REGULAR COUNCIL MEETING May 13, 2013 7:30 p.m.

The Regular Council Meeting of the Borough of Chatham was held on Monday May 13, 2013 beginning at 7:30 p.m. in the Council Chambers, in the Municipal Building.

The meeting was called to order at 7:32 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.

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 Member Victoria Fife Council Member Gerald J. Helfrich Robert J. Falzarano, Borough Administrator James L. Lott, Jr., Borough Attorney Susan Caljean, Municipal Clerk

RESOLUTION #13-193 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, April 25, 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 Session, February 25, 2013 Executive Sessions, March 11 & 25, 2013

Council Member Lonergan moved Resolution #13-193, seconded by Council Member Collander. A vote was taken and it was approved unanimously.

DISCUSSION ITEMS

Route 124 Transit Access Study- Ms. DiTaranti-Director of Northeast Transit & Rail explained the study done to determine best access to the train stations in Chatham, Madison and Morris Township. Ms. DiTaranti gave a summary of the results of the study. Ms. DiTaranti explained some of the recommendations: which included more pay stations, better advertisement of satellite parking lots, preferred parking for car poolers, designated bicycle routes and pedestrian crosswalks. The Mayor and Council Members had numerous comments and questions and pointed out that almost none of the study's recommendations were new, and that in fact we were already addressing many of them.

Community Garden update- Mr. DeNave stated he walked around Woodland Park and there is a large clearing were the house had been. He stated there is space for 60 garden plots. Mr. DeNave will contact the Green Acres program to make sure the garden would be an approved use. Mr. DeNave will also contact Chatham Township.

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.

Fran Drew of 32 Inwood Road stated the Borough is not doing enough to protect the trees in Chatham Borough. Ms. Drew explained what happened the day a large spruce tree was removed from her neighborhood. Ms. Drew had some suggestions for the issuing tree permits.

Jack Drew of 32 Inwood Road thanked the Council for their attitude on this problem. Mr. Drew stated he feels no tree should be removed unless it is diseased beyond saving.

Dale Canfield of 45 Inwood Road stated he and his wife have always taken care of the trees on their property; if he needs to he calls in experts. Mr. Canfield stated he will volunteer for the Shade Tree Commission.

Mayor Harris closed the meeting to the public.

SECOND READING ORDINANCE PROCEDURE

Mayor Harris asked Council Member Helfrich to proceed with Ordinance #13-10

Council Member Helfrich read Ordinance #13-10 entitled:

ORDINANCE #13-10 AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ADDING NEW ARTICLE XVII, SECTION 139-83, ENTITLED OVERNIGHT PARKING ON BOROUGH STREETS, OF THE BOROUGH CODE

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on April 25, 2013.

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

The Clerk stated: A legal notice was published indicating that Ordinance #13-10 was introduced and passed on first reading at the April 25, 2013 meeting and indicating that the second reading and public hearing would be held at 7:30 p.m. on May 13, 2013 for consideration of final adoption. Copies were made available to the general public and posted in accordance with the law.

Mayor Harris explained the reasons the Council felt there was a need for this ordinance and pointed out the map showing the areas that are within 700' of a municipal parking lot.

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

Mary Jane Dobbs of 10 North Summit Avenue thinks the Ordinance is a bad idea; and there are other solutions to the problem.

Dorothy Chervanah of North Summit Avenue stated she is not in favor of the overnight parking; she is concerned about safety issues.

Pat Finkle of 26 North Summit Avenue does not want cars parked on the street overnight; emergency vehicles would not be able to get down the street.

Karen Maloney of 22 North Summit Avenue stated the streets are too narrow to have cars parked on the street; emergency vehicles would not be able to get down the street.

Sue Gillespie of 120 North Passaic Avenue stated she lives on a county road and will not be able to park on the street overnight. She stated this is an overly bureaucratic decision.

Bernie Vella of 58 North Summit Avenue stated he is not in favor of the Ordinance. He pointed out some of the requirements to get a permit. Mr. Vella made some suggestions to handle the overnight parking problem.

Charles Meuse of 21 Lincoln Avenue is not in favor of the Ordinance. He had concerns about residents with disabilities having to park 700 feet away from their home.

Ian Horowitz of 44 Meadowbrook Road is not in favor of the Ordinance and had some suggestions to change the system.

George Sweetin of 19 Cornell Place is not in favor of the Ordinance.

Joe Marts of 14 West Coleman Avenue is not in favor of the Ordinance. Mr. Marts asked the Council to table the Ordinance and do some further research.

Doug Allan of 14 Myrtle Avenue is not in favor of the Ordinance. Mr. Allan asked the Council to table this Ordinance.

Mayor Harris closed the meeting to the public.

The Council Members had several comments about the resident's thoughts and ideas. The Council decided to withdrawn the Ordinance.

Council Member Helfrich moved to withdraw the Ordinance.

Council Member Collander seconded the motion.

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

Mayor Harris declared the Ordinance withdrawn.

COUNCIL COMMITTEE REPORTS

<u>Budget and Finance</u> James Lonergan had nothing new to report.

<u>Public Works Planning</u> John Holman had nothing new to report.

Personnel No report.

<u>Public Safety & Emergency Services</u> James J. Collander reported the Police Department interviewed twenty candidates last week for two open positions; they have selected two candidates for further testing.

Shared Services & 3rd Party Agreements Victoria Fife had nothing new to report.

Long Range Traffic & Pedestrian Safety Planning James J. Collander had nothing new to report.

<u>Madison/Chatham Joint Meeting</u> Gerald J. Helfrich had nothing new to report.

MAYOR'S REPORT

Mayor Bruce A. Harris stated there will be a Memorial Day service in front of the Library starting at 8 a.m. The "Relay for Life" event will be held on June 1st and 2nd. The Mayor stated the Police Department will have a team participating in the relay. Mayor Harris stated residents who have signed up for "Chatham Alert" have received a few notifications over the past several weeks; he urged residents to go to the Borough web site and sign up for the alerts.

ADMINISTRATOR'S REPORT

Robert J. Falzarano stated they are working on the transition to Madison for information technology services. The new monthly report system will start soon. The expenses for Sandy have been submitted \$292,000.00.

RESOLUTION #13-194

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, ESTABLISHING OVERNIGHT PARKING FEES AND RULES AND REGULATIONS REGARDING THE SALE OF OVERNIGHT PARKING PERMITS REQUIRED PURSUANT TO CHAPTER 139, SECTION 83 OF THE CODE OF THE BOROUGH OF CHATHAM

WHEREAS, Chapter 139, Section 83 of the Code of the Borough of Chatham entitled "Overnight Parking." specifies that the governing body shall establish by resolution the parking fees required to be paid for annual and temporary overnight parking on Borough streets and roads as well as rules and regulations governing the sale of overnight parking permits ; and

WHEREAS, Chapter 139, Section 83.3 designates that upon recommendation from the Borough Engineer, the Borough Clerk is authorized to issue overnight parking permits in accordance with the rules and regulations set forth; and

WHEREAS, permits are not required for parking at municipal lots weekdays the hours of 7:00 p.m. - 7:00 a.m., and or weekends and holidays.

BE IT RESOLVED, that the following fees shall apply:

- (1) Annual fee for on street overnight parking: \$250.00 (to be prorated after June 30^{th})
- (2) Annual fee for overnight parking at an approved municipal lot \$25.00 (to be prorated after June 30th) (for parking between the hours of 7 p.m. and 6 a.m.)
- (3) Temporary fee for on street overnight parking \$15.00 for two week period (\$15.00 per permit, per vehicle)

BE IT FURTHER RESOLVED, in accordance with Ordinance 139, the Borough Clerk will prepare application forms that contain the information for the issuance of overnight parking permits, including a complete copy of Ordinance 139, and Resolution #13–200.

BE IT FURTHER RESOLVED, that the effective date for implementation of this Resolution shall be June 1, 2013.

Council Member Helfrich moved to withdraw Resolution #13-193, seconded by Council Member Holman. A vote was taken and it was approved unanimously.

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.

REMOVED FROM CONSENT AGENDA

Council Member Fife moved to table Resolution #13-197, Seconded by Council Member Lonergan. A vote was taken and approved unanimously.

RESOLUTION #13-197 RESOLUTION TO APPROVE THE PRINCETON HOSTED SOLUTIONS CONTRACT

WHEREAS, the Director of Finance has submitted and discussed with the Mayor and Borough Council proposals to reduce the monthly telephone usage charges; and

WHEREAS, the annual savings are anticipated to range from \$9,000 to \$12,000; and

WHEREAS, the Mayor and Borough Council recognize the need to investigate and when possible reduce expenses.

BE IT RESOLVED, by the Borough Council that the Mayor is authorized to execute the contract proposal submitted by Princeton Hosted Solutions.

FINANCE

RESOLUTION #13-195 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

60/6

Lizardi, Jackson LLC 16 Duchamp Place *Make check payable to: Caroline Van Leer $\begin{array}{c} \textbf{AMOONT} \quad \textbf{YEAR/QTR} \\ \$4,695.57 \quad 2012/3^{rd} \& 4^{th} \text{ Qtr.} \\ \text{Overpayment} \end{array}$

RESOLUTION #13-196 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 #13-198 RESOLUTION TO AUTHORIZE THE SHARED SERVICE AGREEMENT WITH MADISON TO PROVIDE PART –TIME TECHNOLOGY ASSISTANCE AND PROGRAM SUPPORT FOR CHATHAM BOROUGH

WHEREAS, the Borough of Chatham asked the Center for Information Age Technology to investigate and provide recommendations to the Borough Council for the transition to the cloud for e-mail services; and

WHEREAS, the Borough of Chatham also requested the Center for Information Technology to evaluate and determine the best method for servicing and updating Chatham Borough's computer system and applications; and

WHEREAS, the Center for Information Technology submitted a detailed report that recommends that the Borough transition to the cloud for e-mail services and that an outside provider be selected for support help desk functions and resolve hardware problems; and

WHEREAS, the Borough of Madison employs two fulltime information technology specialists; and

WHEREAS, the Borough of Madison has submitted a proposal to provide Information Technology support.

BE IT RESOLVED, by Council of the Borough of Chatham in the County of Morris and the State of New Jersey that the Mayor is authorized to execute the shared service agreement with Madison Borough for IT services.

BE IT FURTHER RESOLVED, that the annual cost for Information Technology services is capped at \$16,500.

RESOLUTION 13-199

RESOLUTION TO PURCHASE ONE NEW AND UNUSED 2013 DODGE 1500 CREW CAB 4X4 SPECIAL SERVICE VEHICLE PICK-UP TRUCK TO BE A MARKED TRAFFIC SAFETY VEHICLE FOR THE POLICE DEPARTMENT

WHEREAS, the Chief of Police submitted a request to replace the 2002 traffic safety truck; and

WHEREAS, the Finance Committee reviewed and approved the request for inclusion with the 2013 Police Capital Budget; and

WHEREAS, on April 8, 2013, the Borough Council approved the 2013 Capital Budget.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Police Department is hereby authorized to purchase one new and unused 2013 Dodge 1500 crew cab 4x4 special service vehicle pick-up truck under Cranford Co-Op Contract # 101 – item #4. The total cost of the vehicle with options is \$34,283.45. The vehicle will be purchased from Beyer Chrysler Dodge Jeep Ram in East Hanover, NJ.

BE IT FURTHER RESOLVED, the Director of Finance has certified that funds are available for the purchase.

RESOLUTION #13-200 RESOLUTION TO REFUND OVERPAYMENT OF FINAL WATER CHARGES

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the following be refunded for an overpayment of final water charges:

<u>Account</u>	Owner/Address	<u>Amount</u>
156-0	194 Fairmount Avenue	\$37.30

*Mail to: Anita Smith 1022 Lindgren Blvd. Sanibel, FL 33957

RESOLUTION #13-201 RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN THE 2013 PROJECT COMMUNITY PRIDE AGREEMENT NOT TO EXCEED \$26,500

BE IT RESOLVED, by the Borough Council of the Borough of Chatham to authorize the Mayor to sign the 2013 Project Community Pride agreement not to exceed \$26,500.

RESOLUTION #13-202

RESOLUTION TO INCREASE THE ORIGINAL CONTRACT AMOUNT FOR THE INSTALLATION OF FIRE DETECTION DEVICES AT BOROUGH HALL AND AUTHORIZE THE COST FOR THE ADDITIONAL WORK

WHEREAS, on November 26, 2013, the Borough Council approved American Alarm Systems to upgrade the building fire detection systems for the Fire Department, Public Works and Borough Hall; and

WHEREAS, during the installation of the new fire detection equipment at Borough Hall, American Alarm Systems discovered the existing wiring in the walls and ceilings to be substandard; and

WHEREAS, the Borough Fire Inspector and Borough Engineer have determined that the cost for new wiring would substantially increase the total project cost; and

WHEREAS, the Fire Inspector and Borough Engineer have recommended that the installation of a wireless fire detection system will be cost effective and increase fire detection coverage within Borough Hall.

BE IT RESOLVED, by Council of the Borough of Chatham in the County of Morris and the State of New Jersey that the Mayor is authorized to execute the contract amendment increase in the amount of \$8,700.00

RECREATION

RESOLUTION # 13-203 RESOLUTION TO AUTHORIZE THE INSTALLATION OF A CONCRETE LACROSSE PRACTICE WALL AT UPPER LUM FIELD

WHEREAS, the Cougar Lacrosse Club requested Councilman Lonergan to discuss the installation of a lacrosse practice wall with the Mayor and Borough Council; and

WHEREAS, the installation of the lacrosse practice wall was scheduled for discussion at the March 25, 2013 Borough Council meeting; and

WHEREAS, on March 25, 2013, Councilman Lonergan discussed the design, location, and cost for the installation of the lacrosse practice wall; and

WHEREAS, the installation of the lacrosse practice wall was scheduled for discussion at the April 8, 2013 Borough Council meeting; and

WHEREAS, on April 8, 2013, Councilman Lonergan discussed the design, location, and cost for the installation of the lacrosse practice wall; and

WHEREAS, on April 8, 2013, the discussion was open to the public; and

WHEREAS, at the April 8, 2013 Borough Council meeting, members of the public did make comments to the Mayor and Borough Council; and

WHEREAS, after the public comments, the resolution authorizing the installation of the lacrosse practice wall, resolution #13-171 was tabled; and

WHEREAS, the Borough Council directed the Borough Engineer to send notification letters about the proposed lacrosse wall to the neighbors on Fairmount Avenue, Lum Avenue and Chatham Street; and

WHEREAS, on April 9, 2013, the Borough Engineer sent a letter to thirty-eight residents with a copy of the map that details the location of the Lacrosse practice wall; and

WHEREAS, at the April 22, 2013 Borough Council meeting, members of the public did make comments to the Mayor and Borough Council; and

WHEREAS, the funds to erect the wall will be apportioned from the Recreation Trust Fund, Chatham Athletic Foundation and the Cougar Lacrosse Club; and

WHEREAS, the Borough Council directed that the resolution to authorize the installation of the lacrosse wall be scheduled for the May 13, 2013 Borough Council meeting.

BE IT RESOLVED, by the Mayor and Borough Council in the County of Morris and the State of New Jersey that the installation of the lacrosse practice wall as specified on the design plan and presented to the Mayor and Borough Council is approved; and

BE IT FURTHER RESOLVED, the Borough Engineer is authorized to coordinate the installation of the Lacrosse practice wall and that the specifications approved by the Mayor and Borough Council are followed.

LAW & PUBLIC SAFETY

RESOLUTION #13-204 RESOLUTION TO CREATE A "NO PASSING ZONE" ON MAIN STREET IN THE BOROUGH OF CHATHAM, MORRIS COUNTY, STATE OF NEW JERSEY

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 124 in the Borough of Chatham; and

WHEREAS, NJDOT recommends a revision to the centerline pavement markings on Route 124 to create a "No Passing Zone" from Garden Avenue to Brooklake Road for safety reasons; and

WHEREAS, this project will create safer driving conditions in this area of Route 124.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, County of Morris, State of New Jersey, that it supports the use of a "No Passing Zone" on Route 124 in the Borough of Chatham as recommended by NJDOT; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to NJDOT as requested.

CONSENT AGENDA VOTE:

Mayor Harris asks Council Member Holman to proceed with the Resolutions listed on the Consent Agenda. Resolution #13-195 and Resolution #13-196 and Resolution #13-198 through Resolution #13-204.

Council Member Holman moved to allow the resolutions on this evening's agenda to be approved by consent of the Council.

Seconded by Council Member Helfrich, a vote was taken and the Resolutions on the Consent Agenda were approved unanimously.

FIRST READING ORDINANCE PROCEDURE

Mayor Harris asked Council Member Lonergan to introduce Ordinance #13-11

Council Member Lonergan introduces Ordinance #13-11 by title as follows:

ORDINANCE #13-11

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY PROVIDING FOR THE VACATION OF A CERTAIN UNIMPROVED PORTION OF PRINCETON STREET IN THE BOROUGH OF CHATHAM

Council Member Lonergan explained the purpose of the Ordinance and moved for introduction of the First Reading.

Council Member Lonergan read:

WHEREAS, the above Ordinance was introduced, read by title at this Council meeting held on May 13, 2013.

BE IT RESOLVED, that at the Council meeting to be held on Tuesday, May 28, 2013 at 7:30 p.m. prevailing time, at 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 asked the Clerk for a Roll Call Vote:

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

Mayor Harris announced that Leonard Resto's seat would not be filled until the General Election. Two statutory deadlines were missed; the Republican Committee had 15 days to submit nominations and the Council had 30 days to make a selection both of these deadlines were missed. The Council will vote at the next meeting to elect a Council President.

RESOLUTION #13-205 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. Recycling Contract Bid- Mr. Lott
	2. Retain LSRP Contractor- Mr. Lott

LITIGATION: 1. COAH Trust Funds- 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 attorneyclient privilege.

Council Member Holman moved Resolution #13-205, seconded by Council Member Lonergan. A vote was taken and it was approved unanimously.

10:11 p.m. Recess into closed session

10:25 p.m. return to public session

ADD ON:

RESOLUTION # 13-206 RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, AUTHORIZING TRANSFER OF AFFORDABLE HOUSING TRUST FUND DOLLARS

WHEREAS, as required by N.J.S.A. 52:27D-329.2 and -329.3, the Mayor and the Borough Council of the Borough of Chatham are required to transfer \$85,617.17 from the Borough's affordable housing trust fund representing the affordable housing trust fund dollars uncommitted for expenditure to the New Jersey Affordable Housing Trust Fund; and

WHEREAS, the Council on Affordable Housing's ("COAH") letter dated May 1, 2013 calling for the transfer of said funds is attached hereto and made a part hereof this Resolution.

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

- 1. The Mayor be and hereby is authorized to complete the Certification of Municipal Affordable Housing Trust Fund State attached to COAH's May 1, 2013 letter.
- 2. The Finance Director and Clerk be and hereby are authorized to effectuate the transfer of affordable housing trust fund dollars to the New Jersey Affordable Housing Trust Fund in accordance with this Resolution.
- 3. All Borough officials are hereby authorized and directed to take all actions necessary and appropriate to effectuate the terms of this resolution.

Council Member Collander moved Resolution #13-206, seconded by Council Member Lonergan. A vote was taken and it was approved unanimously.

Adjourn 10:30 p.m.

Respectfully Submitted:

Susan Caljean, RMC, CMC