

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

**July 11, 2016 MINUTES**

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, July 11, 2016 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 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**

On a call of the roll, the following officials were present:

Mayor Bruce A. Harris  
Council Member James J. Collander  
Council President James Lonergan [arrived at 8:16 p.m.]  
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

Mayor Bruce Harris asked Council Member Fife to proceed with Resolution #16-237.

**PROCLAMATION**

**RESOLUTION #16-237**

**RESOLUTION SUPPORTING THE 10<sup>TH</sup> ANNUAL TURN THE TOWNS TEAL<sup>®</sup> CAMPAIGN,  
A NATIONAL CAMPAIGN PROMOTING AWARENESS OF OVARIAN CANCER AND ITS  
SYMPTOMS**

**WHEREAS**, ovarian cancer is the fifth leading cause of cancer-related death among women in the United States; and

**WHEREAS**, the American Cancer Society estimates that in 2016, about 22,280 new cases of ovarian cancer will be diagnosed in the United States and that 14,240 women will die of ovarian cancer; and

**WHEREAS**, ovarian cancer is called the “silent disease” because its symptoms are often vague or subtle; and

**WHEREAS**, if detected in its early stages, the survival from ovarian cancer is 90-95 percent, yet the relative five-year survival rate for ovarian cancer is 46 percent because it is so difficult to detect early. Survival rates vary greatly depending on the stage of diagnosis; and

**WHEREAS**, the Turn The Towns Teal<sup>®</sup>, a national campaign to promote awareness of ovarian cancer and its symptoms, was the inspiration of Gail MacNeil of Chatham, New Jersey during her 10-year battle with ovarian cancer. This campaign continues to go forward in her name and in her honor; and

**WHEREAS**, Turn The Towns Teal<sup>®</sup> and the Ovarian Cancer Research Fund Alliance (OCRFA) are partnering to promote awareness of ovarian cancer through the Turn The Towns Teal<sup>®</sup> campaign; and

**WHEREAS**, the month of September is dedicated to raising awareness of ovarian cancer.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby support the Turn The Towns Teal<sup>®</sup> campaign, a national campaign to promote awareness of ovarian cancer and its symptoms, and authorize the placement of teal colored ribbons around Borough trees during the month of September; and

**BE IT FURTHER RESOLVED**, that the placement of any banners or signage must be reviewed and approved in advance of their posting on Borough property by the Borough’s Zoning Officer and that all ribbons shall be removed from Borough trees on or before September 30, 2016.

Council Member Fife made a motion to approve Resolution #16-237. The motion was seconded by Council Member Resto. A vote was taken and Resolution #16-237 was approved.

Council Member Fife presented the proclamation to Jane MacNeil, President, Turn the Towns Teal<sup>®</sup>. Ms. MacNeil informed everyone that this year marks the 10<sup>th</sup> anniversary of the Turn the Towns Teal<sup>®</sup> campaign, which began in Chatham. The campaign is now in all 50 states. She thanked Mayor Harris and the Borough Council for supporting the Turn the Towns Teal<sup>®</sup> campaign.

Mayor Bruce Harris asked Council Member Helfrich to proceed with Resolution #16-238.

Council Member Helfrich read Resolution #16-238.

## **RESOLUTION TO RECESS INTO CLOSED SESSION**

### **RESOLUTION #16-238**

**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:

Contract Matter: 1. Municipal Auditor – 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 reconvene in public session after this closed session.

Council Member Helfrich made a motion to approve Resolution #16-238. The motion was seconded by Council Member Collander. A vote was taken and Resolution #16-238 was approved.

Mayor Harris and the Borough Council convened into Closed Session at 7:38 p.m.

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## **RETURN TO PUBLIC SESSION**

Mayor Harris asked for a motion to reconvene into Public Session.

Council Member Helfrich made a motion to reconvene into Public Session. Council Member Fife seconded the motion. A vote was taken with all present in favor.

Mayor Harris and the Borough Council reconvened into Public Session at 7:50 p.m.

Mayor Harris proceeded with Resolution #16-239.

## **RESOLUTION #16-239**

### **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:

June 27, 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:

June 27, 2016

Council Member Resto made a motion to approve Resolution #16-239. Council Member Collander seconded the motion. A vote was taken and Resolution #16-239 was approved.

## **DISCUSSION ITEMS**

**St. Patrick Parish Handicap Parking** – Mr. Jim Connelly, representing St. Patrick's Parish Pastoral Council, requested permanent designation of two handicap parking spaces along the easterly side of Washington Avenue between Chatham Street and Oliver Street to replace the temporary handicap parking currently allowed when Masses are held. He confirmed that there are designated handicap parking spaces in the church's parking lot, but said that the side door on Washington Street allows easier access for disabled parishioners. He mentioned that the handicap parking would be used on weekday mornings, Saturday evenings, and Sundays during times when Masses are held.

Council Member Collander, chair of the Long-Range Traffic & Pedestrian Safety Committee, commented that crosswalks and fire hydrants reduce the number of on-street parking spaces along Washington Avenue and cautioned that designating two permanent handicap parking spaces would further reduce much needed on-street parking in this area. He confirmed that on-street parking is not allowed on the westerly side of Washington Avenue.

The Borough Council questioned whether handicap parking spaces could be restricted to certain days and times and asked Mr. Lott to research this matter.

**Public Arts Council Borough Flag Proposal** – Ms. Dawn Paruta, chair of the Public Arts Council, sought authorization from the Mayor and Council to hold a Chatham Borough flag design challenge that would be open to all Borough residents. Ms. Paruta requested some administrative support from the Borough to assist in promoting the project. She said that the Public Arts Council would establish guiding principles in designing a flag and a jury of five members would select the winning entry sometime in

September. The Public Arts Council would then commission a flag to be made from the winning design, which she said would be presented to the Mayor and Borough Council.

Mayor Harris offered that the Public Arts Council could develop a webpage on the Borough's website to help promote the flag contest and also offered that the Borough could create a generic e-mail account to facilitate public inquires regarding the project.

Council Member Fife commented that the Department of Community Services was established to help facilitate these types of programs and mentioned that Janice Piccolo would be the appropriate contact person in Borough Hall to work with the Public Arts Council.

Mayor Harris and the Borough Council provided their consent for the Public Arts Council to move forward with the Borough flag design contest.

[Council President Lonergan arrived at 8:16 p.m.]

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

1. The pre-construction meeting with the contractor for the Front Street and Lafayette Avenue Road Reconstruction Project is scheduled for July 12<sup>th</sup>. Mr. DeNave reported that he is moving forward with the road project based on the assumption that state Transportation Trust Fund ("TTF") monies for both road projects were appropriated in last year's budget cycle, well before the Governor issued a recent Shutdown Order on projects using TTF monies. He confirmed that last year the Borough was awarded \$50,000 for the Front Street project and \$160,000 for the Lafayette Avenue project. The total cost for the Front Street and Lafayette Avenue Road Reconstruction project came in at \$213,000, requiring a *di minimus* capital contribution from the Borough. Mr. DeNave further reported that Lafayette Avenue requires immediate repair work before the winter and estimated it would cost \$20,000 to \$30,000 for the necessary repairs in the event the Borough would need to delay the road reconstruction project. Mr. Lott advised that the Capital Ordinance could be amended to fund the road project but would require scheduling a special meeting and would need 4 affirmative votes from the Council. The Borough cannot proceed with the road project in the face of the Shutdown Order unless the Borough funds the project. Mr Lott will meet with Vince to discuss this matter further.
2. The Department of Public Works has begun the Washington Avenue School parking lot expansion project.
3. The 2016 Sidewalk and Curb Program is nearing completion.
4. The Department of Public Works will be performing scheduled drainage projects along Coleman Avenue West, Vincent Street, Lincoln Avenue, Walnut Street, Myrtle Avenue, and Summit Avenue.
5. Milling and paving projects scheduled for the month of August include Vincent Street, Center Street, Duchamp Place, Commerce Street, and Red Road (dead end).
6. One HVAC roof unit will need to be replaced at Borough Hall.
7. The rehabilitation of Well #2 will commence in the next few weeks.

## **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.

Joseph Marts, former Mayor of Chatham Borough, thanked Mr. Falzarano and the Department of Public Works for once again doing an exceptional job readying the Borough for the annual Fourth of July celebration. He also thanked Mayor Harris and the Borough Council for attending the Fire Department's inspection. Mr. Marts closed his comments by thanking the Police Department for their service and requested that the Borough continue to provide all resources necessary to ensure that the Borough's Police Department is well-prepared to handle any emergency or situation.

Seeing no one else wishing to comment, Mayor Harris closed the meeting to the public.

## **REPORTS**

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

**Affordable Housing Advisory Committee** - Mayor Harris had nothing new to report.

**Open Space & Historic Preservation Trust Advisory Committee** - Council Member Resto reported that the Committee will hold its first meeting on Wednesday, July 13<sup>th</sup> at 6:30 p.m.

**Traffic & Pedestrian Safety Advisory Committee** - Council Member Collander reported that the next Committee meeting is scheduled for Wednesday, July 13<sup>th</sup> but may be cancelled.

**Shade Tree Commission** - Council Member Collander reported that the Department of Public Works is performing tree-trimming operations based on recommendations presented in the Windshield Survey. He further mentioned that residents requesting a street tree should send an e-mail to [shadetree@chathamborough.org](mailto:shadetree@chathamborough.org).

**Communications & Technology Advisory Committee** - Council President Lonergan had nothing new to report.

**Joint Recreation Advisory Committee** - Council President Lonergan had nothing new to report.

**Municipal Pool Advisory Committee** - Council President Lonergan reported gains in pool membership and stated he would provide a full update at the next meeting.

**Farmers' Market Advisory Committee** - Council Member Fife reported that the Chatham Farmers' Market Advisory Committee is planning a farm-to-table dining event with participating local restaurants, such as Restaurant Serenade, on Sunday, September 18<sup>th</sup>.

**Mayors' Wellness Advisory Committee** - Council Member Fife reported that the Committee will be meeting with the Environmental Commission to begin planning the Borough's 2<sup>nd</sup> annual Sustainability Fair, which is scheduled for Saturday, September 10<sup>th</sup>.

**MyChathamNJ Advisory Committee** - Council Member Fife had nothing new to report.

**Planning Board** - Council Member Fife reported that the Master Plan Subcommittee is scheduled to meet Tuesday, July 12<sup>th</sup> to review Dr. Blickstein's draft report that was prepared from information collected at the Master Plan community workshops and focus groups. The Master Plan Re-examination Report is on course for completion and approval by the Planning Board before the end of the year.

**Project Community Pride** - Council Member Fife had nothing new to report.

**Senior Center of the Chathams** - Council Member Fife had nothing new to report.

**9/11 Memorial Advisory Committee** - Council Member Helfrich reported that the Committee continues to plan its 15<sup>th</sup> 9/11 Memorial Service this year.

**Board of Education** - Council Member Helfrich reminded everyone that the School District of the Chathams will have a Special Referendum on September 27<sup>th</sup>. Information about the referendum can be found on the Borough website.

**Joint Municipal Court** - Council Member Helfrich had nothing new report.

**Municipal Alliance of the Chathams** - Council Member Helfrich reported that the Municipal Alliance of the Chathams has submitted a grant application to the county. He also reported that Kelly Loofbourrow will be the new coordinator for the organization. An appointing Resolution has been placed on the Consent Agenda for Council action.

**Environmental Commission** - Council Member Resto reported that the Commission will be pursuing a Morris County Trail Grant for Phase I of the Summit-Chatham Loop Trail along the Passaic River and also for the creation of a nature trail surrounding Shepard Kollock Park ball fields. Mayor Harris added that kiosks memorializing some of the Borough's historic past will also be featured.

**Joint Community Gardens Advisory Committee** - Council Member Resto reported that there are two vacancies on the Joint Community Gardens Advisory Committee and reported that the community garden is fully subscribed.

**Madison-Chatham Joint Meeting** - Council Member Resto reported that the next meeting is scheduled for Monday, July 18<sup>th</sup>.

**Pilgrim Pipeline Advisory Committee** - Council Member Resto reported that a fundraiser will be held on Thursday, July 14<sup>th</sup> at the Twin Elephant Brewery to help pay for the environmental study. He reported that approximately \$15,000 has been raised to date.

**Public Arts Council Advisory Committee** - Council Member Resto reported that the Public Arts Council Advisory Committee presented its flag design proposal earlier in the meeting. He also reported that the Committee continues to pursue a proposal to paint the traffic signal boxes and will have an update at the next meeting.

**Board of Health** - Council Member Hoffman had nothing new to report.

**Historic Preservation Commission** - Council Member Hoffman reported that the Historic Preservation Commission meets on Tuesday, July 19<sup>th</sup> and will continue to review the Borough's Land Development Ordinances relative to historic preservation.

## **MAYOR'S REPORT**

Mayor Harris thanked the Fire Department, Police Department, Department of Public Works and all volunteers who made for a great Fourth of July. He mentioned that despite some rainfall later in the evening, an enjoyable fireworks display went on as scheduled.

Mayor Harris reported on information he received from the Governor's office regarding Governor Christie's proposal to equalize school funding for all school districts throughout the state. The proposal would provide \$6,599.00 per student to every school district. Mayor Harris reported that the proposal would reduce the property tax on an average assessed home in Chatham Borough by \$3,351.00. He encouraged everyone to become informed about this issue.

Lastly, Mayor Harris reminded everyone that semi-drought conditions are in effect and encouraged residents to restrict water use.

## **ADMINISTRATOR'S REPORT**

Mr. Falzarano reported that the Chatham ECLC School tested its water for lead. Results found no lead in the water. He then reported that the summer intern, Matt Bruno, has begun the GIS mapping of traffic and parking signage located throughout the Borough. Mr. Falzarano also reported that the 2017 budget process will begin next month and that a new municipal auditor, Nisivoccia LLP, will be appointed by Resolution listed on tonight's Consent Agenda.

## CONSENT AGENDA

The following items are considered 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 #16-240 through Resolution #16-249 have been placed on the Consent Agenda.

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

None.

### **APPOINTMENTS**

#### **RESOLUTION #16-240**

#### **RESOLUTION APPOINTING KELLY LOOFBOURROW TO THE MUNICIPAL ALLIANCE COMMITTEE OF THE CHATHAMS**

**WHEREAS**, Resolution #16-23, adopted by the Borough Council on January 4, 2016, re-established the Municipal Alliance Committee of the Chathams; and

**WHEREAS**, Kelly Loofbourrow has expressed interest in being appointed to the Municipal Alliance Committee of the Chathams and has submitted a Volunteer Application to the Mayor and Borough Council for consideration.

**BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Chatham that Kelly Loofbourrow is hereby appointed to the Municipal Alliance Committee of the Chathams; 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.

### **CONTRACTS**

#### **RESOLUTION #16-241**

#### **RESOLUTION APPROVING A PROFESSIONAL SERVICES CONTRACT WITH NISIVOCCIA LLP FOR AUDITING SERVICES FOR THE YEAR ENDING DECEMBER 31, 2016**

**WHEREAS**, the Borough of Chatham requires municipal auditing services for the year ending December 31, 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**, the Borough Council finds that it would be in the best interests of the Borough to enter into a professional services agreement with Nisivoccia LLP, 200 Valley Road, Suite 300, Mt. Arlington, New Jersey 07856 based upon the firm's expertise and extensive experience in municipal auditing matters; and

**WHEREAS**, in accordance with the Borough's Request for Proposal, Nisivoccia LLP's fees shall be in the amount of \$45,000.00 for auditing services for the year ending December 31, 2016. Additional services shall be billed at a rate of \$145.00 per hour.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that a professional service contract is hereby awarded to Nisivoccia LLP for auditing services for the year ending December 31, 2016 and that the Mayor is hereby authorized to execute a professional services contract with Nisivoccia LLP; and

**BE IT FURTHER RESOLVED**, that Nisivoccia LLP, 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 prior to services being rendered; 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 #16-242**

**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 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 #16-243**

**RESOLUTION AUTHORIZING REFUND FOR PROPERTY TAX OVERPAYMENT**

**WHEREAS**, the Tax Collector for the Borough of Chatham has advised that an overpayment 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:

<b><u>BLOCK/LOT</u></b>	<b><u>OWNERS/PROPERTY LOCATION</u></b>	<b><u>AMOUNT</u></b>	<b><u>TAX QTR</u></b>
111/5	Alvarado, Jose & Natalie 119 Hillside Avenue  *make check payable & mail to: Alvarado, Jose & Natalie 119 Hillside Avenue Chatham, NJ 07928	\$2,695.84	1Qtr & 3Qtr 2016

**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 #16-244**

**RESOLUTION CERTIFYING RECEIPT AND REVIEW OF THE ANNUAL AUDIT REPORT FOR THE YEAR 2015**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2015 has been filed by the Borough's Registered Municipal Accountant with the Borough Clerk pursuant to N.J.S.A. 40A:5-6 and copies have been distributed and received by each member of the Governing Body; and

**WHEREAS**, N.J.S.A. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

**WHEREAS**, the members of the Governing Body have personally reviewed the Annual Report of Audit, and specifically, as a minimum, the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they have complied with N.J.S.A. 40A:5-4 and N.J.A.C. 5:30-6.5 and do hereby submit a certified copy of this Resolution and the required affidavit, attached hereto and made a part of this Resolution, to the Local Finance Board to show evidence of said compliance.

**PERSONNEL**

**RESOLUTION #16-245**

**RESOLUTION PROMOTING LEO PIETRANTUONO TO THE POSITION OF GENERAL FOREMAN IN THE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Director of Public Works posted the job opening for the position of General Foreman in the Department of Public Works and applications were solicited from interested employees of the Chatham Borough Public Works Department; and

**WHEREAS**, Public Works Director Tony Torello reported that two employees applied for the position and that the selection committee conducted an interview to determine each candidate's qualifications; and

**WHEREAS**, after interviews were conducted, the selection committee agreed that Leo Pietrantuono met or exceeded the qualifications and work requirements outlined in the General Foreman job description and has recommended him for promotion to the position of General Foreman in the Department of Public Works, effective as of July 16, 2016; and

**WHEREAS**, the starting salary for this position shall be \$97,070.00, pro-rated for the remainder of the 2016 calendar year.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the selection committee and hereby promote Leo Pietrantuono to the position of General Foreman in the Department of Public Works, effective July 16, 2016 at the starting annual salary of \$97,070.00, pro-rated for the remainder of the 2016 calendar year; and

**BE IT FURTHER RESOLVED**, that the promotion shall be subject to the terms and conditions contained in the communication from the Director of Public Works to the Borough Administrator dated May 2, 2016.

**RECREATION**

**RESOLUTION #16-246**

**RESOLUTION AUTHORIZING THE REFUND OF RECREATION FEES**

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

<b>Last Name</b>	<b>Amount</b>	<b>Activity</b>	<b>Reason</b>
Hillman	\$130.00	Pool	Incorrect registration

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

**BE IT FURTHER RESOLVED**, 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 #16-247**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF INTENT FOR THE SUBMISSION OF A MORRIS COUNTY TRAIL CONSTRUCTION GRANT PROGRAM APPLICATION FOR THE CONSTRUCTION OF PHASE I OF THE CHATHAM-SUMMIT LOOP TRAIL**

**WHEREAS**, the Borough of Chatham is desirous of submitting a Morris County Trail Construction Grant Program application for the construction of Phase I of the Chatham-Summit Loop Trail; and

**WHEREAS**, applicants are required to submit a completed Letter of Intent to the Morris County Park Commission on or before July 29, 2016, which verifies property ownership, estimates project costs, and approves the municipality's pursuit and future submission of a Morris County Trail Construction Grant Program Application; and

**WHEREAS**, the Director of the Department of Community Services has prepared the Letter of Intent in accordance with the grant program requirements, which has been approved by the Borough Administrator.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that they hereby approve the Borough's pursuit and future submission of a Morris County Trail Construction Grant Program Application and authorize the Mayor to execute the Letter of Intent; 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 #16-248**

**RESOLUTION GRANTING PERMISSION TO THE HOLY NIGHT SOCIETY TO INSTALL AND DISPLAY A NATIVITY SCENE AT REASONER PARK DURING THE HOLIDAY SEASON**

**WHEREAS**, the Holy Night Society, an unaffiliated local taxpayer organization, has requested permission to install and display a Nativity Scene at Reasoner Park during the holiday season; and

**WHEREAS**, the Nativity Scene to be installed and displayed shall consist of an eight foot square manger, which includes a life-size figure of Mary and Joseph and the baby Jesus in a crib positioned within the manger, and a star placed on top of the manger, increasing its height by approximately two feet.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Holy Night Society is hereby granted permission to install and display the Nativity Scene at its own expense as part of the Borough's Holiday Display at Reasoner Park from December 1, 2016 until January 6, 2017; and

**BE IT FURTHER RESOLVED**, that the Holy Night Society will be required to post a sign clearly identifying itself as the sponsor of the Nativity Scene and that the Nativity Scene is not supported or sponsored by any government entity or official; and

**BE IT FURTHER RESOLVED**, that the Holy Night Society shall be responsible for the installation and removal of the Nativity Scene, and shall indemnify and hold the Borough harmless for any property damage or property loss to its display; and

**BE IT FURTHER RESOLVED**, that the name and address of the responsible person on behalf of the Holy Night Society is Mary McNiff, 53 Lincoln Avenue, Chatham, New Jersey; and

**BE IT FURTHER RESOLVED**, that the Chatham Borough Department of Public Works may assist with the necessary electrical utility connections and with other reasonable place and manner restrictions.

**RESOLUTION #16-249**

**RESOLUTION GRANTING PERMISSION TO CHABAD OF SOUTHEAST MORRIS COUNTY TO INSTALL AND DISPLAY A MENORAH AT REASONER PARK DURING THE HOLIDAY SEASON**

**WHEREAS**, the Chabad of Southeast Morris County has requested permission to install and display a Menorah at Reasoner Park during the holiday season; and

**WHEREAS**, the Menorah to be installed and displayed is approximately six feet tall and five feet wide.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Chabad of Southeast Morris County is hereby granted permission to install and display a Menorah at its own expense as part of the Chatham Borough Holiday Display at Reasoner Park from December 15, 2016 until January 7, 2017; and

**BE IT FURTHER RESOLVED**, that the Borough Council grants permission to the Chabad of Southeast Morris County in reliance on its representation that it will post a sign clearly identifying itself as the sponsor of the Menorah and that the Menorah is not supported or sponsored by any government entity or official; and

**BE IT FURTHER RESOLVED**, that the Chabad of Southeast Morris County shall be responsible for the installation and removal of the Menorah and shall indemnify and hold the Borough harmless for any property damage or property loss to its display; and

**BE IT FURTHER RESOLVED**, that the name and address of the responsible person on behalf of the Chabad of Southeast Morris County is Rabbi Shalom Lubin, 42 Park Avenue, Madison, New Jersey; and

**BE IT FURTHER RESOLVED**, that the Chatham Borough Department of Public Works may assist with the necessary electrical utility connections and with other reasonable place and manner restrictions.

### **CONSENT AGENDA VOTE**

Council Member Collander moved to approve Resolution #16-240 through Resolution #16-249. Council President Lonergan seconded the motion. A vote was taken and Resolution #16-240 through Resolution #16-249 listed on the Consent Agenda were approved.

### **ADD-ON RESOLUTION(S)**

None.

### **ORDINANCES FOR FIRST READING**

Mayor Harris asked Council Member Fife to introduce Ordinance #16-06.

Council Member Fife introduced Ordinance #16-06 by title as follows:

#### **ORDINANCE #16-06**

#### **ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ADOPTING THE BOROUGH ZONING MAP, WELL HEAD PROTECTION AREA OVERLAY ZONE MAP, AND HISTORIC DISTRICT MAP**

Council Member Fife asked Mr. Lott to explain the purpose of the Ordinance. Mr. Lott explained that the Land Development Code has several references to outdated maps, such as the 1992 Zoning map. This Ordinance will correct the out-dated references and include an updated Well Head Protection Area Map and Historic District Map. He also reported that the Ordinance lays out the procedure for when maps are updated in the future.

Council Member Fife moved Ordinance #16-06 for introduction on First Reading.

Council Member Fife read:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on July 11, 2016.

**BE IT RESOLVED**, that at the Council meeting to be held on August 8, 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 Borough Hall and make copies available to members of the general public.

Council Member Fife offered Ordinance #16-06 and moved its adoption on first reading.

Council Member Resto seconded the motion.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Collander			x			
Lonergan			x			
Fife	x		x			
Helfrich			x			
Resto		x	x			
Hoffman			x			

Ordinance #06-06 passed on first reading.

Mayor Harris asked Council Member Helfrich to introduce Ordinance #16-07.

Council Member Helfrich introduced Ordinance #16-07 by title as follows:

**ORDINANCE #16-07**

**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 OLIVER  
STREET IN THE BOROUGH OF CHATHAM**

Council Member Helfrich explained that the Ordinance would vacate a 100 foot paper street portion of Oliver Street no longer needed for public purposes and would convey that land to the two adjoining property owners.

Council Member Helfrich moved Ordinance #16-07 for introduction on First Reading.

Council Member Helfrich read:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on July 11, 2016.

**BE IT RESOLVED**, that at the Council meeting to be held on August 8, 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 Borough Hall and make copies available to members of the general public.

Council Member Helfrich offered Ordinance #16-07 and moved its adoption on first reading.

Council Member Collander seconded the motion.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Collander		x	x			
Lonergan			x			
Fife			x			
Helfrich	x		x			
Resto			x			
Hoffman			x			

Ordinance #06-07 passed on first reading.

Mayor Harris asked Council Member Collander to introduce Ordinance #16-08.

Council Member Collander introduced Ordinance #16-08 by title as follows:

**ORDINANCE #16-08**

**ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 139 OF THE BOROUGH CODE TO REGULATE STOPPING/STANDING ALONG A PORTION OF DELLWOOD AVENUE DURING CERTAIN TIMES**

Council Member Collander explained the purpose of the Ordinance would prohibit stopping or standing on Dellwood Avenue in the Borough starting at a point 229 feet north of the Chatham Township-Chatham Borough corporate line and extending to Fairview Avenue in order to facilitate the safe pedestrian crossing to and from Chatham High School and Lafayette Elementary School from 8:00 a.m. to 9:00 a.m. and 3:00 p.m. to 4:00 pm on school days.

Council Member Collander moved Ordinance #16-08 for introduction on First Reading.

Council Member Collander read:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on July 11, 2016.

**BE IT RESOLVED**, that at the Council meeting to be held on August 8, 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 Borough Hall and make copies available to members of the general public.

Council Member Collander offered Ordinance #16-08 and moved its adoption on first reading.

Council Member Helfrich seconded the motion.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Collander	x		x			
Lonergan			x			
Fife			x			
Helfrich		x	x			
Resto			x			
Hoffman			x			

Ordinance #06-08 passed on first reading.

Mayor Harris asked Council Member Helfrich to proceed with Resolution #16-250.

Council Member Helfrich read Resolution #16-250.

**RESOLUTION #16-250**

**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. Chatham Borough/Florham Park Property – Mr. Falzarano and  
and Mr. Lott

Personnel Matter: 1. Administrative Personnel – Mr. Resto

**BE IT FURTHER RESOLVED**, the matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Borough of Chatham, provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege. The Borough Council will not return to public session after this closed session.

Council Member Helfrich moved to approve Resolution #16-250. Council Member Collander seconded the motion. A vote was taken and Resolution #16-250 was approved unanimously.

**ADJOURNMENT**

Having no other business to be conducted, Mayor Harris adjourned the public meeting.

The Mayor and Borough Council convened into Closed Session.

Meeting adjourned at 9:00 p.m.

Respectfully Submitted:

*Robin R. Kline*

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