

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

**May 11, 2015 MINUTES**

Council President Gerald J. Helfrich called the Regular Council Meeting of the Borough of Chatham to order on Monday, May 11, 2015 at 7:30 p.m. in the Council Chambers in the Municipal Building, 54 Fairmount Avenue, Chatham, New Jersey.

**SALUTE TO FLAG**

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

**MOMENT OF SILENCE**

Council President J. Helfrich 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:

Council Member James J. Collander  
Council Member James Lonergan  
Council Member John Holman  
Council President Gerald J. Helfrich  
Council Member Alida Kass  
Robert J. Falzarano, Borough Administrator  
James Lott, Borough Attorney  
Robin R. Kline, Borough Clerk

Mayor Bruce A. Harris and Council Member Victoria Fife were absent.

Council President Gerald J. Helfrich opened the meeting by reading the following Proclamation:

**PROCLAMATION**

**PARENTS WHO HOST, LOSE THE MOST: DON'T BE A PARTY TO  
TEENAGE DRINKING CAMPAIGN**

**WHEREAS**, adults who provide alcohol to those below the legal drinking age of 21 are placing those youth at risk for health, safety and legal problems; and

**WHEREAS**, alcohol use by young people is dangerous, not only because of the risks associated with acute impairment, but also because of the threat to their long-term development and well-being; and

**WHEREAS**, it is illegal to give or allow your teen's friends to drink alcohol in your home, even with their parents' permission; and

**WHEREAS**, anyone found guilty of providing alcohol to youth can face up to a \$1,000 fine and six months in jail, in addition to any civil action that can be brought as a result of damages or injury related to the offense; and

**WHEREAS**, adults have the authority and responsibility to our youth to provide them with alternative opportunities by creating alcohol free activities; and

**WHEREAS**, Drug-Free Action Alliance, through the “Parents Who Host, Lose The Most: Don’t be a Party to Teenage Drinking” campaign provides the educational materials to raise community awareness regarding this illegal and unhealthy practice; and

**WHEREAS**, the Borough of Chatham encourages residents to refuse to provide alcoholic beverages to underage youth and to take the necessary steps to discourage the illegal and unhealthy practice, including the reporting of underage drinking by calling their local police.

**BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Chatham, State of New Jersey that they hereby proclaim the month of June 2015 to be “PARENTS WHO HOST, LOSE THE MOST: DON’T BE A PARTY TO TEENAGE DRINKING” Month in the Borough of Chatham; and

**BE IT FURTHER RESOLVED**, that the Borough of Chatham not only discourages the use of alcohol by those below the legal age of consumption, but also urges all Borough citizens to refuse to provide alcoholic beverages to underage youth, and to continue to take the necessary steps to discourage this illegal and unhealthy activity.

Council President Helfrich presented the proclamation to Mr. Vince Fiorito, Vice-chairman of the Municipal Alliance Committee of the Chathams. Also present was Ms. Catherine Marino, Chairwomen of the Municipal Alliance Committee of the Chathams. Both Ms. Marino and Mr. Fiorito thanked the Borough Council for their support of the “Parents Who Host, Lose The Most: Don’t be a Party to Teenage Drinking” campaign. Ms. Marino also publicly thanked DeFalco’s Automotive and Towing Services for their donation of a vehicle to Municipal Alliance Committee of the Chathams.

Council President Helfrich proceeded with Resolution #15-180.

#### **RESOLUTION #15-180**

#### **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:

April 27, 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:

April 27, 2015

Council Member James Lonergan moved to approve Resolution #15-180. The motion was seconded by Council Member John Holman. A voice vote was taken and Resolution #15-180 was approved by four Members of the Council. Council Member James Collander abstained.

#### **DISCUSSION ITEMS**

**St. Patrick’s 5K Run** – Council President Helfrich reported the presentation will be rescheduled.

**Tricentennial Celebration Beer Garden Catering Permit Application** – Mr. Tony Britt, a member of the Tricentennial Committee, reported that as part of the Tricentennial Celebration, the committee will be hosting a beer garden to raise funds for the “Bring Back the White Lights” campaign. The local business, Charlie’s Aunt, has agreed to sponsor a Catering Permit to serve beer off premises for consumption at the Tricentennial Celebration, which is scheduled for June 13, 2015. The beer garden will be located on the grassy field at the Train Station South parking lot. Resolution #15-187, listed on the consent agenda, would authorize approval of the Catering Permit Application for submission to the Division of Alcoholic Beverage Control.

## **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.

Council President Helfrich opened the meeting to the public.

Kenneth Fekete, Lafayette Place, questioned the status of a zoning enforcement matter and also questioned the approval and inspection of a recently installed six foot fence on the property. Mr. Lott advised that this matter is a currently code enforcement action with the Borough and further advised it would be inappropriate for the Mayor and Borough Council to comment on this matter since it is a pending enforcement action. He clarified that the enforcement action is within the purview of the Zoning Officer and Municipal Court and not the governing body.

Fran Drew, 32 Inwood Road, commented on the traffic congestion in Chatham Borough, especially along Main Street, Watchung Avenue and adjacent side streets. She inquired as to the status of the Triborough exchange on Route 24, which has never been completed.

Council President Helfrich responded that Morris County convened a working group as part of the Park Avenue Corridor Regional Coalition Traffic Study to discuss regional traffic issues; however, the county did not invite Chatham Borough officials to participate in the working group because they did not feel the Borough had a direct vested interest. He further responded that it was his recollection that Mayor Harris had petitioned the county to allow the Borough to participate in the working group so that the Borough’s interests are represented. Council President Helfrich will bring this matter to Mayor Harris’ attention.

Council Member James Collander commented that this matter will be discussed at the next meeting of the Long Range Traffic & Pedestrian Safety Planning Committee.

Robert Penn, 165 North Passaic Avenue, thanked the governing body for creating the Junior Firefighter program and invited the Mayor and Members of the Borough Council to take a tour of the Morris County Police & Fire Academy to experience the first-class facility first-hand and learn more about firefighting training.

Seeing no one else wishing to speak, Council President Helfrich closed the meeting to the public.

## **REPORTS**

### **COUNCIL COMMITTEE REPORTS**

**Budget and Finance** - Council Member James Lonergan commented on a letter recently received questioning why property taxes continue to rise in the Borough. He clarified that property taxes are comprised of county, school, library and municipal tax levies and are based on the property's assessed valuation. Although the tax levies have marginally increased 1-2%, property valuations (and market value) of homes in Chatham Borough continue to increase at a higher rate.

**Long Range Traffic & Pedestrian Safety Planning** - Council Member James J. Collander reported that the committee will be meeting June 2<sup>nd</sup>. The committee is working on a parking facility map, which will provide locations of all public parking facilities, along with details associated with parking fees, parking hours and parking permits that may be associated with each parking lot.

**Public Safety & Emergency Services** - Council Member James J. Collander reported that a meeting has been scheduled for June 8<sup>th</sup>. The Police Department and Fire Department will attend to provide updates.

**Personnel** - Council Member Victoria Fife was absent.

**Public Works Planning** - Council Member John Holman reported the Borough's annual hydrant flushing program has begun. The AlertChathamBorough notification system will be utilized to notify residents when hydrant flushing will take place in their neighborhood.

**Shared Services & 3<sup>rd</sup> Party Agreements** - Council President Gerald Helfrich had nothing new to report at tonight's meeting.

### **MAYOR'S REPORT**

Mayor Harris was absent.

### **ADMINISTRATOR'S REPORT**

Mr. Robert Falzarano reported that the proposed contract for Board of Health services and the proposed contract for the Project Community Pride program have been received and will be scheduled for Council approval this month. Mr. Falzarano further reported that Borough offices will begin summer hours effective May 29<sup>th</sup>. Borough Hall will close Fridays at 1:00 p.m. Summer hours will remain in effect until September 11<sup>th</sup>. Lastly, Mr. Falzarano reported Mr. James Lott, Mr. Steve William, and Ms. Susan Blickstein are preparing the Borough's Affordable Housing submission in response to the COAH declaratory judgment action.

### **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 #15-181 through Resolution #15-187 have been placed on the Consent Agenda.

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

None.

## **CONTRACT**

### **RESOLUTION #15-181**

#### **RESOLUTION AUTHORIZING AWARD OF THE 2015 ROAD RESURFACING CONTRACT TO TILCON, INC. THOROUGH THE MORRIS COUNTY COOPERATIVE PURCHASING PROGRAM IN THE AMOUNT NOT TO EXCEED \$140,000**

**WHEREAS**, in accordance with N.J.S.A 40A:11-12 of the Local Public Contracts Law, public bids are not required when the purchase of goods or services is made through the Morris County Cooperative Purchasing Program; and

**WHEREAS**, the Chatham Borough Engineering Department has scheduled milling and resurfacing of the following roadways as part of the Borough's 2015 Road Resurfacing Program:

Center Avenue (Milton Avenue to Yale Street)  
Vincent Street  
Raymond Street  
Overlook Road  
Fairview Avenue (Washington Avenue to Fairmount Avenue)  
Department of Public Works driveway

And;

**WHEREAS**, the Borough Engineer recommends that an award of the contract be made to Tilcon, Inc., Mt. Hope Road, Wharton, New Jersey, for the 2015 Road Resurfacing Program, in the amount not to exceed \$140,000; and

**WHEREAS**, Tilcon, Inc. is a qualified vendor under the Morris County Cooperative Purchasing Program; and

**WHEREAS**, the Chief Financial Officer has provided a certification of availability of funds in the amount not to exceed \$140,000.00 from General Capital & Current Funds for the 2015 Road Resurfacing Program from the following Account numbers:

4-01-44-901-903	\$ 7,356.04
C-04-55-909-104	\$ 5,624.14
C-04-55-910-104	\$ 126.31
C-04-55-912-200	\$ 13,990.43
C-04-55-913-002	\$ 8,236.52
C-04-55-914-105	\$ 4,666.56
C-04-55-915-002	<u>\$100,000.00</u>
Total:	<u>\$140,000.00</u>

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that it concurs with the recommendation of the Borough Engineer and hereby authorizes an award of contract be made to Tilcon, Inc. in the amount not to exceed \$140,000.00 in accordance with the specifications upon which bids were received and accepted by the Morris County Cooperative Purchasing Program; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer is hereby authorized and directed to approve and forward a Purchase Requisition to Tilcon, Inc. in the amount not to exceed \$140,000.00 General Capital Fund the 2015 Road Resurfacing Program.

## **FINANCE**

### **RESOLUTION #15-182**

#### **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.

### **RESOLUTION #15-183**

#### **RESOLUTION AUTHORIZING REFUND FOR PROPERTY TAX OVERPAYMENT**

**WHEREAS**, the Tax Collector for the Borough of Chatham has advised that a duplicate payment was made by the seller's mortgage lender and purchaser's mortgage lender at the date of closing resulting in an overpayment of property taxes; and

**WHEREAS**, the Tax Collector has further advised a refund for the duplicate property tax overpayment is to be made as follows:

<b>BLK/LOT</b>	<b>OWNERS &amp; PROPERTY ADDRESS</b>	<b>AMOUNT</b>	<b>YEAR/QTR</b>
13/35	Kelly & Dickerson 40 Inwood Road	\$2,578.98	2015/1Qtr.

Make check payable & mail to:  
Corelogic  
Attn. Refund Department- BAC/Corelogic  
1 Corelogic Drive  
Westlake, TX 76262

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough Tax Collector to process a refund for the duplicate overpayment of property taxes as herein referenced.

### **PERSONNEL**

### **RESOLUTION #15-184**

#### **RESOLUTION ACCEPTING THE RETIREMENT OF SCHOOL CROSSING GUARD MELON GRIMM**

**WHEREAS**, by e-mail correspondence dated April 28, 2015, School Crossing Guard Melon Grimm has advised Police Chief Philip J. Crosson, Jr. that she is retiring from the Chatham Borough Police Department, effective May 1, 2015; and

**WHEREAS**, Melon Grimm was appointed as a Crossing Guard on September 22, 1988 and became a Police Telecommunicator (Dispatcher) on July 10, 2006. She returned to her position as a Crossing again on January 16, 2010. During her 27 years of dedicated service to the Borough, Melon Grimm answered the call for any need requested of her by the Chatham Borough Police Department and community; and

**WHEREAS**, Melon Grimm demonstrated a care and concern for the children of Chatham, watching over them in all weather conditions to make sure that they were safe while walking to and from school; and

**WHEREAS**, Borough staff and the children of Chatham will miss her dedicated service.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that School Crossing Guard Melon Grimm's retirement is hereby accepted with an effective date of May 1, 2015; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council thank Melon Grimm for her 27 years of dedicated service to the Borough and wish her well in all her future endeavors.

## **RESOLUTION #15-185**

Resolution #15-185 was removed from the consent agenda for separate action.

## **OTHER**

## **RESOLUTION #15-186**

### **RESOLUTION SUPPORTING FEDERAL LAW TO ENSURE THAT ALL VFW AND AMERICAN LEGION POSTS ARE ELIGIBLE FOR COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC FACILITIES AND IMPROVEMENTS FUNDING**

**WHEREAS**, the Veterans of Foreign Wars (VFW) and the American Legion, through local posts, provide a host of invaluable services to veterans in New Jersey and all across the United States, including benefits assistance, career services, financial assistance, homeless outreach, and comforting and support services; and

**WHEREAS**, VFW and American Legion posts also provide several important services for local communities, including various youth, educational, and patriotic programs, as well as scholarships; and

**WHEREAS**, VFW and American Legion posts have also served as warming and charging stations for the public during emergencies such as Superstorm Sandy and Hurricane Irene, and have provided shelter to people in need; and

**WHEREAS**, notwithstanding the critical services provided by VFW and American Legion posts to veterans and the public, some posts may be deemed ineligible for federal Community Development Block Grant (CDBG) funding for public facilities and improvements under current federal Housing and Urban Development regulations; and

**WHEREAS**, Assemblyman Anthony M. Bucco has submitted letters to New Jersey's congressional delegation calling for changes to federal law to ensure that all VFW and American Legion posts are eligible for CDBG public facilities and improvements funding, which the Mayor and Council of the Borough of Chatham support; and

**WHEREAS**, given the extraordinary contributions of our veterans, both during and after their military service, it is altogether fitting and proper for the Mayor and Council of the Borough of Chatham to memorialize their congressional representatives to seek changes to federal law to ensure that all VFW and American Legion posts are eligible for CDBG public facilities and improvements funding.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby support the efforts of Assemblyman Anthony M. Bucco and respectfully request that the Congress of the United States revise federal law to ensure that all VFW and American Legion posts are eligible for CDBG public facilities and improvements funding; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to each member of the Congress of the United States elected thereto from the State of New Jersey.

## **RESOLUTION #15-187**

### **RESOLUTION APPROVING CATERING PERMIT TO DISPENSE ALCOHOLIC BEVERAGES AT THE TRICENTENNIAL CELEBRATION SCHEDULED FOR JUNE 13, 2015**

**WHEREAS**, Chatham Borough will be celebrating its tricentennial on June 13, 2015; and

**WHEREAS**, the Tricentennial Committee desires to submit an Application for a Catering Permit to the Division of Alcoholic Beverage Control to dispense and serve alcoholic beverages for consumption at the Tricentennial Celebration scheduled for June 13, 2015 pursuant to N.J.S.A. 33:1-74; and

**WHEREAS**, the Tricentennial Committee has submitted a completed *Reservation of Borough Facilities Application* for use of Railroad Plaza South this purpose.

**BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham hereby grant permission to the Tricentennial Committee to dispense and serve alcoholic beverages for consumption at the June 13, 2015 Tricentennial Celebration contingent upon (i) approval of a Catering Permit issued by the Division of Alcoholic Beverage Control Commission, and (ii) issuance of a Reservation of Borough Facilities Permit approved by the Borough Administrator; and

**BE IT FURTHER RESOLVED**, that 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 President Helfrich proceeded with the Resolutions listed on the consent agenda, Resolutions #15-181 through #15-187. Resolution #15-185 was removed by Council President Helfrich for separate action.

Council Member James Lonergan made a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Council. Resolution #15-185 was removed for separate action. The motion was seconded by Council Member James Collander. A voice vote was taken and the Resolution listed on the consent agenda were approved unanimously.

Council President Helfrich proceeded with Resolution #15-185.

**RESOLUTION REMOVED FROM THE CONSENT AGENDA FOR SEPARATE ACTION:**

**RESOLUTION #15-185**

**RESOLUTION APPOINTING SUMMER POOL STAFF AND SUBSTITUTES  
FOR THE 2015 SUMMER SEASON**

**WHEREAS**, the Chatham Borough Recreation Program has a need to hire summer pool staff, and substitute pool staff, for the 2015 summer season; and

**WHEREAS**, the Department of Community Services recommends the hiring of the following individuals pending completion of all paperwork requirements prior to any employment:

Summer Pool Staff/Subs	Salary	Position
First, Nicole	\$8.50	Staff
LeMon, Graham	\$8.50	Staff
LeMon, Meghan	\$8.50	Staff
LeMon, Meghan	\$9.00	Head Guard
Mascolo Rachel	\$8.50	Staff
Cappucci Joseph	\$8.50	Staff
McKenna, Julianna	\$8.50	Staff
Britt, Eric	\$8.50	Staff
LeMon, Tristen	\$8.75	Staff
Mascolo, Amanda	\$8.75	Staff
Mascolo, Amanda	\$9.25	Head Guard
Boehmer Taylor	\$9.25	Staff
Boehmer Taylor	\$9.75	Head Guard

Boehmer Taylor	\$10.25	Asst. Mgr
McMahon Kara	\$9.25	Staff
McMahon Kara	\$9.75	Head Guard
Helfrich, Andrew	\$12.00	Asst. Mgr
Nauta, Amy	\$20.75	Manager
Basile, Gunner	\$8.38	Sub
Brzozowski, Alex	\$8.38	Sub
Byrd, Jack	\$8.38	Sub
DeBoer, Abby	\$8.38	Sub
Graham, Brian	\$8.38	Sub
Heimrich, Alyssa	\$8.38	Sub
Mahon, Kathleen	\$8.38	Sub
Mahon, Stephanie	\$8.38	Sub
Malanga, Grace	\$8.38	Sub
Nauta, Janet	\$8.38	Sub
Plunkett, Julia	\$8.38	Sub
Rohe, Tim	\$8.38	Sub
Schaeffer, Laura	\$12.00	Sub - Asst Mgr

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that it hereby appoints the herein referenced individuals as summer pool staff, and substitute pool staff, for the 2015 summer season at the respective position and rate of pay, pending completion of all paperwork requirements prior to employment; and

**BE IT FURTHER RESOLVED**, that 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.

Council Member James Lonergan made a motion to approve Resolution #15-185. The motion was seconded by Council Member James Collander. A voice vote was taken with four Members of the Council voting in favor; Council President Gerald Helfrich abstained.

#### **ADD-ON RESOLUTIONS**

None.

#### **RESOLUTION #15-188**

#### **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 Privilege: 1. Affordable Housing Declaratory Judgment – Mr. Lott

**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 Member John Holman made a motion to approve Resolution #15-188. The motion was seconded by Council Member James Collander. A voice vote was taken and Resolution #15-188 was approved unanimously.

The Mayor and Council adjourned into Closed Session.

**ADJOURNMENT**

Meeting adjourned 8:21 p.m.

Respectfully Submitted:

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