, domestic violence and other inhumane conduct perpetrated on innocent victims; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to our representative members of the State Legislature, Office of the County Board of Chosen Freeholders and the New Jersey Victims' Law Center.

PUBLIC POLICY

RESOLUTION #13-123 RESOLUTION TO OPPOSE ASSEMBLY BILL #1196 AS CURRENTLY PROPOSED

WHEREAS, Assembly Bill #1196 would provide for volunteers to qualify for workers' compensation benefits; and

WHEREAS, as written, Assembly Bill #1196 would make it virtually impossible to contest claims that have nothing to do with injuries and illnesses caused on the job; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund's actuary has estimated that if passed, Assembly Bill #1196 will cost the taxpayers \$400 million annually for claims that have no connection to in-service exposure; and

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WHEREAS, the Borough of Chatham recognizes and appreciates the services provided by first responders.

BE IT RESOLVED, by the Mayor and Chatham Borough Council that, as written in the current form, Assembly Bill #1196 should not be approved; and

BE IT FURTHER RESOLVED, that the New Jersey Assembly should explore other methods that would provide the coverages that our first responders deserve; and

BE IT FURTHER RESOLVED, that the Chatham Borough Municipal Clerk shall send copies of this resolution to Governor Chris Christie, New Jersey State Senate President Stephen Sweeney, New Jersey State Assembly Speaker Sheila Oliver, New Jersey State Senator Tom Kean and New Jersey Assembly members Nancy Munoz and Jon Bramnick.

CONSENT AGENDA VOTE:

Mayor Harris asked Council Member Holman to proceed with the Resolutions listed on the Consent Agenda, Resolutions #13-115 through #13-123.

Council Member Holman stated I would like to make a motion to allow the resolutions on this evening's Consent Agenda to be approved by consent of the Council; and so I move.

Seconded by Council President Resto.

RESOLUTION #13-124
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. New Cingular Wireless Lease-Mr. Lott
2. RMS Agreement with Morris County- Mr. Lott/Chief Crosson
3. Appraisals Report- Mr. DeNave

PERSONNEL: 1. DPW Deputy Director Selection- 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

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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.

Council Member Helfrich read and moved Resolution #13-124, seconded by Council President Resto. A vote was taken and it was approved unanimously.

Adjourn 9:10 p.m.

Respectfully Submitted:

Susan Caljean, RMC, CMC