

AGENDA
February 8, 2016

Regular Meeting
Mayor and Borough Council

Borough of Chatham
54 Fairmount Avenue
Chatham, NJ 07928

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

SALUTE TO FLAG

MOMENT OF SILENCE

STATEMENT OF ADEQUATE NOTICE Pursuant to the requirements of the Open Public Meetings Act, 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 Borough Hall, emailed to 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 11, 2016.

ROLL CALL Mayor Bruce A. Harris
Council Member James J. Collander
Council President James Lonergan
Council Member Victoria Fife
Council Member Gerald J. Helfrich
Council Member Leonard Resto
Council Member Peter Hoffman
Robert J. Falzarano, Borough Administrator
James L. Lott, Jr., Borough Attorney
Robin R. Kline, Borough Clerk

RESOLUTION TO RECESS INTO CLOSED SESSION

RESOLUTION #16-103

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

Litigation Matter: 1. Affordable Housing Declaratory Judgment Action
 – Mr. Lott and Ms. Blickstein

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 reconvene in public session after this closed session.

RESOLUTION #16-104

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 25, 2016

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:

January 25, 2016

DISCUSSION ITEMS

1. 2016 Goals and Objectives – Mr. Falzarano

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.

REPORTS

Board & Commission Members & Liaison Reports

Affordable Housing Advisory Committee

Mayor Bruce A. Harris
Council Member James J. Collander
Council Member Victoria Fife

Open Space & Historic Preservation Trust Advisory Committee

Mayor Bruce A. Harris
Council Member Leonard Resto

Traffic & Pedestrian Safety Advisory Committee Shade Tree Commission

Council Member James J. Collander
Council Member James J. Collander

Communications & Technology Advisory Committee Joint Recreation Advisory Committee Municipal Pool Advisory Committee

Council President James Lonergan
Council President James Lonergan
Council President James Lonergan

Farmers' Market Advisory Committee Mayors' Wellness Committee

Council Member Victoria Fife
Council Member Victoria Fife

MyChathamNJ Advisory Committee Planning Board Project Community Pride Senior Center of the Chathams

Council Member Victoria Fife
Council Member Victoria Fife
Council Member Victoria Fife
Council Member Victoria Fife

9/11 Memorial Advisory Committee Board of Education Joint Municipal Court Municipal Alliance of the Chathams

Council Member Gerald J. Helfrich
Council Member Gerald J. Helfrich
Council Member Gerald J. Helfrich
Council Member Gerald J. Helfrich

Environmental Commission
Joint Community Gardens Advisory Committee
Madison Chatham Joint Meeting
Pilgrim Pipeline Advisory Committee
Public Arts Council Advisory Committee

Council Member Leonard Resto
Council Member Leonard Resto
Council Member Leonard Resto
Council Member Leonard Resto
Council Member Leonard Resto

Board of Health
Historic Preservation Commission

Council Member Peter Hoffman
Council Member Peter Hoffman

MAYOR'S REPORT

ADMINISTRATOR'S REPORT

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 #16-105 through Resolution #16-118 have been placed on the Consent Agenda.

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

RESOLUTION #16-

CONTRACTS

RESOLUTION #16-105

RESOLUTION APPROVING A PROFESSIONAL SERVICES CONTRACT WITH PLOSLIA COHEN LLC FOR THE YEAR 2016

WHEREAS, the Borough of Chatham requires the services of labor counsel for the year 2016;
and

WHEREAS, such services constitute a professional service as defined by the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-2, and are specifically exempt from the public bidding process in accordance with N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, by Resolution #16-01 adopted on January 4, 2016, a professional service contract was awarded to the law firm Apruzzese, McDermott, Mastro & Murphy, P.C., to advise on Borough employment-related matters; and

WHEREAS, James L. Plosia, Esq., formerly associated with the law firm Apruzzese, McDermott, Mastro & Murphy, P.C., has handled all employment-related matters on behalf of the Borough; and

WHEREAS, the Borough Council finds that it would be in the best interests of the Borough to enter into a professional services agreement with Plosia Cohen LLC, 385 Route 24, Chester, New Jersey 07930 based upon the firm's expertise and extensive experience in employment-related legal matters; and

WHEREAS, the contract was not awarded through a “fair and open” process pursuant to N.J.S.A. 19:44A-20.4 et. seq.; and

WHEREAS, the hourly rate to be charged by Plosia Cohen LLC for its work under the professional services agreement shall be \$185.00 per hour.

BE IT RESOLVED, by the Council of the Borough of Chatham that a professional service contract is hereby awarded for the year 2016 to Plosia Cohen LLC; and

BE IT FURTHER RESOLVED, that Plosia Cohen LLC, its subsidiaries, assigns or principals controlling in excess of 10% of the firm will be required to submit to the Borough a Business Entity Disclosure Certification pursuant to the New Jersey Pay-to-Play Act, N.J.S.A. 19:44A-1 et seq., along with a New Jersey Business Registration Certificate, a completed affirmative action report (Form AA-302) and a completed W-9 form; and

BE IT FURTHER RESOLVED, that the Borough Council hereby authorizes the Mayor to execute a professional services contract with Plosia Cohen LLC as provided herein; 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 #16-106

RESOLUTION APPROVING PAYMENT OF VOUCHERS

WHEREAS, vouchers for payment have been submitted to the Borough Council by the various municipal departments.

BE IT RESOLVED by the 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 #16-107

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DEPARTMENT OF HOMELAND SECURITY/FEMA GRANT APPLICATION FOR THE 2015 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

WHEREAS, the Borough of Chatham wishes to file a grant application with the Department of Homeland Security/FEMA for the 2015 Assistance to Firefighters Grant Program (“AFG”); and

WHEREAS, the Department of Homeland Security makes grant funds available based on population, need, and areas being served, and requires a pro-rated municipal commitment of five percent (5%) of the total grant request; and

WHEREAS, the Borough’s AFG grant application request is for Personal Protective Equipment for the Chatham Borough Fire Department in an amount totaling \$169,996.00 and, if awarded, would require a five percent (5%) cash match in an amount totaling \$8,499.80.

BE IT RESOLVED, by the Council of the Borough of Chatham that it does hereby authorize the Mayor to execute a grant application with the Department of Homeland Security/FEMA for the 2015 Assistance to Firefighters Grant Program as referenced herein; 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 #16-108

RESOLUTION AUTHORIZING REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised that a duplicate payment was made at the time of the mortgage refinance closing resulting in an overpayment of property taxes; and

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

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	
16/8	Adams, Gregory Jr., & Sarah 14 Edgewood Road Make check payable to: Wells Fargo Real Estate Tax Services 1 Home Campus MAC X2302-04D Des Moines, IA 50328	\$3,379.50	2015 3 rd Qtr.

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 #16-109

RESOLUTION AUTHORIZING REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised that the Morris County Board of Taxation issued a judgment in favor of the property owner, which cancels a 2015 added assessment, resulting in an overpayment of property taxes; and

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

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	
90/33	Kobylarz, Thaddeus & Xenia 22 Lum Avenue	\$207.67	2015 4 th Qtr.

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 AND PUBLIC SAFETY

RESOLUTION #16-110

RESOLUTION GRANTING PERMISSION FOR THE CHATHAM BOROUGH FIRE DEPARTMENT ASSOCIATION, INC. TO HOLD A PICNIC IN CHATHAM BOROUGH ON JULY 4, 2016

WHEREAS, the Chatham Borough Fire Department Association, Inc. has applied to hold a picnic in Chatham Borough on July 4, 2016. The Chatham Borough Fire Department Association, Inc. has also requested that a license be issued to dispense alcoholic beverages at said picnic.

BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham does hereby grant permission for the picnic to be conducted by the Chatham Borough Fire Department Association, Inc. on July 4, 2016 at Garden Park and the tennis courts; and

BE IT FURTHER RESOLVED, that permission to dispense alcoholic beverages at the July 4, 2016 picnic shall be contingent upon the Chatham Borough Fire Department Association, Inc. obtaining a Social Affairs Permit from the Director of the Division of Alcoholic Beverage Control pursuant to R.S. Title 33, C.1; 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 #16-111

RESOLUTION AUTHORIZING THE CHATHAM FIRE DEPARTMENT ASSOCIATION, INC. TO CONDUCT A PARADE ON JULY 4, 2016

WHEREAS, Chatham Borough will celebrate the Fourth of July in the traditional manner this year on July 4, 2016; and

WHEREAS, the Council wishes to recognize the authority, assistance and cooperation of the Fire Chief and the Police Chief and their respective departments, and the Chatham Borough Fire Department Association, Inc. in connection with the Fourth of July Parade.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Chatham Fire Department Association, Inc. is hereby granted authority to conduct a parade in the Borough on July 4, 2016 and the participants and other persons involved therein are granted permission to use on that day the following streets, including the roadbeds thereof, as set forth in the parade plan namely: portions of Hillside Avenue, Red Road, Dempster Avenue, Ogden Street, Van Doren Avenue Firehouse Plaza and Main Street (State Highway Route #124); and

BE IT FURTHER RESOLVED, the Chief of Police is authorized to establish detour routes, close roads and re-route traffic as necessary; 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 #16-112

RESOLUTION AUTHORIZING A FIREWORKS DISPLAY TO BE CONDUCTED BY GARDEN STATE FIREWORKS ON JULY 4, 2016 OR SUBSEQUENT DATE IN THE EVENT OF POSTPONEMENT

WHEREAS, the Chatham Borough Fire Department Association, Inc. has made an application for a permit for a public display of fireworks in conjunction with and as part of the Fourth of July Celebration in the Borough of Chatham; and

WHEREAS, Garden State Fireworks, P. O. Box 403, Carlton Road, Millington, New Jersey will conduct the fireworks display and has filed or will file with the Borough of Chatham the bond required by R.S. 21:3-5 of the State of New Jersey and has filed or will file the certificate of insurance required

by the Mayor and Borough Council and has complied with all other provisions of the statutes in each case made and provided.

BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham does hereby grant permission for said fireworks display to be conducted by said Garden State Fireworks on July 4, 2016, or subsequent date in the event of postponement; 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 #16-113

RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO CLOSE CERTAIN DESIGNATED PARKING LOTS AND ROADS AND TO CONTROL AND TO REGULATE TRAFFIC CONDITIONS CONSEQUENT THERETO FOR THE 2016 CHATHAM FISHAWACK CELEBRATION

WHEREAS, the 2016 Chatham Fishawack celebration is scheduled to be held on June 11, 2016; and

WHEREAS, the Chief of Police has reviewed the traffic conditions created by the Fishawack celebration and has recommended to the Borough Administrator that certain designated parking lots and roads be closed in order to facilitate public activity created by Fishawack 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 11, 2016 from 8:00 a.m. to 9:00 p.m. to facilitate the public activity created by the Fishawack celebration:

1. Parking Lot No. 1 or Plaza North Lot
2. Parking Lot No. 2 or Plaza South Lot
3. Parking Lot No. 7 or Firehouse Plaza Lot (for handicap parking)

And,

BE IT FURTHER RESOLVED, that the Chief of Police is hereby authorized to close Fairmount Avenue from Main Street to Red Road and establish appropriate detour routes and 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.

PERSONNEL

RESOLUTION #16-114

RESOLUTION ACCEPTING THE RESIGNATION OF PUBLIC WORKS SERVICE PERSON JOSEPH RUSSO

WHEREAS, Joseph Russo has notified Public Works Director Erminio “Tony” Torello of his resignation from his position as Service Person with the Chatham Borough Public Works Department effective January 22, 2016.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Joseph Russo’s resignation as Service Person with the Chatham Borough Public Works Department, effective January 22, 2016, is hereby accepted; and

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

OTHER

RESOLUTION #16-115

RESOLUTION APPROVING THE 2016 GOALS AND OBJECTIVES FOR THE BOROUGH OF CHATHAM

WHEREAS, the Borough Administrator, Mayor and Borough Council prepare annual goals and objectives; and

WHEREAS, the preparation of the annual goals and objectives are designed to identify and plan projects, and to set the priorities, for the year; and

WHEREAS, the annual goals and objectives provide the Mayor, Council, employees, volunteers and the general public with a concise focused plan that is designed to improve Borough operations and the overall quality of life for Chatham Borough residents and everyone that visits the Borough of Chatham.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the 2016 Goals and Objectives are hereby approved; 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 #16-116

RESOLUTION AUTHORIZING SENIOR SERVICES OF THE CHATHAMS TO HOLD A COMMUNITY PAPER SHREDDING EVENT AT THE SOUTH PARKING LOT OF THE TRAIN STATION ON APRIL 30, 2016 FROM 10:00 AM TO 1:00 PM

WHEREAS, the Senior Center of the Chathams has requested permission to hold a community paper shredding event at the south parking lot of the Chatham Train Station on April 30, 2016 from 10:00 am to 1:00 pm.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Senior Center is hereby authorized to conduct a paper shredding event on April 30, 2016 from 10:00 am to 1:00 pm. at the south parking lot of the train station; 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 #16-117

RESOLUTION GRANTING PERMISSION FOR THE CHATHAM EMERGENCY SQUAD TO HOLD ITS ANNUAL PICNIC IN CHATHAM BOROUGH ON MAY 14, 2016

WHEREAS, the Chatham Emergency Squad has applied to hold its annual picnic at Shepard Kollock Park on May 14, 2016 and has also requested that a license be issued to dispense alcoholic beverages at the picnic.

BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham does hereby grant permission for the picnic to be conducted by the Chatham Emergency Squad on May 14, 2016 at Shepard Kollock Park; and

BE IT FURTHER RESOLVED, that permission to dispense alcoholic beverages at the May 14, 2016 picnic shall be contingent upon the Chatham Emergency Squad obtaining a Social Affairs Permit from the Director of the Division of Alcoholic Beverage Control pursuant to R.S. Title 33, C.1; 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 #16-118

RESOLUTION APPROVING OF THE INSTALLATION OF A REPLACEMENT SIGN TO BE MOUNTED ON THE FENCE AT BICENTENNIAL ROTARY PARK

WHEREAS, the Rotary Club of Chatham (“Rotary Club”) has requested permission to install a new replacement die-cast sign to be mounted on the fence at Bicentennial Rotary Park facing Main Street; and

WHEREAS, the Mayor and Council wish to approve the Rotary Club’s request to install a new replacement die-cast sign on the fence at Bicentennial Rotary Park.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that permission is hereby given to the Rotary Club to install a new replacement Rotary Club sign on the fence at Bicentennial Rotary Park facing Main Street; and

BE IT FURTHER RESOLVED, the sign’s location on the fence at Bicentennial Rotary Park shall be subject to the approval of the Borough Administrator; and

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

CONSENT AGENDA VOTE:

Mayor Harris asks Council Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions #16-105 through #16-118.

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:_____.

ADD-ON RESOLUTIONS

ORDINANCES FOR FIRST READING

Mayor Harris asks Council Member Fife to introduce Ordinance #16-01.

Council Member Fife introduces Ordinance #16-01 by title as follows:

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY PROVIDING FOR
THE VACATION OF A PORTION OF THE STREET KNOWN AS PERRIN STREET
IN THE BOROUGH OF CHATHAM**

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

Council Member Fife reads:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on February 8, 2016.

BE IT RESOLVED, that at the Council meeting to be held on February 22, 2016 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						
Fife						
Helfrich						
Resto						
Hoffman						

RESOLUTION #16-119

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:

- | | |
|----------------------------|--|
| Contract Matter: | 1. Joint Recreation Shared Services – Council President Lonergan
21. DPW Contract – Mr. Falzarano
32. Madison Chatham Joint Meeting Agreement – Mr. Falzarano |
| Attorney-Client Privilege: | 1. Borough Facilities Use – Mr. Lott
2. Oliver Street Vacation – 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.

ADJOURNMENT