

**AGENDA**  
**June 8, 2015**

**Regular Meeting**  
**Mayor and Borough Council**

**Borough of Chatham**  
**54 Fairmount Avenue**  
**Chatham, NJ 07928**

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**CALL MEETING**      The meeting will be called to order at 7:30 p.m.  
**TO ORDER**

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**SALUTE TO FLAG**

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**MOMENT OF SILENCE**

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**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.

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**ROLL CALL**

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

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**RESOLUTION #15-206**

**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:

May 26, 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:

May 26, 2015

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## **DISCUSSION ITEMS**

1. 2015 Morris County Budget – Freeholder Thomas Mastrangelo
  2. Affordable Housing Declaratory Judgment – Mr. James Lott
  3. Solid Waste Contract – Mr. Falzarano
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## **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.

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## **REPORTS**

### **Council Committees**

<b>Budget and Finance</b>	Council Member James Lonergan
<b>Long Range Traffic &amp; Pedestrian Safety Planning</b>	Council Member James J. Collander
<b>Public Safety &amp; Emergency Services</b>	Council Member James J. Collander
<b>Personnel</b>	Council Member Victoria Fife
<b>Public Works Planning</b>	Council Member John Holman
<b>Shared Services &amp; 3<sup>rd</sup> Party Agreements</b>	Council President Gerald Helfrich

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## **MAYOR'S REPORT**

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## **ADMINISTRATOR'S REPORT**

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## **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 #15-207 through Resolution #15-216 have been placed on the Consent Agenda.

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

### **RESOLUTION #15-**

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## **CONTRACTS**

### **RESOLUTION #15-207**

#### **RESOLUTION AMENDING THE CONTRACT FOR PROFESSIONAL PLANNING SERVICES WITH SUSAN G. BLICKSTEIN AICP/PP, PHD AND ELIZABETH C. MCKENZIE, AICP/PP**

**WHEREAS**, by Resolution #15-179 adopted by the Borough Council on April 27, 2015, a contract was awarded to Susan G. Blickstein AICP/PP, PhD and Elizabeth C. McKenzie, AICP/PP for professional planning services to update the Borough's housing element and fair share plan relating to the Borough's affordable housing obligations and to assist in filing a declaratory judgment action seeking approval of same in accordance with New Jersey Supreme Court's recent decision in *In re Adoption of N.J.A.C. 5:96 & 5.97*, (M-392-14) (067126) (March 10 2015); and

**WHEREAS**, this contract is exempt from public bidding as a professional service in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Borough wishes to amend the contract to amend the maximum contract amount not to exceed \$12,000.00; and

**WHEREAS**, the Chief Financial Officer has confirmed that sufficient funds are available in Current Fund Account #5-01-20-100-300 for the award of this contract.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham they hereby amend the contract with Susan G. Blickstein AICP/PP, PhD and Elizabeth C. McKenzie, AICP/PP for a contract amount not to exceed \$12,000.00 for professional planning services in accordance with the terms and conditions and as set forth in Susan G. Blickstein AICP/PP, PhD and Elizabeth C. McKenzie, AICP/PP's proposal submitted and accepted for this work.

### **RESOLUTION #15-208**

#### **RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE INSTALLATION OF TWO CROSSWALKS ON ROUTE 124 ADJACENT TO COLEMAN AVENUE TO STATEWIDE LINE STRIPING IN THE AMOUNT NOT TO EXCEED \$12,500.00**

**WHEREAS**, the Borough of Chatham desires to have "Endurablend" crosswalks installed at two locations along New Jersey State Highway Route 124 adjacent to Coleman Avenue; and

**WHEREAS**, Statewide Line Striping, Inc. installed "Endurablend" crosswalks at five other locations along New Jersey State Highway 124 for the New Jersey Department of Transportation within the municipal limits of the Borough of Chatham; and

**WHEREAS**, the Borough Engineer has confirmed that Statewide Line Striping, Inc. is the only authorized installer in the State of New Jersey for the "Endurablend" product and is both qualified and responsible for the type of work to be performed; and

**WHEREAS**, the Borough of Chatham has entered into a Jurisdictional Agreement with the New Jersey Department of Transportation for the installation and long term maintenance of the crosswalks; and

**WHEREAS**, the maximum contract amount shall not exceed \$12,500.00; and

**WHEREAS**, the Chief Financial Officer has confirmed that sufficient funds are available in General Capital Fund Accounts #C-04-55-913-005 & C-04-55-914-101 for the award of this contract.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that they hereby authorize the award of a contract for the installation of two “Endurablend” crosswalks along New Jersey State Highway Route 124 adjacent to Coleman Avenue to Statewide Line Striping, Inc. of Parsippany, New Jersey, in the amount not to exceed \$12,500.00; and

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are hereby authorized and directed to execute a contract with Statewide Line Striping, Inc for the installation of two “Endurablend” crosswalks along New Jersey State Highway Route 124 adjacent to Coleman Avenue; 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.

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## **FINANCE**

### **RESOLUTION #15-209**

#### **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 #15-210**

#### **RESOLUTION INSERTING AN ITEM OF REVENUE IN THE ADOPTED 2015 MUNICIPAL BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of any item or appropriation for an equal amount.

**BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham that the Borough of Chatham hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the adopted 2015 Municipal Budget in the sum of \$16,816.27, which item is now available as a revenue from a grant received from the State of New Jersey pursuant to the provisions of the herein referenced statute; and

**BE IT FURTHER RESOLVED** that the sum of \$16,816.27, be made and the same is hereby appropriated under the caption of: CLEAN COMMUNITITES - 2015, Account # G-01-41-770-201;; and

**BE IT FURTHER RESOLVED** that the insertion of the item of revenue is the result of monies being provided to the municipality pursuant to N.J.S.A. 40A:4-87; and

**BE IT FURTHER RESOLVED** that two certified copies of this resolution shall be forwarded to the Office of the Director of Local Government Services as required by law.

## **RESOLUTION #15-211**

### **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 property owner and the mortgage lender 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>
99 / 4	Jafarzadeh, Kathryn 281 Hillside Avenue	\$1,841.41	2015/2Qtr.

**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.

## **RESOLUTION #15-212**

### **RESOLUTION REFUNDING REDEMPTION OF TAX SALE CERTIFICATE #2013-1**

**WHEREAS**, the Tax Collector for the Borough of Chatham has advised that the following tax sale redemption refund should be made:

<b><u>BLOCK/LOT</u></b>	<b><u>OWNERS/PROPERTY LOCATION</u></b>	<b><u>AMOUNT</u></b>	<b><u>YEAR</u></b>
45 / 8	Previous owner was Mulgay 160 N. Passaic Avenue	\$11,472.75	2013

The refund made payable to the lienholder, which includes the \$5,300.00 premium paid, plus the lien in the amount of \$6,172.75, for a total of \$11,472.75 due the lienholder.

Please make check payable & mail to:  
US Bank Cust BV001 Trst & Crdtrs  
50 South 16<sup>th</sup> Street, Suite 2050  
Philadelphia, PA 19102-2513

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough Tax Collector to issue a refund for the redemption of Tax Sale Certificate #2013-1 as herein referenced.

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## **BOARDS AND COMMISSIONS**

### **RESOLUTION #15-213**

### **RESOLUTION IN SUPPORT OF LEGISLATION CLARIFYING EXEMPTIONS FROM MANDATORY IMMUNIZATIONS FOR STUDENTS**

**WHEREAS**, the Borough of Chatham and the Borough of Madison, in consultation with their respective Boards of Health, have authorized and approved a shared service agreement pursuant to N.J.S.A. 40A:645-5 of the Uniform Shared Services and Consolidation Act, wherein the Borough of Madison provides the Borough of Chatham with health services of a technical and professional nature; and

**WHEREAS**, the Madison Health Department carries out activities that promote health, prevent disease, and protect the health of the community's population; and

**WHEREAS**, the Borough of Chatham supports the actions of the Madison Health Department and of the Chatham Borough Board of Health in protecting its citizens from disease and illness; and

**WHEREAS**, on March 9, 2015 the Senate Health, Human Services and Senior Citizens Committee released from Committee Senate Bill No. 1147 clarifying statutory exemptions from mandatory immunizations for students for consideration by the full Senate; and

**WHEREAS**, subsequently on March 16, 2015, the Assembly Health and Senior Services Committee released companion Assembly Bill No. 1931 from Committee for consideration by the full Assembly; and

**WHEREAS**, these identical companion bills would impose more rigorous requirements in order for parents to claim a religious exemption from mandatory vaccinations for school children; and

**WHEREAS**, studies have demonstrated that the religious exemption is generally claimed either as a pretext by parents philosophically opposed to vaccine or simply as a convenience to avoid the necessity of arranging doctor appointments for administration of the vaccines; and

**WHEREAS**, The Star-Ledger newspaper reported that religious exemptions were claimed for nearly 9,000 students in the 2013-2014 academic year, compared with 1641 student in 2005-2006; and

**WHEREAS**, the scientific evidence that vaccines are safe is overwhelming; and

**WHEREAS**, the proposed legislation does not preclude an exemption when vaccination would conflict with bona fide religious tenets or practices; and

**WHEREAS**, the decrease in vaccination rates poses a serious risk to public health; and

**WHEREAS**, outbreaks of vaccine preventable diseases, such as measles, pertussis, and mumps, are on the increase; and

**WHEREAS**, there is concern that vaccination rates have fallen below the recommended number to provide herd immunity to protect those who cannot be vaccinated.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Borough hereby supports the proposed legislation and urges the New Jersey Legislature to pass Senate Bill No. 1147 and Assembly Bill No. 1931 and urges Governor Christie to sign the bill into law promptly; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby directed to forward a certified copy of this Resolution to the Governor Chris Christie, the President of the New Jersey State Senate, Stephen Sweeney, the Speaker of the New Jersey General Assembly, Vincent Prieto, Chatham Borough's Legislative Representatives for the 21<sup>st</sup> Legislative District, Senator Thomas H. Kean, Jr., Assemblyman Jon Bramnick, and Assemblywomen Nancy Munoz, and the Commissioner of the New Jersey Department of Health.

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## **RECREATION**

### **RESOLUTION #15-214**

### **RESOLUTION APPOINTING A SUBSTITUTE POOL STAFF MEMBER FOR THE 2015 SUMMER SEASON**

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

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

Pool Staff	Salary	Position
Cheng, Jonathan	\$8.38	Substitute

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that it hereby appoints the herein referenced individual as 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.

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## **OTHER**

### **RESOLUTION #15-215**

#### **RESOLUTION AUTHORIZING VILLA MILAGRO VINEYARDS TO CONDUCT RETAIL SALES AND PROVIDE SAMPLES OF ITS PRODUCTS AT THE CHATHAM BOROUGH FARMERS' MARKET**

**WHEREAS**, Villa Milagro Vineyards wishes to conduct retail sales and provide free samples of its products at the Chatham Borough Farmers' Market; and

**WHEREAS**, the New Jersey Beverage Control Act, N.J.S.A. 33:1-10(2)(a) and N.J.S.A. 33:1-10(2)(b), authorizes holders of a Farm Winery Licenses or Plenary Winery License to provide free samples of their products to the public, and sell those products, in original containers, for off-premises consumption, provided a valid permit is issued to the licensee from the Division of Alcoholic Beverage Control; and

**WHEREAS**, the Borough Clerk has verified that Villa Milagro Vineyards has received from the New Jersey Division of Alcoholic Beverage Control a Special Wine Festival Permit authorizing them to display and sell products produced by its winery under the authority of its New Jersey Farm Winery License or Plenary Winery License and to provide wine samples at the Chatham Borough Farmers' Market on the following dates and time in the month of June:

Saturday, 06/20/2015, 8:00 AM to 1:00 PM

Saturday, 06/27/2015, 8:00 AM to 1:00 PM

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby grant permission to Villa Milagro Vineyards to display and sell products produced by its winery and to provide free wine samples at the Chatham Borough Farmers' Market on the referenced dates and times in accordance with state laws.

**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.

## **RESOLUTION #15-216**

### **RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO CLOSE CERTAIN DESIGNATED PARKING LOTS AND TO CONTROL AND TO REGULATE TRAFFIC CONDITIONS CONSEQUENT THERETO FOR THE 2015 CHATHAM FISHAWACK FESTIVAL**

**WHEREAS**, the 2015 Chatham Fishawack Festival (“Festival”) is scheduled to be held on June 13, 2015; and

**WHEREAS**, the Chief of Police has reviewed the traffic conditions created by the Festival and has recommended to the Borough Administrator that certain designated parking lots and roads be closed in order to facilitate public activity created by the Festival and to control and to regulate traffic conditions consequent thereto.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby authorize the Chief of Police to close the following parking lots on June 13, 2015 from 8:00 a.m. to 6:00 p.m to facilitate the public activity created by the Festival:

1. Parking Lot No. 1 or Plaza North
2. Parking Lot No. 4 or Passaic Avenue Lot
3. Parking Lot No. 7 or Firehouse Plaza Lot

And,

**BE IT FURTHER RESOLVED**, that the Chief of Police is hereby authorized to close roads and establish appropriate detour routes; and

**BE IT FURTHER RESOLVED**, that the Chief of Police is hereby authorized to undertake such traffic measures to control and to regulate traffic conditions created consequent to the closure of the herein referenced parking lots and roads; 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.

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### **CONSENT AGENDA VOTE:**

Mayor Harris asks Council Member \_\_\_\_\_ to proceed with the Resolutions listed on the Consent agenda. Resolutions #15- 207 through #15-216.

Council Member \_\_\_\_\_: I would like to make a motion to approve the resolutions placed on this evening’s Consent Agenda by consent of the Council.

Seconded by Council Member:\_\_\_\_\_.

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### **ADD-ON RESOLUTIONS**

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### **ORDINANCES FOR FIRST READING**

Mayor Harris asks Council Member Victoria Fife to introduce Ordinance #15-07.



Council Member Victoria Fife introduces Ordinance #15-07 by title as follows:

**ORDINANCE #15-07**  
**AN ORDINANCE AMENDING CHAPTER 165 OF THE LAND DEVELOPMENT**  
**REGULATIONS OF THE BOROUGH CODE TO CLARIFY THE CONDITIONAL USES**  
**IN THE M1 DISTRICT**

Council Member Victoria Fife explains the purpose of the Ordinance and moves for introduction on First Reading.

Council Member Victoria Fife reads:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on June 8, 2015.

**BE IT RESOLVED**, that at the Council meeting to be held on June 22, 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.

Council Member \_\_\_\_\_ seconds the motion.

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

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

Mayor Harris asks Council Member Victoria Fife to introduce Ordinance #15-08.

Council Member Victoria Fife introduces Ordinance #15-08 by title as follows:

**ORDINANCE #15-08**  
**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 TO CREATE A NEW AFD-4 AFFORDABLE HOUSING DISTRICT**

Council Member Victoria Fife explains the purpose of the Ordinance and moves for introduction on First Reading.

Council Member Victoria Fife reads:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on June 8, 2015.

**BE IT RESOLVED**, that at the Council meeting to be held on June 22, 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.

Council Member \_\_\_\_\_ seconds the motion.

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

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

Mayor Harris asks Council Member Victoria Fife to introduce Ordinance #15-09.

Council Member Victoria Fife introduces Ordinance #15-09 by title as follows:

**ORDINANCE #15-09**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 165 OF THE  
LAND DEVELOPMENT REGULATIONS OF THE BOROUGH CODE  
RELATED TO THE M-1, -2 and -3 DISTRICTS TO INCREASE THE REQUIRED  
AFFORDABLE HOUSING SET ASIDE**

Council Member Victoria Fife explains the purpose of the Ordinance and moves for introduction on First Reading.

Council Member Victoria Fife reads:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on May 26, 2015.

**BE IT RESOLVED**, that at the Council meeting to be held on June 8, 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

