

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

**February 2, 2015 MINUTES**

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, February 2, 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.

In addition, notice of the cancellation and rescheduling of the January 26, 2015 meeting to today's date, February 2, 2015, was emailed to the official newspapers and electronic press on January 26, 2015, and was published in the Daily Record on January 28, 2015 and the Chatham Courier on January 29, 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 [arrived after roll call]  
Robert J. Falzarano, Borough Administrator  
James L. Lott, Jr., Borough Attorney  
Robin R. Kline, Borough Clerk

Mayor Bruce A. Harris opened the meeting by reading a proclamation of the Mayors' Wellness Campaign of the Chathams Celebrating American Heart Month and Supporting National Wear Red Day on Friday, February 6, 2015.

## **PROCLAMATION**

### **THE MAYORS' WELLNESS CAMPAIGN OF THE CHATHAMS CELEBRATING AMERICAN HEART MONTH, FEBRUARY 2015, AND SUPPORTING NATIONAL WEAR RED DAY, FRIDAY, FEBRUARY 6, 2015**

**WHEREAS**, maintaining a strong heart is key to a long and healthy life; and

**WHEREAS**, the number one killer of American men and women, cardiovascular disease, is responsible for one out of every four deaths in the United States; and

**WHEREAS**, while anyone can develop heart disease, those with high blood pressure or high cholesterol and those who smoke are at greater risk. Risk factors like diabetes, obesity, poor diet, physical inactivity, and excessive alcohol use can also increase the likelihood of developing heart disease; and

**WHEREAS**, by adopting a few healthy habits - getting regular exercise; not smoking; eating diets rich in fruits and vegetables and low in salt, saturated fat, and cholesterol - each of us can reduce our risk; and

**WHEREAS**, during AMERICAN HEART HEALTH MONTH, we renew our fight, both as a Nation and in each of our own lives, against the devastating epidemic of heart disease; and

**WHEREAS**, the Mayors' Wellness Campaign of the Chathams recognizes that more could be done in the Chathams to increase awareness of cardiovascular health and encourage people to adopt a few heart healthy habits to reduce their risk of developing heart disease; and

**WHEREAS**, cardiovascular health remains a priority for The Mayors' Wellness Campaign of the Chathams, and its commitment in helping to keep our citizens and community healthy and stronger than ever; and

**WHEREAS**, on Friday, February 6, 2015 everyone will have the chance to show their support for heart health by observing NATIONAL WEAR RED DAY® by wearing red in solidarity with those struggling with heart disease.

**BE IT RESOLVED**, that I, Bruce A. Harris, Mayor of the Borough of Chatham, together with the Council of the Borough of Chatham and the Mayors' Wellness Committee of the Chathams, encourage all citizens to celebrate the month of February as AMERICAN HEART HEALTH MONTH and invite all citizens to join us in recognizing and reaffirming our commitment to fighting cardiovascular disease by wearing red Friday February 6, 2015, on "NATIONAL WEAR RED DAY®."

Mr. Brian George, Chair of the Mayors' Wellness Campaign of the Chathams, and representative from St. Barnabas Medical Center, was in attendance to receive the proclamation from Mayor Harris. Mr. George thanked Mayor Harris and the Borough Council for the proclamation and helping to raise awareness of cardiovascular health by supporting American Heart Health Month and National Wear Red Day. Mr. George informed everyone that the Borough's gazebo will be illuminated with red light on Friday, February 6<sup>th</sup> to help raise awareness of National Wear Red Day.

Mayor Bruce Harris asked Council Member Victoria Fife to read the proclamation Celebrating the American Cancer Society's Relay for Life Event in Chatham Borough on May 30, 2015.

## **PROCLAMATION**

### **CELEBRATING THE AMERICAN CANCER SOCIETY'S RELAY FOR LIFE EVENT IN CHATHAM BOROUGH ON MAY, 30, 2015**

**WHEREAS**, RELAY FOR LIFE is the signature activity of the American Cancer Society, which celebrates cancer survivors, those who have ever been diagnosed with cancer, and remembers those lost to the disease and empowers individuals and communities to fight back against cancer; and

**WHEREAS**, at RELAY FOR LIFE events, communities across the globe come together to celebrate cancer survivors and remember loved ones who are no longer with us. The funds raised truly make a difference in the fight against cancer; and

**WHEREAS**, in its third year, Chatham Borough is joining more than 4 million people in over 20 countries raise much-needed funds and awareness to save lives from cancer through participating in the RELAY FOR LIFE movement; and

**WHEREAS**, money raised during THE AMERICAN CANCER SOCIETY'S RELAY FOR LIFE in the Borough of Chatham, Morris County, New Jersey, helps the Society save lives and create more birthdays by helping individuals stay well, get well, fight back and find cures; and

**WHEREAS**, RELAY FOR LIFE helps make possible programs such as rides to and from treatment, "Look Good...Feel Better" sessions for women undergoing treatment, support networks, and cancer care specialists who are there to answer questions 24/7 and funds more than \$100 million in cancer research each year; and

**WHEREAS**, over the past two years, Chatham Borough has raised over \$150,000.00 for the AMERICAN CANCER SOCIETY RELAY FOR LIFE fundraising program.

**BE IT RESOLVED**, that I, Bruce Harris Mayor of the Borough of Chatham, together with the Council of the Borough of Chatham, hereby proclaim May 30, 2015 as

#### **"RELAY FOR LIFE DAY"**

in the Borough of Chatham and in doing so, invite all residents to join us in participating in the Borough's 6-hour RELAY FOR LIFE event on May 30, 2015 at the Chatham Middle School from 6:00 p.m. to 12:00 midnight to help raise much-needed funds and awareness to save lives and fight against cancer and to celebrate cancer survivors and remember loved ones who are no longer with us. Together we will find a cure.

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.

Council Member Fife announced Ms. Kori Willis, Chair of Chatham Borough's Relay for Life Event Committee, was not able to attend tonight's meeting to accept the proclamation from the Mayor and Council and offered to forward the proclamation to her attention.

Mayor Bruce Harris proceeded with Resolution #15-93:

### **RESOLUTION #15-93**

#### **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:

January 5, 2015 Reorganization Meeting

Council Member John Holman moved to approve Resolution #15-93. The motion was seconded by Council Member James Collander. A voice vote was taken and Resolution #15-93 was approved unanimously.

[Council Member Alida Kass arrived at the meeting at 7:41 p.m.]

### DISCUSSION ITEMS

**2014 Memorial Pool Report** – Mr. Jim LeMon, Chair of the Municipal Pool Advisory Committee, presented a 2014 Season Recap and 2015 Season Rate Structure Report for Memorial Pool. Mr. LeMon began his presentation by informing everyone of the committee's three central goals: 1. Continue to increase membership; 2. Continue to strengthen and improve the financials; and 3. Continue to increase enjoyment. Pool membership peaked in 2013 with 654 members and fell to 538 members in 2014. Pool revenues increased steadily each year since 2008 as a result of the capital improvements; however, due to the 17% reduction of members in 2014, revenues fell short last year. Overall, the 2014 profit & loss statement reflected a positive balance, not factoring in the salary allocation of the Recreation Director.

Mr. LeMon further reported that Chatham Recreation will continue to offer an early-bird registration rate program to residents in 2015 from March 15 through April 15. After April 15, regular rates will apply. Mr. LeMon presented the 2015 Season rates for both early-bird registration and regular rates. There will be modest increases over the 2014 season rates for Individuals, Seniors (65+), Family and Au Pair memberships for both Borough and Township residents. Guest fees will increase \$1.00 over the 2014 rate. Membership growth for the 2015 season is projected at 5% and anticipate revenue projections are expected to exceed anticipated costs. Swim lessons rates will be lowered and the tiered discount level will be eliminated. Private lessons will remain at \$40.00 per ½ hour. Anticipated pool hours for the 2015 season will be 11:00 a.m. to 7:00 p.m. Monday through Friday, 12:00 noon to 6:30 p.m. Saturday, and 12 noon to 6:00 p.m. Sunday.

In closing his presentation, Mr. LeMon thanked the 23 Borough merchants for promoting the Memorial Pool by agreeing to hang posters in their businesses and gave a special thanks to Carol Nauta, Recreation Coordinator, for efficiently running the day-to-day pool operations.

Mayor Harris and the Borough Council thanked the Mr. LeMon and the Memorial Pool Advisory Committee for their work and informative presentation.

Mayor Harris further encouraged Borough residents to take advantage of a Memorial Pool membership.

**Pilgrim Pipeline Update** – Mr. Len Resto presented an update on the progress of the Borough's Pilgrim Pipeline Advisory Committee. Mr. Resto informed the Mayor and Council that the committee continues to gather facts and data from various experts, groups and coalitions. Once all facts and data have been analyzed and vetted, the committee will present its recommendation to the Mayor and Borough Council. Mr. Resto advised that to date, 28 New Jersey municipalities have passed a resolution opposing the pipeline project, along with Passaic County, two Boards of Education and the N.J. State Assembly. The N.J. Senate votes on the measure later this month. Mr. Resto reported

Chatham Concerned Citizens continue to assist other communities in their efforts to oppose the pipeline and get involved. He thanked committee member Kate Murphy for creating a Google doc site, a document sharing site to which 20+ municipalities have access in posting and sharing information.

Mr. Resto informed the Mayor and Council that the committee has not come across any organization supporting the pipeline project other than the Alliance for Action, which is a pro-business and pro-union organization and stated that the committee has made requests for information from Pilgrim Pipeline, which have gone unanswered. He reported that since New Jersey does not have any oil pipelines traversing the state, it is unclear whether Pilgrim will be recognized as a “public utility” by the Board of Public Utilities and/or a “pipeline company” under state statute and opined that legal action may commence at some point to challenge the ambiguity of the state statute. In his PowerPoint presentation, Mr. Resto presented a map of the proposed pipeline route through New Jersey together with a map showing the layout and extent of the Buried Valley Aquifer Systems of Northern New Jersey, which underlies much of the proposed pipeline route and poses a significant threat to the region’s potable water supply.

Mr. Resto announced that a town hall style meeting is being coordinated by Senator Codey, which will be held in Madison sometime in February and the Chatham Concerned Citizens is planning an opposition rally on February 21<sup>st</sup> at 2:00 p.m. The location to be announced.

In closing his presentation, Mr. Resto announced the need to continue to recruit citizen volunteers to help the advisory committee with its research and outreach efforts. Volunteers are needed in the following areas: Information Technology, Finance, Public Relations, Event Planning, Engineering, Fundraising, Community Organizing, and Clerical & Administration functions.

Mayor Bruce Harris and the Borough Council thanked Mr. Resto for his informative presentation.

**Pilgrim Pipeline Signs** – Since Dawn Ferguson was unable to attend the meeting and provide details on the location and or time frame for the signs, the Mayor and Council agreed to discuss this at a later date.

**Bicentennial Park Sign** – Ms. Janice Piccolo provided background information regarding the placement and installation of a sign, which was sponsored and paid for by a local business, in Bicentennial Park. Ms. Piccolo acknowledged that the sign was installed without an authorizing resolution by the Mayor and Council and sought direction from the Council with respect to the development of policies and procedures governing the placement and installation of signage on Borough property through public-private partnership initiatives. Ms. Piccolo suggested the establishment of an “Adopt a Space” program in conjunction with the MyChathamNJ Beautification Program initiatives. In her position as Director of Community Services, Ms. Piccolo was asked to draft a policy and procedure for presentation to the Mayor and Council for their consideration.

**Fishawack Festival** – Ms. Janice Piccolo, Mr. Chris Tomaino, organizer of the annual Fishawack Festival, and Council Member Victoria Fife presented a proposal for the Borough to make the Fishawack Festival a Borough-sponsored event due to the waning volunteerism and organizational structure over the past few years of the sponsoring non-profit organization. In addition, due to the overwhelming success of last year’s festival held in conjunction with the Train Station Centennial celebration and events, it was proposed that the Borough incorporate celebrating the 300<sup>th</sup> year (Tricentennial) anniversary of its settlement in conjunction with this year’s Fishawack Festival.

Council Member Victoria Fife and Ms. Piccolo recommended that the Fishawack Festival become a Borough event in which the new Department of Community Services, together with a newly formed

special events committee, could readily undertake. Revenue generated from the event would be dedicated for Borough beautification projects and Borough-sponsored events and activities. Mr. Tomaino stated the Fishawack Festival brings \$8,000-\$10,000 in net profits. Profits from the event are distributed to community organizations and fund an annual scholarship.

The Council presented questions concerning the commitment of time required to plan and organize the event and further inquired whether the Borough would have the resources necessary to commit to the planning and organization of this event. In addition, questions regarding complications that may arise concerning the purchase and procurement of needed supplies and materials would need to be vetted. Mr. Lott further advised that he would need to research whether the Borough could donate monies to community groups or continue to fund the scholarship program with profits received from the festival should the Borough decide to take over running the Fishawack Festival.

In closing discussion of this matter, Mayor Harris questioned whether there was Council consensus to further explore this matter, and, if so, recommended that an advisory committee be established to vet all issues and present its recommendation to the Mayor and Council. The Borough Council indicated its interest in further exploring this matter.

**Library Employee Parking** – Council Member James Collander reported that the Library Board of Trustees has requested 15 additional parking permits to accommodate Library employees. The Long Range Traffic and Pedestrian Safety Planning Committee recommended that the 15 parking permits be authorized and that the Library would apply, and pay for, 15 parking permits. The permits would be available for use in the Bowers Lane and Center Street East and West parking lots. The Long Range Traffic and Pedestrian Safety Planning Committee further recommended that the Borough Council amend the parking ordinance to authorize enforcement of the 3-hour parking limit that is posted in the Library parking lot to restrict commuter parking.

**Crime Reports** – Chief Crosson provided a brief overview of the FBI's Uniform Crime Report (UCR) and presented some of the pitfalls of UCR statistical data used to compile crime rankings. He cautioned that there are many variables that factor into a community's statistical crime ranking, some of which, while having significant impact on crime, are not readily measurable or applicable among all towns. Chief Crosson advised that variables, such as a town's proximity to state highway corridors and modes of transportation, having a downtown, population density, degree of urbanization, among other factors, impact UCR rankings. Chief Crosson confirmed that the Borough's clearance rates, those rates that identify the percentage of crimes cleared by the law enforcement agency, are on par with reported crimes, and again reiterated that it is unfair to use UCR as a sole gauge in comparing community's crime rankings.

Mayor Harris and the Council thanked Chief Crosson for his informative report.

## **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. Seeing no one wishing to speak Mayor Harris closed the meeting to the public.

## **REPORTS**

### **BOARD & COMMISSION MEMBERS & LIAISON REPORTS**

Due to the late hour of the meeting, and having further business to be conducted on the agenda, Board and Commission Members and Liaison Reports were not given at tonight's meeting.

#### **MAYOR'S REPORT**

Mayor Bruce A. Harris thanked the Borough's DPW crews and Police Department for their response to the two recent storm storms. All Borough roads were cleared and made safe for motorists.

Mayor Harris announced that Morris County will be repaving Fairmount Avenue from Watchung Avenue to Southern Boulevard, and will repave Watchung Avenue from River Road to Lafayette Avenue. He also announced that the Board of Education meetings are now being broadcast on Cablevision channel 21 and on FIOS channel 32. The TV broadcast schedule is posted on the website.

Mayor Harris also announced that the Morris County Freeholders Budget meeting has been rescheduled to February 4<sup>th</sup>, in the Knox Room, 5<sup>th</sup> floor, Administration and Records Building in Morristown.

Lastly, Mayor Harris reported that a lawsuit has been filed against the Borough by David Hill regarding the re-zoning of the industrial districts. Mr. Hill is challenging the zoning.

#### **ADMINISTRATOR'S REPORT**

Mr. Robert Falzarano reported that Chatham Borough will receive \$30,000 for recycling tonnage generated in the year 2012 and is an increase of 71% over the \$17,000 Chatham received in 2011.

Green bags are once again available for sale at Kings Supermarket.

Lastly, Mr. Falzarano reported that a meeting was held with Planning Board representatives, professionals, and staff to review the draft Planning Board and Zoning Board application policies and procedures. Diane Hickey will be revising the draft policy and procedures to incorporate the suggested revisions.

#### **CONSENT AGENDA**

Mayor Bruce Harris announced 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 #15-94 through Resolution #15-105 have been placed on the Consent Agenda.

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

None.

#### **CONTRACTS**

##### **RESOLUTION #15-94**

##### **RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ACCESS PERMIT AGREEMENT WITH NEW JERSEY TRANSIT FOR USE OF THE CHATHAM TRAIN STATION RESTROOMS FOR THE 2015 FARMERS' MARKET SEASON**

**WHEREAS**, the Chatham Farmers' Market desires to use the Chatham Train Station restrooms for its 2015 Farmers' Market season; and

**WHEREAS**, New Jersey Transit requires an Access Permit Agreement setting forth the terms and conditions for use of the Chatham Train Station restrooms and facilities; and

**WHEREAS**, the Borough of Chatham desires to enter into an agreement with New Jersey Transit for the use of the Chatham Train Station restrooms in connection with conducting the Farmers' Market for the 2015 season.

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that it hereby authorizes the Mayor to sign an Access Permit Agreement with New Jersey Transit for use of the Chatham Train Station restrooms in connection with the 2015 Farmers' Market season; 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.

## **FINANCE**

### **RESOLUTION #15-95**

#### **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 Finance Officer.

### **RESOLUTION #15-96**

#### **RESOLUTION AUTHORIZING THE IMPLEMENTATION OF A SECTION 125 FLEXIBLE BENEFITS PLAN FOR THE PURPOSE OF OFFERING PRE-TAX EMPLOYEE PREMIUM CONTRIBUTIONS AND FLEXIBLE SPENDING ACCOUNTS AT NO FINAL COST TO THE BOROUGH OF CHATHAM**

**WHEREAS**, the Borough of Chatham previously adopted a Code Section 125 plan, also known as a Flexible Spending Account, (the "Plan"), providing an opportunity for employees to have employer sponsored benefit plan premium contributions, as well as, voluntary plan premiums, deducted pre-tax through payroll and thereby saving immediate Federal and FICA taxes; and

**WHEREAS**, providing an opportunity for employees to elect to participate in Flexible Spending Accounts for Medical Expense Reimbursement and Dependent Care Expense Reimbursement and have their contributions deducted pre-tax through payroll thereby saving immediate Federal and FICA taxes; and

**WHEREAS**, Aflac Benefit Services provides a discounted fee schedule for Section 125 Premium Only Plan and Flexible Spending Account services at no final employer cost after employer matching FICA payroll tax savings with sufficient employee participation as a value added benefit to offering Aflac supplemental insurance benefits and education services to employees on a voluntary basis at no employer cost; and



**WHEREAS**, providing an opportunity for the Borough of Chatham to save matching FICA payroll taxes on all employee elective pre-tax plan contributions, premiums and premium contributions which are payroll deducted on a pre-tax basis through the Section 125 Flexible Benefits Plan hereby saving the Borough of Chatham 7.65% of all pre-taxed plan contributions, premiums and premium contributions for F.I.C.A. eligible employees.

**BE IT RESOLVED**, that the Borough of Chatham hereby recognizes and authorizes Aflac to provide a Section 125 Flexible Benefits Plan for its employees with employee voluntary contributory Flexible Spending Accounts with the following specifications:

- Medical Expense Reimbursement: \$2,500.00 Annual Maximum.
- Dependent Care Expense Reimbursement: \$5,000.00 Annual Maximum; and

**BE IT FURTHER RESOLVED**, that the Borough of Chatham hereby recognizes and authorizes payment of discounted administrative fees to Aflac as follows:

- 1) Initial Account Setup Fee – Waived
- 2) Annual Renewal Fee – Waived; and

**BE IT FURTHER RESOLVED**, that the Borough of Chatham hereby authorizes Aflac to enroll its employees in their pre-tax elections; and

**BE IT FURTHER RESOLVED**, that the Section 125 Plan shall be effective on January 1, 2015 or until such time the Borough terminates the plan; and

**BE IT FURTHER RESOLVED**, that such payroll deductions for participation in the Section 125 pre-tax premiums shall take effect with the first payroll period after January 1, 2015; 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.

## **RESOLUTION #15-97**

### **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>
97 / 1	Baum, Matthew 40 Chandler Road	\$6,455.96	2014 – 3 <sup>rd</sup> Qtr.

Mortgage company and the property owner paid the 3<sup>rd</sup> quarter tax bill to the Borough of Chatham. Both payments were deposited by the Borough and a refund is due to the property owner.

Make check payable and mail to:  
Mr. Matthew Baum  
40 Chandler Road  
Chatham, NJ 07928

**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.

## **LAW & PUBLIC SAFETY**

### **RESOLUTION #15-98**

#### **RESOLUTION CONCURRING WITH THE SPEED LIMITS ESTABLISHED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE NEW ROUTE NJ 124 WITHIN THE CORPORATE LIMITS OF THE BOROUGH OF CHATHAM**

**WHEREAS**, the New Jersey Department of Transportation (“NJDOT”) recently conducted an investigation of speed limit zones along Route NJ 124, formerly part of Route NJ 24; and

**WHEREAS**, based upon the results of the investigation, the NJDOT has determined that the existing speed limits are realistic and reasonable for existing conditions and should be maintained as follows:

Speed Limits Along Route NJ 124 for both directions of traffic

- (A) Zone 1: 35 MPH between the Madison Borough-Chatham Borough corporate line and Washington Avenue (approximate mileposts 5.90 to 6.47)
- (B) Zone 2: 30 MPH between Washington Avenue and Summit Avenue (approximate mileposts 6.47 to 6.98)
- (C) Zone 3: 35 MPH between Summit Avenue and the Chatham Borough-Millburn Township corporate line (Passaic River) (approximate mileposts 6.98 to 7.34)

and,

**WHEREAS**, since the current speed limit approvals reference Route NJ 24 within the corporate limits of the Borough of Chatham, they must be revised to reflect the new Route NJ 124; and

**WHEREAS**, the NJDOT is required to promulgate a Traffic Regulation Order in order to legally establish the speed limits for the new Route NJ 124 and therefore has requested that the Borough submit a certified, adopted resolution of concurrence to the NJDOT.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby concur with the existing speed limits referenced herein; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is directed to provide a certified copy of this resolution to the NJDOT and to Chief Crosson, Chatham Borough Police Department.

### **RESOLUTION #15-99**

#### **RESOLUTION OPPOSING THE INSTALLATION OF MID-BLOCK CROSSWALK ON ROUTE 124 BETWEEN BOWERS LANE AND SOUTH PASSAIC AVENUE IN FRONT OF THE LIBRARY OF THE CHATHAMS**

**WHEREAS**, there has been a request made to the New Jersey Department of Transportation (“NJDOT”) to investigate the feasibility of installing a mid-block crosswalk on Route 124 between Bowers Lane and South Passaic Avenue in front of the Library of the Chathams; and

**WHEREAS**, in order to install the crosswalk, the NJDOT is required to undertake an investigation and promulgate a traffic regulation order; and

**WHEREAS**, the adoption of a resolution of concurrence by the municipal governing body pursuant to N.J.S.A. 39:4-8.4(c) is a necessary precondition to the issuance of a traffic regulation order; and

**WHEREAS**, the NJDOT has determined that at least six (6) parking stalls along Route 124, three (3) on each side of the State highway, will need to be removed in connection with the installation of the crosswalk in order to comply with the statutory parking restrictions as they related to crosswalks pursuant to N.J.S.A. 39:4-138e; and

**WHEREAS**, the Borough's Long Range Traffic and Pedestrian Safety Planning Committee (the "Committee") considered the feasibility of installing the crosswalk; and

**WHEREAS**, after consulting with the Borough Traffic Safety Officer and the Library Director, the Committee recommends against the installation of the crosswalk because the crosswalk would not meet the requirements set forth by the Manual on Uniform Traffic Control Devices related to the placement of mid-block crosswalks and would result in the loss of parking along both sides of Route 124; and

**WHEREAS**, based upon the Committee's recommendation, the Mayor and Borough Council do not support the installation of the crosswalk.

**BE IT RESOLVED**, by the Mayor and Chatham Borough Council that the Mayor and Borough Council do not support the installation of a mid-block crosswalk on Route 124 between Bowers Lane and South Passaic Avenue in front of the Library of the Chathams; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby directed and authorized to transmit a certified copy of this Resolution to the NJDOT and to the Morris County Board of Chosen Freeholders.

## **BOARDS, COMMISSIONS & COMMITTEES**

### **RESOLUTION #15-100**

#### **RESOLUTION DESIGNATING THE CHATHAM BOROUGH ENVIRONMENTAL COMMISSION AS THE GREEN TEAM TO SERVE AS THE BOROUGH'S LEAD AGENCY IN THE IMPLEMENTATION OF THE SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROGRAM**

**WHEREAS**, the Mayor and Borough Council are vigilant about protecting the health, safety, and welfare of our residents through environmental stewardship; and

**WHEREAS**, Resolution #09-144 adopted by the Mayor and Council of the Borough of Chatham on April 27, 2009 authorized the Borough's participation in the Sustainable Jersey Municipal Certification Program; and

**WHEREAS**, Borough residents appreciate a program like the Sustainable Jersey Municipal Certification Program, which provides a framework for success, with many options, and the freedom to choose the options, that work best for Chatham Borough; and

**WHEREAS**, Borough residents want an approach to environmental education that will equip the municipality with the skills necessary to manage the environmental impact inherent in all activities, and to adopt sustainable practices and behaviors; and

**WHEREAS**, the Borough of Chatham achieved Sustainable Jersey Bronze Certification in 2010 and Silver Certification in 2012; and

**WHEREAS**, the Borough of Chatham received the Sustainable Jersey Champion Award for Medium-sized Municipality in 2012 and shared the Sustainable Jersey Collaboration Award with Chatham Township in 2009; and

**WHEREAS**, the Environmental Commission of the Borough of Chatham was created by Ordinance in 1968 for the protection of all natural resources located in the Borough, including open space preservation, water resource management, air pollution control, solid waste management, noise control, soil and landscape practices, environmental appearance, protection of flora and fauna, and the environmental impacts of proposed activities in and affecting Chatham Borough; and

**WHEREAS**, the Mayor and Council wishes to authorize the Environmental Commission to serve as the Borough's lead agency for the Sustainable Jersey Municipal Certification Program.

**BE IT RESOLVED**, that the Mayor and Council of Chatham Borough hereby designates the Chatham Borough Environmental Commission to serve as the "Green Team" to lead in the sustainable activities of the community and in coordinating the implementation of local initiatives and actions that will lead to maintaining and expanding Sustainable Jersey certification; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Chatham do hereby authorize the Environmental Commission of the Borough of Chatham to form subcommittees, as appropriate, to implement specific actions of the Sustainable Jersey municipal certification program. Members of the subcommittees may be selected from municipal staff and elected officials in a liaison capacity and from volunteer members of Chatham Borough commissions, boards, and committees, school representatives, and other community volunteers and representatives; 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.

## **PERSONNEL**

### **RESOLUTION #15-101**

#### **RESOLUTION AMENDING RESOLUTION #15-32 SETTING FORTH THE HOURLY RATE FOR SCHOOL CROSSING GUARDS FOR YEAR 2015**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the following School Crossing Guards for the school calendar year 2015 be appointed at the hourly rate of pay of \$21.08:

David Achille	Kathleen Donnelly	Janice Parcells
Thomas Boland	Janine Eggerman	Susan Piana
Donna Cali-Charles	Melon Grimm	Nancy Renzulli
Patricia Casteliano	Anne Kling	Lizbeth Salinardi
Carmela Cooke	Anthony Lombardi	Mark Spinner
Marjorie Conlan	Richard Loock	Jacqueline Sweetin
Richard Crater	Harvey Ochs	Grace Walsh
		Judith Whiteside

## **RECREATION**

### **RESOLUTION #15-102**

#### **RESOLUTION AMENDING RESOLUTION #15-87 ENTITLED, RESOLUTION OF AGREEMENT FOR THE JOINT CHATHAM RECREATION PROGRAM FOR CHATHAM**

**BASEBALL, SOFTBALL, FOOTBALL, FIELD HOCKEY, SOCCER, LACROSSE AND BASKETBALL CLUBS, TO INCLUDE THE CHATHAM YOUTH WRESTLING CLUB**

**WHEREAS**, on January 5, 2015, the Mayor and Council of the Borough of Chatham adopted Resolution #15-87 authorizing agreements for the Joint Chatham Recreation Program for Chatham Baseball, Softball, Football, Field Hockey, Soccer, Lacrosse and Basketball Clubs; and

**WHEREAS**, it is necessary to amend Resolution #15-87 to include the Chatham Youth Wrestling Club program; and

**WHEREAS**, Chatham Borough (the “Borough”) and Chatham Township (the “Township”) have sponsored joint sports programs through the Joint Recreation Advisory Committee (the “Joint Chatham Recreation Program”) for over twenty years; and

**WHEREAS**, the not-for profit sports clubs for Chatham baseball, softball, football, field hockey, soccer, lacrosse, basketball and wrestling (collectively, the “Clubs”) manage various sports programs for the Joint Chatham Recreation Program; and

**WHEREAS**, the Borough and the Township recognize that they will from time to time provide support and assistance to the Clubs through the Borough and Township’s respective designees; and

**WHEREAS**, the Borough and Township recognize that municipal and/or the School District of the Chathams facilities are needed to support participation; and

**WHEREAS**, the Clubs shall pay the facility maintenance trust fee that is recommended annually by the Joint Recreation Advisory Committee and established by the Chatham Township Committee and Chatham Borough Council that is considered ordinary and commensurate with the fee charged to other sports for same. The fee shall be paid within thirty (30) days from the activity registration closing date. All monies shall be deposited in a dedicated recreation trust account to be held and maintained by the Borough; and

**WHEREAS**, the Clubs agree to and shall obtain and pay for insurance policy premiums that cover players, coaches and staff to include general liability, basic accident medical, catastrophic accident, directors’ and officers’ liability and excess liability in amounts satisfactory to the Borough and Township Administrators (limits not less than \$1,000,000 (one million dollars) and naming the Borough of Chatham and the Township of Chatham as additional insured parties); and

**WHEREAS**, the Clubs agree to indemnify, hold harmless and defend the Joint Recreation Advisory Committee, as well as the Borough, Township and School District of the Chathams, and their respective officials, employees, volunteers and agents, from any and all liabilities, claims, injuries (including death), losses or damages of whatever nature, arising out of or resulting from Club activities; and

**WHEREAS**, the Clubs shall be responsible for the collection of fees, purchase and issue of uniforms and equipment for all participants as well as the payment of officials and trainers; and

**WHEREAS**, the Clubs recognize that the Joint Recreation Advisory Committee, in consultation with the Borough, the Township and/or the School District of the Chatham, reserve the exclusive right to change the current facility use model in regards to access, time and/or location as needed; and

**WHEREAS**, the Clubs agree to maintain communication with the Joint Recreation Advisory Committee regarding program philosophy, annual fees and any changes/additions to the current program content; and

**WHEREAS**, the Clubs agree to adopt and follow the grievance procedure and Code of Conduct approved by the Joint Chatham Recreation Advisory Committee; and

**WHEREAS**, the Clubs agree to comply with the Joint Chatham Recreation Program's facility use policy, background check policy and procedures, and training certification (Rutgers S.A.F.E.T.Y. Clinic or evidence that of equivalent training); and

**WHEREAS**, the Clubs agree to provide the Borough and the Township, upon request, with the participants name and grade, parent names, addresses and e-mail addresses of all the seasonal participants to be used for Joint Chatham Recreation Program's purposes only; and

**WHEREAS**, non-resident participants will not be added to programs without first obtaining the approval of the Joint Recreation Advisory Committee; and

**WHEREAS**, the Clubs agree that the Joint Recreation Advisory Committee's designee(s) and liaison(s) shall be invited to attend the Clubs' board meetings; and

**WHEREAS**, when requested by the Joint Recreation Advisory Committee, a representative of the Clubs' board shall attend and participate in meetings of the Joint Chatham Recreation Advisory Committee as a non-voting member.

**BE IT RESOLVED**, by the Mayor and Chatham Borough Council that the above recitals are incorporated herein as though fully set forth; and

**BE IT FURTHER RESOLVED**, that the president of each of the Clubs, being authorized to sign on behalf of his/her respective Club, signs this Resolution and thereby agrees to all the terms and conditions set forth herein; and

**BE IT FURTHER RESOLVED**, that failure to follow the terms and conditions set forth herein could necessitate that the use of the Borough, Township and School District of the Chathams facilities could give the club unequal footing within their typical in-season for play or events; and

**BE IT FURTHER RESOLVED**, that this resolution will be effective on the date that the Chatham Township Committee adopts a companion resolution.

### **RESOLUTION #15-103**

#### **RESOLUTION AUTHORIZING TERMINATION OF THE SHARED SERVICES AGREEMENT FOR OPERATION OF A JOINT RECREATION PROGRAM**

**WHEREAS**, the Borough of Chatham and Township of Chatham are parties to a Shared Services Agreement for the operation of a joint recreation program (the "Agreement") whereby the parties employ a Joint Recreation Director and Assistant Recreation Director; and

**WHEREAS**, paragraph 7 of the Agreement provides that "[t]he Agreement may be terminated by either the Township or the Borough upon six (6) month written notice to the other party"; and

**WHEREAS**, recognizing that the joint recreation program now utilizes a club model, the Mayor and Borough Council of the Borough of Chatham have determined that the Agreement is no longer necessary and that it is in the best interest of the Borough and its residents to terminate the Agreement.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby wish to terminate the Shared Services Agreement for the operation of a joint recreation program with Chatham Township; and

**BE IT FURTHER RESOLVED** that the Borough Administrator is hereby directed to notify Chatham Township of the Borough's desire to terminate the Shared Services Agreement in accordance with the terms of the agreement; 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.

## **OTHER**

### **RESOLUTION #15-104**

#### **RESOLUTION AUTHORIZING THE CHATHAM HIGH SCHOOL THEATER DEPARTMENT TO HANG ONE BANNER ON BICENTENNIAL PARK FENCE**

**WHEREAS**, the Chatham High School Theater Department has requested permission to hang one (1) 4' by 8' banner on the Bicentennial Park fence beginning the week of February 16, 2015 to advertise and promote its spring musical "Once Upon a Mattress" scheduled for March 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup>, 2015.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Chatham High School Theater Department is granted permission to hang one (1) 4' by 8' banner on the Bicentennial Park fence beginning the week of February 16, 2015 to advertise and promote its upcoming spring musical production; and

**BE IT FURTHER RESOLVED**, that the Chatham High School Theater Department shall remove the banner on, or by, March 8<sup>th</sup>, 2015; 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.

### **RESOLUTION #15-105**

#### **RESOLUTION AUTHORIZING AN INTERNSHIP PROGRAM FOR THE BOROUGH OF CHATHAM FOR CALENDAR YEAR 2015**

**WHEREAS**, internships help individuals gain experience, develop skills, make connections, strengthen their resumes, learn about a field, and assess their interest and abilities, which facilitates a positive future; and

**WHEREAS**, internships have helped the Borough take advantage of short-term support to effectively manage workflow to accomplish immediate objectives; and

**WHEREAS**, internships help Borough staff to be more productive and frees them up to accomplish more creative tasks or those tasks requiring higher-level strategic thinking or expertise.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby authorize an internship program for the Borough for calendar year 2015; 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 Member James Lonergan made a motion to remove Resolution #15-102 from the Consent Agenda and table it for future discussion and consideration. The motion was seconded by Council Member John Holman. A voice vote was taken and the motion to was approved unanimously.

Mayor Harris asked Council Member James Collander to proceed with Resolution #15-94 through #15-105 listed on the Consent Agenda. (Resolution #15-102 was removed from the Consent Agenda and tabled.)

Council Member James Collander moved to approve the resolutions presented on the Consent Agenda, except Resolution #15-102, which was removed from the Consent Agenda and tabled. The motion was seconded by Council President Gerald Helfrich. A voice vote was taken and all Resolutions listed on the Consent Agenda, except Resolution #15-102, which was removed from the Consent Agenda and tabled, were approved unanimously.

### **ADD-ON RESOLUTIONS**

None.

### **ORDINANCES FOR FIRST READING**

Mayor Harris asked Council Member Lonergan to introduce Ordinance #15-01.

Council Member Lonergan introduced Ordinance #15-01 by title as follows:

#### **ORDINANCE 15-01**

#### **ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING EXECUTION OF AMENDMENT TO LEASE AGREEMENT WITH COMMUNITY PERSONNEL SERVICES, INC.**

Council Member Lonergan explained the purpose of the Ordinance and moved for introduction on First Reading by reading the following:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on February 2, 2015.

**BE IT RESOLVED**, that at the Council meeting to be held on February 23, 2015 at 7:30 p.m. prevailing time, at the Borough Hall, the Chatham Borough Council will further consider this Ordinance for a second reading, public hearing and final passage; and

**BE IT FURTHER RESOLVED** that the Clerk is hereby requested to publish the proper notice thereof, including this Ordinance, post the Ordinance on the bulletin board in the Municipal Building and make copies available to members of the general public. And I do so move.

The motion was seconded by Council Member James Collander .

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



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

The Borough Clerk stated Ordinance #15-01 passed on first reading and will be scheduled for second reading and public hearing at the February 23, 2015 meeting of the Mayor and Council.

Mayor Harris asked Council Member Collander to introduce Ordinance #15-02.

Council Member Collander introduced Ordinance #15-02 by title as follows:

**ORDINANCE #15-02**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY ADOPTING THE  
BOROUGH OF CHATHAM LOCAL VIOLATIONS BUREAU SCHEDULE  
(TRAFFIC RELATED OFFENSES)**

Council Member Collander explained the purpose of the Ordinance and moved for introduction on First Reading by reading the following:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on February 2, 2015.

**BE IT RESOLVED**, that at the Council meeting to be held on February 23, 2015 at 7:30 p.m. prevailing time, at the Borough Hall, the Chatham Borough Council will further consider this Ordinance for a second reading, public hearing and final passage; and

**BE IT FURTHER RESOLVED** that the Clerk is hereby requested to publish the proper notice thereof, including this Ordinance, post the Ordinance on the bulletin board in the Municipal Building and make copies available to members of the general public. And I do so move.

The motion was seconded by Council President Gerald Helfrich.

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			

The Borough Clerk stated Ordinance #15-02 passed on first reading and will be scheduled for second reading and public hearing at the February 23, 2015 meeting of the Mayor and Council.

Mayor Bruce Harris asked Council President Gerald Helfrich to proceed with Resolution #15-106.

Council President Helfrich read Resolution #15-106 in full.

**RESOLUTION #15-106**

**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. Minisink Swim & Tennis Club Site Improvements – Mr. Lott

Contract Matters: 2. St. Paul's Agreement – Mr. Lott

3. AT&T Lease – Mr. Falzarano

**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 #15-106. The motion was seconded by Council Member James Lonergan. A voice vote was taken and Resolution #15-106 was approved unanimously.

The Mayor and Council adjourned into Closed Session.

**ADJOURNMENT**

Meeting adjourned 9:30 p.m.

Respectfully Submitted:

*Robin R. Kline*

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