

Regular Council Meeting Minutes
September 23, 2013

REGULAR COUNCIL MEETING
September 23, 2013 7:30 p.m.

The Regular Council Meeting of the Borough of Chatham was held on Monday September 23, 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 Mayor and 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 President 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 #13-319
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, September 9, 2013

Council Member Helfrich moved to approve Resolution #13-319, seconded by Council Member Fife. A vote was taken and Resolution #13-319 was approved unanimously.

DISCUSSION ITEMS

Breast Cancer Awareness- Mrs. Gulla explained the “Pink Fridays Campaign”. October is breast cancer awareness month. Mrs. Gulla stated the employees would wear pink every Friday in October. On Friday Oct. 25th if they donate \$5.00; which would be donated to a local organization that supports cancer research, they would be able to wear jeans that day. She asked the Council if the Chatham Borough employees could participate. The Council agreed.

Capital Project Update- Mr. DeNave updated the Council on the capital projects. The projects that have been completed include: 2013 curb and sidewalk, Shepard Kollock Park drainage project, Watchung Avenue sidewalks, all the road resurfacing projects except Center Street; which will be done on a day when school is not in session. The majority of the drainage improvements have been completed. The lacrosse wall is complete. The blinking light on the corner of Washington Avenue and Chatham Street should be operational by the end of this week. The Kings Road project and the replacement of the roof on Borough Hall will begin next Monday. DPW and private contractors have begun work, leveling and spreading leaf mulch at the Community Garden site. The fence will be moved from the former garden site to Woodland Park. An environmental study is being done at DPW. The DEP requested that an oil tank removal project done 20 years ago be closed; it was never closed out at the time. The Main Street lighting report is complete and will be given to the Council for their review. Mayor Harris will speak to someone at the State to try and expedite the installation of the pedestrian light at Coleman Avenue and Main Street.

Leak Detection Report- Mr. DeNave reported the leak detection company listened to each of the water valves in the Borough and they believe there are only two water leaks. One is in front of Borough Hall and the other across from Stanley Park on River Road.

The Council Members discussed the problem at Shepard Kollock Park with dogs running off leash; and where a dog park could be located.

Parking Fines/Time Limit Parking (Update)- Mr. Falzarano stated the Long Range Traffic and Pedestrian Safety Planning Committee (TAPS) will meet on October 1st to discuss time limit parking in neighborhoods, parking limits at Fire House Plaza and Post Office Plaza and options for permit holders when the lots are full. They will have recommendations for the Council and hope to introduce revisions to the current ordinance at the November 11th meeting.

Mr. Collander stated the TAPS Committee will focus on several issues including residents, contractors and guests parking in front of residents homes.

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.

Tom Ercolono of 19 Hillside Avenue had complaints about a gasoline generator in his neighborhood that runs continuously. He would like the Council to pass an Ordinance restricting generator use only during emergencies. He would also like the Council to investigate direct vent furnaces and water heaters to restrict the venting to the back of the property.

Sally Myers of 31 Girard Avenue thanked everyone who helped get the sidewalk installed on Watchung Avenue.

Mayor Harris closed the meeting to the public.

SECOND READING ORDINANCE PROCEDURE

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

Council Member Collander read Ordinance #13-18 entitled:

ORDINANCE #13-18 HAZARDOUS SUBSTANCE ORDINANCE

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

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

The Clerk stated: That due to the error on the part of the Chatham Courier newspaper in publishing 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.

Council Member Fife moved to carry Ordinance #13-18 to October 15, 2013. Seconded by Council Member Collander. A vote was taken and approved unanimously.

COUNCIL COMMITTEE REPORTS

Budget and Finance

James Lonergan had nothing new to report.

Public Works Planning

John Holman had nothing new to report.

Board of Health

John Holman reported the Flu Clinic will be held on October 26th from 9 am to 11 am. Chatham Borough residents can attend any Madison sponsored clinic. The Rabies Clinic will be held January 4th from 8 am to 12 pm. There will be a Women's Health Screening held on October 28th at 9 am. The Board of Health is sponsoring Food Handler Classes.

Personnel

Victoria Fife had nothing new to report.

Public Safety & Emergency Services

James J. Collander reported the next meeting will be held on October 4th at 8:00 pm they will be discussing the Parking Enforcement Officer, fire safety, New Jersey Accreditation and AlertChathamBorough.

Shared Services & 3rd Party Agreements

Victoria Fife reported the Morris Township will join the Joint Court on January 1st. This will save the Borough \$33,000.00.

Long Range Traffic & Pedestrian Safety Planning

James J. Collander reported the Committee will meet October 1st at 8:30 pm and discuss time limit parking, 2 hour parking at the Post Office and downtown police presents.

Madison/Chatham Joint Meeting

Gerald J. Helfrich reported they are continuing to review their capital expenses.

MAYOR'S REPORT

Mayor Bruce A. Harris reported ECLC will celebrate their 25th Anniversary on Friday at 10 am. Everyone is invited. The Arts and Crafts Fair, Green Fair, Health Fair; which were all held recently where great successes. Mayor Harris thanked John Bitar for his work the last few years organizing the Green Fair. Mayor Harris stated the dinner held to honor the Police Department's

100th Anniversary was wonderful and it was nice that it was held in town. Mr. Falzarano has drafted some Resolutions to establish the Community Garden. The Chatham Township Committee will discuss the Resolutions at their meeting on Thursday.

ADMINISTRATOR'S REPORT

Robert J. Falzarano reported the green garbage bags were delivered to the stores on September 10th. The 2014 budgets are being worked on; the fee schedules will be discussed with the Finance Committee on Friday. Work on the Community Garden has gone well.

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.

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA

None

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.

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.

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.

**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:

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

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.

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.

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.

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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.

CONSENT AGENDA VOTE:

Mayor Harris asked Council President Holman to proceed with the Resolutions listed on the Consent Agenda. Resolutions #13-320 through #13-326.

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

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

FIRST READING ORDINANCE PROCEDURE

Mayor Harris asked Council Member Fife to introduce Ordinance #13-19

Council Member Fife introduced Ordinance #13-19 by title as follows:

ORDINANCE #13-19

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).

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

Council Member Fife read:

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

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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.

Seconded by Council President Holman.

Mayor Harris asked the Clerk for a Roll Call Vote:

Name	Motion	Second	Yes	No	Abstain	Absent
Collander			x			
Loneragan			x			
Holman		x	x			
Fife	x		x			
Helfrich			x			

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.

Council President Holman moved Resolution #13-327, seconded by Council Member Collander. A vote was taken and Resolution #13-327 was approved unanimously.

Adjourn 8:35 p.m.

Respectfully Submitted:

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Susan Caljean, RMC, CMC