

**REGULAR MEETING OF THE
MAYOR AND BOROUGH COUNCIL**

September 28, 2015 MINUTES

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, September 28, 2015 at 7:30 p.m. in the Council Chambers in the Municipal Building, 54 Fairmount Avenue, Chatham, New Jersey.

SALUTE TO FLAG

The Mayor and Borough Council led the assembled in the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Harris asked for a moment of silence for those who have given their lives for our country.

STATEMENT OF ADEQUATE NOTICE

Robin R. Kline, Municipal Clerk, read the following statement of adequate notice:

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, emailed to the Independent Press, the Daily Record, the Star Ledger, the Chatham Courier, the Chatham Patch, and The Alternative Press and filed with the Borough Clerk, all on January 2, 2015.

ROLL CALL

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 President Gerald J. Helfrich
Council Member Alida Kass
Robert J. Falzarano, Borough Administrator
James L. Lott, Jr., Borough Attorney
Robin R. Kline, Borough Clerk

Mayor Bruce Harris proceeded with reading the proclamation promoting National Breast Cancer Awareness Month for the Month of October.

PROCLAMATION

NATIONAL BREAST CANCER AWARENESS MONTH - OCTOBER 2015

WHEREAS, October is *National Breast Cancer Awareness Month*, which is an annual campaign to increase awareness of this disease; and

WHEREAS, *National Breast Cancer Awareness Month* remains dedicated to increasing public knowledge about the importance of early detection of breast cancer diagnosis and treatment; and

WHEREAS, the National Cancer Institute estimates that in the United States more than 231,000 female and 2,000 male new cases of breast cancer will be diagnosed this year and over 40,000 people will die from the disease; and

WHEREAS, in Morris County, female breast cancer accounts for 15.8% of all cancers and 9% of all cancer deaths; and

WHEREAS, when breast cancer is caught early, treatments work best and survival rates increase and today, more Americans are surviving breast cancer than ever before, but there is more work to be done; and

WHEREAS, this month, as we honor those lost to breast cancer, let us join with others who celebrate their loved one's memory, and the patients who battle this disease every day, as well as, the medical researchers, health care providers, and the many organizations such as the New Jersey Office of Cancer Control and Prevention and the Morris - Somerset County Regional Chronic Disease Coalition and its partners that educate our community about the importance of early detection to better prevent and treat breast cancer.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby declare October 2015 as *National Breast Cancer Awareness Month* and urge all citizens, businesses, nonprofit organizations, and all other interested groups to join in activities that will increase awareness of what we can do to prevent breast cancer to help improve the lives of breast cancer patients, survivors, and their families.

Council Member Victoria Fife made a motion to approve the Proclamation. The motion was seconded by Council Member James Lonergan. A voice vote was taken and the Proclamation was approved unanimously.

Ms. Lisa DeRosa, President of the Chatham Board of Health, and Ms. Samantha Robinson, Health Educator for the Madison Health Department, were present to accept the proclamation from Mayor Harris. Ms. Robinson thanked Mayor Harris and the Borough Council for supporting breast cancer awareness month. She commented that although many people are aware of breast cancer, many do not get the necessary medical screening that can detect the disease in its early stages. She further commented that the disease occurs in both women and men and encouraged everyone, especially those who have a family history of the disease, to undergo genetic screening or mammogram testing (for women) to help detect breast cancer at early stages.

Mayor Bruce Harris proceeded with Resolution #15-286.

RESOLUTION #15-301

RESOLUTION TO ADOPT COUNCIL MEETING MINUTES

BE IT RESOLVED by the Council of the Borough of Chatham that the minutes from the following meeting are approved as prepared and shall be filed as a permanent record in the Borough Clerk's office:

September 14, 2015

BE IT FURTHER RESOLVED by the Council of the Borough of Chatham that the minutes from the following Closed Session meeting(s) are approved as prepared and shall be filed as a permanent record in the Borough Clerk's office:

September 14, 2015

Council Member John Holman made a motion to approve Resolution #15-301. The motion was seconded by Council Member James Collander. A voice vote was taken and Resolution #15-301 was approved unanimously.

DISCUSSION ITEMS

Leaf Pick-up Update – Mr. Tony Torello, Deputy Director of Public Works, stated that the Borough's leaf collection program will begin on October 13th. As in past years, leaf collection will be conducted in three zones. Schedules are posted on the Borough website. Leaf collection ends in November and leaves should not be placed at the curb after Monday, November 20th. He reminded residents to keep leaves away from storm drains and culverts since clogged drainage systems may create flooding conditions and is an enforceable violation of the New Jersey Department of Environmental Protection's storm water regulations, which have been adopted by Borough ordinance. Landscapers may make arrangements to bring leaves collected from their Borough clients to the mulch site free of charge, but must register with the Department of Public Works.

Mr. Torello stated that starting October 29th, the mulch site will be open 6 days a week to better serve residents that wish to bring leaves to the mulch site. The mulch site will be open during the months of October, November and December, Monday – Friday, 1:00pm to 3:00pm and Saturdays, 12:00pm to 4:00pm. The mulch site will close for the season on Saturday, December 12, 2015.

Capital Projects – Mr. Vince DeNave provided an update on the following capital projects:

1. 2015 Curb and Sidewalk Project: Curbs and sidewalks in zones 1, 2 and 3 have been completed. Zones 4 and 5 are scheduled to be completed in the next two years.
2. 2015 Road Resurfacing Projects: Morris County has completed the milling and paving of Watchung Avenue and Fairmount Avenue. The Borough's road paving projects have been ongoing since the summer months. The drainage improvements to the access driveway of the Department of Public Works yard are being completed and the driveway will be paved. Curbing, drainage and sewer work along Vincent Street are nearing completion and street paving will be scheduled.
3. 2015 Drainage Improvement Projects: The Department of Public Works completed drainage improvements to the Cherry Lane and Lincoln Avenue intersection and completed the Days Brook stream stabilization project prior to school opening. Drainage projects at Center Avenue, near Weston Avenue, and North Summit Avenue are on-going and drainage projects are scheduled for Cornell Place and Yale Street.

Lastly, Mr. DeNave reported that the installation of crosswalks at Coleman Avenue and Main Street have been completed.

Hedges Sewer Project – Mr. Vince DeNave reported that thirty-five (35) letters, inquiring whether a back flow preventer valve is installed on the sewer line connection to their home, were mailed to residents serviced by the Hedges Avenue sewer line. Twenty-two (22) residents responded with twenty-one (21) of those respondents requesting that the Borough inspect their property to confirm if back flow preventers have been installed. Mr. DeNave will set up appointments to inspect the homes. He further reported that he will also be determining whether the capacity of the sewer line will need to be enlarged.

Monuments & Memorials Policy and Procedures – Council Member Victoria Fife proposed to streamline and simplify the policy and procedure for requests and approval of monuments and memorials in the Borough. She reported that over the summer months an intern, Chris Clement, inventoried 65 monuments and memorials. She further reported that the Department of Community Services will be

responsible for managing all monuments and memorials in the Borough and all requests seeking to install a monument or memorial would be circulated to the Mayor and Council by the Director of Community Service for review and disposition. Council Member Fife informed everyone that the draft policy states that monuments and memorials would be maintained by the Borough as has been past practice. Mr. Falzarano confirmed that the Morris County Joint Insurance Fund would insure all monuments and memorials approved by the Council as part of the Borough's asset inventory, which he said the Borough updates every year.

Council Member James Collander questioned whether the Borough should limit the number of monuments and memorials that can be considered by the Council in any given year, or alternately, establish a total aggregate number of monuments and memorials that would be allowed in the Borough.

Council President Gerald Helfrich stated the proposed policy was unclear in specifying whether the sponsor or requestor pays for the cost of the monument and asked that the draft policy clarify this. He suggested that the Borough's policy should also acknowledge that there are costs associated with the maintenance of monuments and memorials and that the policy should address who would be responsible for the maintenance. Lastly, Council President Helfrich commented that consistent criteria must be established for Council approval of a monument or memorial request, and further suggested that the Borough should designate preferred locations as part of the policy.

Mayor Harris closed discussion and asked that Council Members forward their comments concerning the draft Monuments and Memorials Policy and Procedure to Mr. Falzarano's attention.

Fishawack Transfer – Council Member Victoria Fife reported that the former Fishawack organizers, a private group, dissolved its organization Fishawack Festival, Inc. She said that the Borough should take over the planning and organization of the Fishawack Festival, which has been a long-standing tradition in the Borough, and suggested that the Department of Community Services with volunteer support take responsibility for running the festival. She further reported that Mr. Lott provided legal guidance on how the Borough could sponsor Fishawack under state law. Council Member Fife requested that the Borough budget some seed money for next year's Fishawack and stated that funds raised by Fishawack would be directed to help fund downtown projects such as Spring Clean and the White Lights campaign, which are currently funded through the MyChathamNJ trust account by private donations.

Council Member James Lonergan suggested that a 501(c)(3) organization should be organized to fund the Fishawack much like the Chatham Athletic Foundation and Chatham Bridging the Gap, which are 501(c)(3) organizations that fund their projects through private donations.

Mayor Harris cautioned that although volunteers do so much for the Borough, the impact on the Borough's staffing resources to take on this event must be fully understood, especially knowing that it takes months of advanced planning and preparation to organize Fishawack.

Ms. Janice Piccolo, Director of Community Services, was invited to comment. She confirmed that the Special Events Advisory Committee has expressed interest in running Fishawack and further commented that she would involve the Chatham Business Alliance, downtown merchants and other local civic organizations in the planning and running of the event. Ms. Piccolo stated that Fishawack would be an economic stimulus for the downtown and should include Main Street where businesses can promote themselves at their storefronts.

Council Member James Lonergan further stated that it would be important that the proposed committee appoint a chairperson who would take ownership of Fishawack. The roles and responsibilities of the chairperson and that of the Director of Community Services should be well defined.

Mayor Bruce Harris asked Council Member Fife and Ms. Piccolo to present a written proposal for further discussion at the October 13th meeting, which addresses the roles and responsibilities of the proposed Fishawack committee as a whole, the committee chairperson and the Director of Community Services. Mr. Robert Falzarano further stated that the written proposal should also address what staffing requirements would be needed, as well as, the budget request for next year (appropriations needed), an analysis of vendor fees (revenues generated), and evaluation of operational issues suggested by Council Member Lonergan.

Mayor Harris closed the discussion and proceeded with Public Comments.

MEETING OPEN TO THE PUBLIC

NOTICE OF PUBLIC COMMENT TIME LIMIT

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.

Len Resto, 35 Center Street, opened his comments by saying that he would be happy to serve on the Fishawack committee. He then offered his apology to the Mayor and Council for “jumping the gun” by not fully understanding what the Council’s intentions were when a straw poll that was taken concerning the oak tree at the September 14th meeting. Mr. Resto acknowledged that words, tone and gestures do matter when addressing an issue and commented that problems can be readily resolved when people talk to each other with civility and respect.

Michael Dean, 181 North Passaic Avenue, asked for an update on the Shade Tree Commission and the next steps regarding the oak tree. Council Member John Holman responded that Mr. Patrick Carroll, Chair of the Shade Tree Commission, is out of town and unable to attend tonight’s meeting to present an update on the oak tree. He briefly reported that the Shade Tree Commission retained a tree company to prune the tree and Mr. Linson, the Borough’s tree expert, has been asked to re-examine the tree. Lum Field remains closed until the Borough completes its due diligence.

Seeing no one else wishing to speak, Mayor Harris closed public comments.

ORDINANCES FOR SECOND READING

Mayor Harris asked Council Member James Collander to proceed with Ordinance #15-12.

Council Member James Collander read Ordinance #15-12 entitled:

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 139 OF THE BOROUGH CODE TO REGULATE PUBLIC PARKING AT THE LIBRARY OF THE CHATHAMS LOT

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on September 14, 2015.

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

The Borough Clerk stated that a legal notice was published indicating that Ordinance #15-12 was introduced and passed on first reading at the September 14, 2015 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on September 28, 2015 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with law.

Mayor Harris opened the public hearing on the Ordinance. Seeing no one wishing to be heard, Mayor Harris closed the public hearing.

Council Member James Collander offered the Ordinance and moved its adoption:

BE IT RESOLVED, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

Council President Gerald Helfrich seconded the motion.

Mayor Harris asked the Borough Clerk for a Roll Call Vote.

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

Mayor Harris declared this Ordinance adopted and finally passed and requested the Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

Mayor Harris asked Council Member James Collander to proceed with Ordinance #15-13.

Council Member James Collander read Ordinance #15-13 entitled:

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 139 OF
THE BOROUGH CODE TO REGULATE PUBLIC PARKING ALONG
THE PARROTT MILL ROAD CUL-DE-SAC**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on September 14, 2015.

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

The Borough Clerk stated that a legal notice was published indicating that Ordinance #15-13 was introduced and passed on first reading at the September 14, 2015 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on September 28, 2015 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with law.

Mayor Harris opened the public hearing on the Ordinance. Seeing no one wishing to be heard, Mayor Harris closed the public hearing.

Council Member James Collander offered the Ordinance and moved its adoption:

BE IT RESOLVED, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

Council President Gerald Helfrich seconded the motion.

Mayor Harris asked the Borough Clerk for a Roll Call Vote.

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

Mayor Harris declared this Ordinance adopted and finally passed and requested the Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

Mayor Harris asked Council Member Victoria Fife to proceed with Ordinance #15-14.

Council Member Victoria Fife read Ordinance #15-14 entitled:

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 165
OF THE BOROUGH CODE RELATED TO RESIDENTIAL FLOOR AREA RATIO**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on September 14, 2015.

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

The Borough Clerk stated that a legal notice was published indicating that Ordinance #15-14 was introduced and passed on first reading at the September 14, 2015 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on September 28, 2015 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with law.

Mayor Harris opened the public hearing on the Ordinance. Seeing no one wishing to be heard, Mayor Harris closed the public hearing.

Council Member Victoria Fife offered the Ordinance and moved its adoption:

BE IT RESOLVED, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

Council Member James Collander seconded the motion.

Mayor Harris asked the Borough Clerk for a Roll Call Vote.

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

Mayor Harris declared this Ordinance adopted and finally passed and requested the Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

REPORTS

BOARD & COMMISSION MEMBERS & LIAISON REPORTS

Affordable Housing Advisory Committee

Mayor Harris had nothing new to report.

Traffic & Pedestrian Safety Advisory Committee

Council Member James Collander reported that the committee's next meeting is scheduled for October 14th at 6:45 p.m. Residents from Hedges Avenue, Summit Avenue and Hillside Avenue will attend to discuss issues concerning traffic and on-street parking.

MyChathamNJ Advisory Committee

Council Member Victoria Fife had nothing new to report.

Mayor's Wellness Committee

Council Member Victoria Fife reported that the Mayors' Wellness Committee along with the Chatham Borough Environmental Commission and the Chatham Township Environmental Commission sponsored a Sustainable Fair at the Farmers Market on September 12th. She stated the event was enjoyable and well attended.

Planning Board

Council Member Victoria Fife reported that the Floor Area Ratio ordinance was adopted tonight. The Planning Board will begin its re-examination of the Borough's Master Plan. A subcommittee will be created and interested residents, businesses, and other stakeholders will be invited to participate.

Mayor Bruce Harris commented that the Borough's Master Plan report was completed by the Planning Board in 2000 and a re-examination of the Master Plan was done in 2006. He informed the Council that the Planning Board is interested in having its Planner perform a comprehensive review all elements in the Master Plan. Public workshops will be held to solicit input from various constituencies on how they would like Chatham Borough to look in future years.

Project Community Pride

Council Member Victoria Fife had nothing new to report.

Public Arts Council Advisory Committee

Council Member Victoria Fife had nothing new to report.

Senior Center of the Chathams

Council Member Victoria Fife reported that the Senior Citizen Center held a paper shred day at the Lafayette School on September 25th.

Special Events Advisory Committee

Council Member Victoria Fife had nothing new to report.

Communications & Technology Advisory Committee

Council Member James Lonergan had nothing new to report.

Joint Recreation Advisory Committee

Council Member James Lonergan reported that the committee held a discussion concerning children sports and sports injuries. He reported that more awareness needs to be brought forth on sports injuries, especially since children are now participating in several sports, which increases their risk for injury.

Municipal Pool Advisory Committee

Council Member James Lonergan thanked Jim LeMon and the committee for their efforts. He stated that marketing efforts are needed to increase pool memberships and that the committee will be working towards that next year.

Board of Health

Council Member John Holman and Lisa DeRosa reported that the Chatham Board of Health and the Madison Department of Health administered 101 flu shots to adults ages 50+ on Saturday, September 26th. They thanked the Chatham C.E.R.T. for their assistance at the Flu Clinic.

Farmers' Market Advisory Committee

Council Member John Holman had nothing new to report.

Joint Community Gardens Advisory Committee

Council Member John Holman had nothing new to report.

Madison Chatham Joint Meeting

Council Member John Holman had nothing new to report.

Board of Education

Council President Gerald Helfrich had nothing new to report.

9/11 Memorial Advisory Committee

Council President Gerald Helfrich reported the annual 9/11 Memorial Service was held on September 11th, marking the 14th anniversary of the terrorists attacks. The ceremony was well attended

Environmental Commission

Council Member Alida Kass had nothing new to report.

Historic Preservation Commission

Council Member Alida Kass had nothing new to report.

Open Space & Historic Preservation Trust Advisory Committee

Council Member Alida Kass had nothing new to report.

Shade Tree Commission

Council Member Alida Kass reported that the Shade Tree Commission contracted a tree service to prune the oak tree. Mr. Linson, the Borough's tree expert, is scheduled to re-examine the tree.

MAYOR'S REPORT

Mayor Bruce Harris commented that the Borough filed its Affordable Housing Declaratory Judgment Action in New Jersey Superior Court. He further commented that he worked closely with a summer intern to complete corrections to the open space inventory in anticipation of preparing a vacant land analysis. Mayor Harris further reported that the Borough received a response from the New Jersey

Department of Transportation (“NJDOT”) concerning the Borough’s request that the NJDOT investigate the feasibility of locating one or more interchanges on Route 24, as well as, widening Route 24 from Exit 7 to the Columbia Turnpike interchange. He commented that he was not convinced that congestion on local roads would be addressed but that he would continue to follow up with state and county officials on that as well. A response has not yet been received from the Morris County Board of Chosen Freeholders.

Mayor Harris reported that New Jersey Transit has issued a Request for Proposals for a restaurant at the train station and mentioned that Borough officials will be talking with New Jersey Transit officials in efforts to move the restaurant proposal forward. He also reminded the public that New Jersey issued a drought watch for northern New Jersey and asked that residents conserve water use whenever possible while drought conditions are in effect.

In his closing remarks, Mayor Harris announced that at the request of the Library Director, he and Marc Boisclair will be presenting a short program on their recent trip to Turkey and Iraq at the library on October 6th and invited all to attend.

ADMINISTRATOR’S REPORT

Mr. Falzarano reported that the 2016 budget process is well underway. He also reported that the Borough received six responses to the Request for Proposals issued for Municipal Auditor, which he said he is currently reviewing.

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 #15-302 through Resolution #15-309 have been placed on the Consent Agenda.

RESOLUTION[S] REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE

None.

APPOINTMENTS

RESOLUTION #15-302

RESOLUTION APPOINTING JOSEPH GONSALVES TO THE MAYORS’ WELLNESS COMMITTEE

WHEREAS, Resolution #15-25, adopted by the Borough Council on January 5, 2015, re-established the Mayors’ Wellness Advisory Committee, a joint committee with Chatham Township to work with Mayors and key leaders to shape healthier lifestyles for the men, women and children in our communities; and

WHEREAS, Joseph Gonsalves has expressed interest in being appointed to Mayors’ Wellness Advisory Committee and has submitted a Volunteer Application to the Mayor and Borough Council for consideration; and

WHEREAS, Mayor Bruce Harris wishes to appoint Joseph Gonsalves to the Mayors’ Wellness Advisory Committee.

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that it hereby approves and confirms the Mayoral appointment of Joseph Gonsalves to the Mayors' Wellness Advisory Committee, with such term expiring December 31, 2015.

CONTRACTS

RESOLUTION #15-303

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO NORTHEASTERN ARBOR SUPPLY. FOR ONE (1) 2015 BANDIT SELF-PROPELLED STUMP GRINDER MODEL 2650 SP IN THE AMOUNT NOT TO EXCEED \$46,796.00

WHEREAS, the Borough of Chatham has a need to purchase a self-propelled stump grinder; and

WHEREAS, the Deputy Director of Public Works prepared bid specifications for the purchase of one (1) 2015 Bandit Self-Propelled Stump Grinder Model 2650 SP or approved equal; and

WHEREAS, sealed bid proposals were received from four (4) bidders as follows:

Bidder	Equipment	Bid Amount
Northeastern Arbor Supply	Bandit Industries Bobcat Model 2650	\$46,796.00
Cherry Valley Tractor Sales	Rayco RG70X-R	\$52,500.00
Equiptech LLC dba Bobcat of Central Jersey	Morbark D 52 SPH	\$41,335.00
Vermeer North Atlantic	Vermeer SC 652	\$51,838.00

And,

WHEREAS, the Deputy Director of Public Works has reviewed all bid proposals and recommends that the award of the contract be made Northeastern Arbor Supply, 50 Notch Road, Woodland Park, NJ 07424 in the amount of \$46,796.00; and

WHEREAS, the Chief Financial Officer has confirmed that sufficient funds are available in Current Fund Account # C-04-55-915-603 for the award of this contract.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it concurs with the recommendation of the Deputy Director of Public Works and hereby authorizes the Mayor to execute the contract with Northeastern Arbor Supply, in the amount of \$46,796.00, in accordance with the specifications upon which quotations were received and accepted; and

BE IT FURTHER RESOLVED, that all Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

RESOLUTION #15-304

RESOLUTION APPROVING AMENDMENT TO THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT ("MSSDA")

WHEREAS, the Mayor and Borough Council of the Borough of Chatham entered into the Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action that was filed on behalf of the Borough in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision"); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; and

WHEREAS, the Mayor and Borough Council of the Borough of Chatham recognize that the Declaratory Judgment action requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Mayor and Borough Council of the Borough of Chatham have determined that it is in the best interests of the citizens of the Borough of Chatham to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA.

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Chatham that the terms and conditions of the Amendment to MSSDA are hereby approved, and/or ratified and confirmed and that the Mayor and Borough Clerk be and are hereby authorized to execute the Amendment. Alternatively, the Mayor and Borough Council hereby approve and ratify all prior actions to negotiate and execute the Amendment taken prior to the date of this Resolution by the Borough Attorney and other Borough officials; and

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

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Borough Clerk be and are hereby authorized to execute the aforesaid Amendment. Alternatively, the Mayor and Borough Council hereby approve and ratify all prior actions to negotiate and execute the Amendment taken prior to the date of this Resolution by the Borough Attorney and other Borough officials.
3. The Mayor and Borough Council hereby authorize Jeffrey R. Surenian, Esq. to execute an agreement on behalf of the Borough of Chatham with Econsult Solutions, Inc.

The Mayor and Borough Council hereby authorize Jeffrey R. Surenian, Esq. to execute on behalf of the Borough of Chatham, with the approval of the Borough’s designated counsel, such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Mayor and Borough Council further authorize their designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA, provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, the Borough of Chatham shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Borough of Chatham.
6. All Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.
7. This Resolution shall take effect immediately.

FINANCE

RESOLUTION #15-305

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 Chief Financial Officer.

LAW & PUBLIC SAFETY

RESOLUTION #15-306

RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF FIREHOUSE PLAZA FOR THE FIRE PREVENTION OPEN HOUSE ON SATURDAY, OCTOBER 10, 2015

WHEREAS, the Chatham Borough Volunteer Fire Department will be holding a Fire Prevention Open House at the Firehouse on Saturday, October 10, 2015 from 10:00 a.m. to 1:00 p.m.; and

WHEREAS, the Chatham Borough Volunteer Fire Department seeks permission to temporarily close Firehouse Plaza during this period; and

WHEREAS, the Mayor and Borough Council wish to authorize the closure of Firehouse Plaza for the Fire Prevention Open House event.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that approval is hereby given to the Chatham Borough Volunteer Fire Department to temporarily close Firehouse Plaza on Saturday, October 10, 2015 from 9:30 a.m. to 1:00 p.m. for the Fire Prevention Open House; and

BE IT FURTHER RESOLVED, that the Chatham Borough Police Department is authorized to close Firehouse Plaza during this period as necessary for public safety; and

BE IT FURTHER RESOLVED, that all Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

PERSONNEL

RESOLUTION #15-307

RESOLUTION TO EMPLOY CRISTIAN CAMPOS AS A SERVICEPERSON FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Borough of Chatham publicly advertised the job opening for the position of Serviceperson for the Department of Public Works and solicited resumes and applications from interested candidates; and

WHEREAS, the Public Works selection committee (the “Committee”) conducted interviews of interested and qualified candidates; and

WHEREAS, after considering all interested and qualified candidates the Committee finds that Cristian Campos is the best qualified candidate for the position of Serviceperson and has recommended his employment as a Serviceperson for the Department of Public Works with an annual salary of \$50,344.00 (Step #5) with an effective start date of October 16, 2015.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Committee that Cristian Campos be employed as a Serviceperson for the Department of Public Works with an annual salary of \$50,344.00 (Step #5) with an effective start date of October 16, 2015; and

BE IT FURTHER RESOLVED, that the other terms and conditions of Cristian Campos’ employment are contained in a letter from the Director of Public Works dated September 17, 2015.

RESOLUTION #15-308

RESOLUTION AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF CHATHAM AND ROBERT J. FALZARANO, BOROUGH ADMINISTRATOR

WHEREAS, the Borough of Chatham governing body and the Borough Administrator, Robert J. Falzarano, have successfully negotiated terms and conditions of two-year employment agreement, including *inter alia*, salary, benefits, vacation time, sick time, and severance; and

WHEREAS, the Borough Attorney has reviewed the employment agreement and advises that it is satisfactory in form and content.

BE IT RESOLVED, by the Council of the Borough of Chatham that the Mayor and Borough Clerk are hereby authorized and directed to execute the employment agreement by and between the Borough of Chatham and Robert J. Falzarano, Borough Administrator; and

BE IT FURTHER RESOLVED, that a copy of the fully executed contract shall be filed with the Borough Clerk.

RECREATION

RESOLUTION #15-309

RESOLUTION AUTHORIZING THE REFUND OF RECREATION FEES

WHEREAS, the Borough’s Recreation Coordinator for the Chatham Joint Recreation Program has advised that a refund for certain recreation fees should be refunded as follows:

<u>Last Name</u>	<u>Amount</u>	<u>Activity</u>	<u>Reason</u>
Ranji	\$65.00	Volleyball	Medical

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough’s Recreation Coordinator for the Chatham Joint Recreation Program to process the herein referenced recreation fee refund; and

BE IT FURTHER RESOLVED, all other Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

CONSENT AGENDA VOTE

Council Member Holman moved to approve Resolution #15-302 through Resolution #15-309. The motion was seconded by Council Member Kass. A voice vote was taken and Resolution #15-302 through Resolution #15-309 listed on the Consent Agenda were approved unanimously.

ADD-ON RESOLUTIONS

None.

Mayor Harris asked Council President Gerald Helfrich to proceed with Resolution #15-300.

Council President Helfrich read Resolution #15-300 in full:

RESOLUTION #15-310

RESOLUTION TO ADJOURN INTO CLOSED SESSION

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that it shall 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:

- | | |
|-------------------|--|
| Attorney-Client: | 1. Oliver Street Vacation Update – Mr. Lott/Mr. Falzarano |
| Personnel Matter: | 1. Police Reorganization – Chief Philip Crosson |
| | 2. Administration Personnel – Council Member Victoria Fife |

BE IT FURTHER RESOLVED, 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. The Borough Council will not return to public session after this closed session.

Council President Gerald Helfrich made a motion to approve Resolution #15-310. The motion was seconded by Council Member Victoria Fife. A voice vote was taken and Resolution #15-310 was approved unanimously.

The Mayor and Council adjourned into Closed Session.

ADJOURNMENT

Meeting adjourned 9:02 p.m.

Respectfully Submitted:

Robin R. Kline

Robin R. Kline, MAS, RMC, CMR
Borough Clerk
BOROUGH OF CHATHAM