

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

**August 8, 2016 MINUTES**

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, August 8, 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  
Council Member Victoria Fife  
Council Member Gerald J. Helfrich  
Council Member Leonard Resto  
Robert J. Falzarano, Borough Administrator  
James L. Lott, Jr., Borough Attorney  
Robin R. Kline, Borough Clerk

Council Member Peter Hoffman was absent.

Mayor Harris proceeded with Resolution #16-252.

**RESOLUTION #16-252**

**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:

July 11, 2016

July 25, 2016 Emergency Meeting

And,

**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:

July 11, 2016

July 25, 2016 Emergency Meeting

Council Member Resto made a motion to approve Resolution #16-252. Council Member Fife seconded the motion. A vote was taken and Resolution #16-252 was approved.

## **DISCUSSION ITEMS**

**Kelley's Pond Scout Project** – Mr. Stephen Piccari, a Scout with Troop 8, presented his proposed Eagle Scout project to construct and erect three custom birdhouses at Kelley's Pond. Each birdhouse would have different size entry holes to attract different bird species. The project would also include the construction and installation of a bench for bird watchers and a kiosk providing information about the common nesting birds in the area. Mr. Piccari stated that his proposed Eagle Scout project would need to be completed before September 21<sup>st</sup> and sought permission from the Mayor and Council to begin as soon as possible. Mayor Harris and the Borough Council provided their approval. An authorizing Resolution is to be placed on the next Council agenda.

**Website** – Mr. John Dey and Mr. Michael Kazcun, members of the Communication & Technology Advisory Committee, sought approval from the Mayor and Council to move forward with an initiative to optimize the Borough's website for mobile devices. Mr. Dey reported that people are spending more and more time on their smartphones and tablets accessing information on the internet. The Borough's website is not currently designed to account for the different screen sizes and load times on mobile devices and would require some minor site design to better accommodate the way information is viewed and navigated on smartphones and tablets. He advised that Zumu, the website provider, provided a quote of \$1,300.00 to optimize the website for mobile devices, which includes making the necessary website design modifications. The Mayor and Council agreed with the need for a mobile-friendly website.

**Fishawack** – Ms. Janice Piccolo, Director for the Department of Community Services, provided a recap of the Fishawack event held on June 11<sup>th</sup>. She reported this was the first year the Borough sponsored Fishawack, which was branded as a cultural heritage event. Ms. Piccolo further reported that the festival raised \$17,700 in sponsorships, which she mentioned helped to defray costs. Total revenues amounted to \$34,947.00; total expenses were \$28,725.00 (not including Borough staff). A detailed breakdown of revenues and expenses was provided during the presentation. Ms. Piccolo also reported that the committee has been identifying things that could be improved next year and mentioned that one take-away was to find a better location for the vintage car show, as well as providing better advertising for the car show.

Council Member Fife added that another take-way identified by the committee was the need to recruit more volunteers for Fishawack. She applauded Ms. Piccolo for her tremendous efforts in organizing a very successful event.

Mr. Falzarano noted that Fishawack made a profit in its first year as a municipal event and complimented Ms. Piccolo for her efforts. He commented that moving the vintage car show to the Center Street West Parking Lot would promote greater visibility for the car show.

Mayor Harris questioned what could be done to get more people to move along Main Street and noted that the Art Show and other events scheduled at the library were not well attended.

The Mayor and Council discussed the possibility of eliminating the Art Show at Fishawack since the Artisan Guild holds its Art Show in September. They asked the committee to look into what events could be moved to the library and also draw more people to Main Street.

Mayor Harris and the Borough Council expressed their appreciation to Ms. Piccolo and applauded her efforts in organizing a wonderful event.

**Capital Projects and the Historic Riverside Trail Project** - Mr. Vince DeNave, Borough Engineer, provided an update on the following projects:

Capital Projects:

1. The Washington Avenue School parking lot was paved on Friday, August 5<sup>th</sup> with striping, top soil and seeding, and the dumpster pad to be completed. Mr. DeNave also reported that a green buffer will be installed adjacent to the residential lots and complimented the Department of Public Works for performing all the work within budget.
2. The 2016 Road Resurfacing Project is on schedule. Three roads, including the dead end portion of Red Road, Vincent Street and Commerce Street have been completed; Center Street and Duchamp Place will be paved once other improvements have been completed on those roadways. The Department of Public Works driveway will be scheduled for resurfacing once all streets have been completed.
3. The Front Street and Lafayette Avenue Road Improvement Project started on Thursday, August 4<sup>th</sup>. Curb cuts for the handicapped sidewalk ramps have been completed. The Department of Public Works will be removing five street trees along Front Street before the new curbing can be installed. The Front Street and Lafayette Avenue Road Improvement Project is on schedule for completion before school starts, weather permitting.
4. The rooftop HVAC Unit #2 has been replaced on Borough Hall.
5. The 2016 Curb and Sidewalk Program is nearing completion with a few locations remaining to be completed by the contractor.
6. The Liberty Park Project and several drainage projects are being scheduled with the Department of Public Works.

Historic Riverside Trail Project

Mr. DeNave reported that the Borough's Letter of Intent that it would be applying for a Trail Construction Grant has been submitted to the Morris County Parks Commission. The grant application has been drafted and provided to Mayor Harris and Council Member Resto for their review prior to being submitted to the Morris County Park Commission before the September 1, 2016 deadline. Mr. DeNave provided a summary of Phase I of the Historic Riverside Trail Project, which will include a paved ADA accessible trail loop around Shepard Kollock Park that is designed to lead into the nature trail that will follow the Passaic River north to Summit Avenue. The nature trail will be composed of wood chips and require the construction of steps and bog bridges in certain areas as the trail follows the Passaic River. A series of four kiosks have been incorporated into the Historic Riverside Trail Project. Each kiosk will provide information regarding former historic landmarks or events relating to the area.

**2<sup>nd</sup> Quarter Goals & Objectives** – Mr. Robert Falzarano, Borough Administrator, reported that 15 of the 37 goals established for 2016 have been completed, representing completion of 41% of the goals. He provided a summary of each of the 15 goals that have been completed and noted that this year the person(s) responsible for completing the goal were identified, which he mentioned has made it easier to track the status and completion of each goal.

## **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.

Barbara Montague, 45 Dellwood Avenue, commented that earlier in July, PSE&G work crews closed the street to perform maintenance on its gas lines. Residents were not notified that the street would be closed and garbage was not collected that day. She questioned if utility companies are required to advise area residents and sanitation companies in advance when their work crews will be closing roads. Mr. Falzarano responded that he would follow up and investigate.

Seeing no one else wishing to comment, Mayor Harris closed the meeting to the public and proceeded with the Ordinances scheduled for second reading.

### **ORDINANCES FOR SECOND READING**

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

Council Member Fife read Ordinance #16-06 entitled:

#### **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**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on July 11, 2016.

Mayor Harris asked the Borough Clerk to give a summary of the legal notice.

The Borough Clerk stated that a legal notice was published indicating that Ordinance #16-06 was introduced and passed on first reading at the July 11, 2016 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on August 8, 2016 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Harris opened the public hearing on the Ordinance and invited any member of the public to be heard. Seeing no one wishing to be heard, Mayor Harris closed the public hearing.

Council Member Fife offered the Ordinance and moved its adoption:

**BE IT RESOLVED**, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

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

Mayor Harris declared this Ordinance adopted and finally passed and requested the Borough Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

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

Council Member Helfrich read Ordinance #16-07 entitled:

**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**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on July 11, 2016.

Mayor Harris asked the Borough Clerk to give a summary of the legal notice.

The Borough Clerk stated that a legal notice was published indicating that Ordinance #16-07 was introduced and passed on first reading at the July 11, 2016 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on August 8, 2016 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mr. Lott advised that the vacation ordinance when introduced did not identify the width of the sewer easement. He further advised that a technical correction has since been made to this Ordinance to accurately identify the 10 foot wide sewer easement that appears on the survey. He confirmed this was not a substantive change and did not require a re-introduction of ordinance.

Mayor Harris opened the public hearing on the Ordinance and invited any member of the public to be heard. Seeing no one wishing to be heard, Mayor Harris closed the public hearing.

Council Member Helfrich offered the Ordinance and moved its adoption:

**BE IT RESOLVED**, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

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			
Helfrich	X		X			
Resto		X	X			
Hoffman						X

Mayor Harris declared this Ordinance adopted and finally passed and requested the Borough Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

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

Council Member Collander read Ordinance #16-08 entitled:

**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**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on July 11, 2016.

Mayor Harris asked the Borough Clerk to give a summary of the legal notice.

The Borough Clerk stated that a legal notice was published indicating that Ordinance #16-08 was introduced and passed on first reading at the July 11, 2016 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on August 8, 2016 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Harris opened the public hearing on the Ordinance and invited any member of the public to be heard.

Barbara Montague, 45 Dellwood Avenue, commented that there are currently three parking ordinances in effect for Dellwood Avenue and questioned the need for this fourth parking ordinance. She stated that on school days, parents park along Dellwood Avenue to drop off and pick up their children near the crosswalk and path that leads to the Lafayette Avenue School and Chatham High School. She further stated that the crossing guards do a great job of keeping everyone safe and traffic moving.

Council Member Collander responded that the purpose of this Ordinance is to add a level of safety to the neighborhood by opening the line of sight for children using the crosswalk and path to and from school. He advised that the Long-Range Traffic & Pedestrian Safety Committee held meetings with residents in efforts to determine the best course of action.

Monty Montague, 45 Dellwood Avenue, questioned the location of the starting point of the 229-foot no parking zone along both sides of Dellwood Avenue since the crosswalk intersects the roadway at an angle. He also inquired why it was necessary to have the no parking restriction extend all the way to Fairview Avenue.

Leanne Taylor, 40 Dellwood Avenue, commented that parking restrictions along Dellwood Avenue are not needed for the morning hour when parents drop their children off to school; however, she said parking restrictions would be beneficial at the end of the school day when parents are often waiting for their children to exit the path from the school. She further commented that the parking restriction should not extend the entire length of Dellwood Avenue to Fairview Avenue.

Seeing no one else wishing to be heard, Mayor Harris closed the public hearing.

Council Member Collander acknowledged that the Ordinance was not worded correctly.

Mayor Harris pointed out that the Ordinance should be corrected to read, "From a point 229 feet north of the Chatham Township and Chatham Borough corporate line and extending towards Fairview Avenue." (Emphasis added.) The Mayor and Borough Council agreed.

Mr. Lott advised that the revision is a material change to the Ordinance and further advised that Ordinance #16-08 would need to be re-noticed for second reading and public hearing.

Mayor Harris asked for a motion to table Ordinance #16-08 for second reading and public hearing to the September 12<sup>th</sup> meeting.

Council Member Resto made a motion to table Ordinance #16-08 for second reading and public hearing to the September 12, 2016 Council meeting. Council Member Collander seconded the motion. A vote was taken with all in favor.

Mayor Harris stated that the second reading and public hearing for Ordinance #16-08 has been tabled to the September 12, 2016 Council meeting.

## **REPORTS**

### **COUNCIL COMMITTEE REPORTS**

**Budget and Finance** – Council President Lonergan had nothing new to report.

**Long Range Traffic & Pedestrian Safety Planning** - Council Member Collander reported that the committee would be presenting its recommendation for overnight street parking at the September 12<sup>th</sup> Council meeting.

**Public Safety & Emergency Services** - Council Member Collander reported on the recent vehicle break-ins and armed robbery of a downtown business. He stated that Borough officials are addressing public safety preparedness and police work force needs. The Morris County Regional Emergency Deployment System, commonly known as MCREDS, is being explored as a resource to provide back up for Borough police and fire personnel. He cautioned residents to lock their vehicles and remove all valuable items to deter crime.

**Personnel** - Council Member Resto reported that the Committee continues to discuss revisions to the Personnel Policies and Procedures Manual. He further reported that interviews would be scheduled later in August for the Police Lieutenant position.

**Public Works Planning/Community Services** - Council Member Fife reported that the Committee would be meeting with the Director of the Department of Public Works, Tony Torello, and the Director of Community Services, Janice Piccolo, to discuss the planning and completion of projects that are coordinated between the two departments.

**Shared Services & 3<sup>rd</sup> Party Agreements** - Council Member Helfrich reminded voters about the upcoming September 27<sup>th</sup> Board of Education referendum and urged residents to learn more about the six individual ballot questions that are presented to the voters.

Mayor Harris reminded residents that the Board of Education will be holding several public information sessions to provide voters with more information about the six proposed projects and their associated costs. Information about the school district's referendum can be found on the Borough's website.

### **MAYOR'S REPORT**

Mayor Harris reported that Congressman Frelinghuysen met with local Mayors and representatives from the Morris County Planning Department and the New Jersey Department of Transportation ("NJDOT") to discuss traffic issues concerning the Route 24 and Route 124 corridors. He reported that NJDOT representatives advised that a scope of work would be developed for a regional traffic study. Mayor Harris further reported that the study would be funded using Transportation Trust Fund ("TTF") monies and therefore, would not be able to commence until such time the TTF problem is resolved.

### **ADMINISTRATOR'S REPORT**

Mr. Falzarano reported that the New Jersey League of Municipalities and NJBIZ selected the Madison Area YMCA's Project Pride program to receive its Public-Private Partnership Award. He thanked Diane Mann, Executive Director for Madison Area YMCA and coordinator for the Project Pride, for her outstanding efforts in building a successful program. Mr. Falzarano also reported that the Borough has received the 2012 and 2013 recycling tonnage reports. The Borough achieved an 80.5% recycling rate in 2012 and a 78.5% recycling rate in 2013. The state has established a recycling rate goal of 50% for municipalities. Mr. Falzarano thanked Janice Piccolo and Stan Serbanica for their efforts and cited the Borough's green bag "pay as you throw" program in helping the Borough achieve a high recycling rate.

Mayor Harris applauded Chatham Borough for achieving the highest recycling rate of the 39 municipalities in Morris County.

### **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 #16-253 through Resolution #16-264 have been placed on the Consent Agenda.

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

None.

### **APPOINTMENTS**

#### **RESOLUTION #16-253**

#### **RESOLUTION APPOINTING KARENA (KATI) WALKER TO THE MAYORS' WELLNESS ADVISORY COMMITTEE**

**WHEREAS**, Resolution #16-22, adopted by the Borough Council on January 4, 2016, re-established the Mayors' Wellness Advisory Committee, a joint committee with Chatham Township to work with Mayors and key leaders to shape healthier lifestyles for the men, women and children in our communities; and

**WHEREAS**, Karena (Kati) Walker has expressed interest in being appointed to the Mayors' Wellness Advisory Committee and has submitted a Volunteer Application to the Mayor and Borough Council for consideration.

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that it hereby appoints Karena (Kati) Walker to the Mayors' Wellness Advisory Committee, with such term expiring December 31, 2016; 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.

**RESOLUTION #16-254**

**RESOLUTION APPOINTING TARA MERCADANTE TO THE PUBLIC ARTS COUNCIL (ADVISORY COMMITTEE)**

**WHEREAS**, Resolution #16-17, adopted by the Borough Council on January 4, 2016, re-established the Public Arts Council (Advisory Committee) to provide advice on public art projects, enhance the Borough's downtown, and facilitate the preservation of art objects and artifacts that may be displayed in public places; and

**WHEREAS**, Tara Mercadante has expressed interest in being appointed to the Public Arts Council (Advisory Committee) and has submitted a Volunteer Application to the Mayor and Borough Council for consideration.

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that it hereby appoints Tara Mercadante to the Public Arts Council (Advisory Committee), with such term expiring December 31, 2016; 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.

**CONTRACTS**

**RESOLUTION #16-255**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A COOPERATIVE PRICING AGREEMENT WITH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY**

**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish Cooperative Pricing Systems and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the Educational Services Commission of New Jersey, hereinafter referred to as the "Lead Agency," has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

**WHEREAS**, the Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey; and

**WHEREAS**, each year the Borough of Chatham realizes cost savings by purchasing equipment and materials through Cooperative Pricing Systems; and

**WHEREAS**, upon the recommendation of the Director of the Public Works Department and the Chief Financial Officer, the Council of the Borough of Chatham, County of Morris, State of New Jersey wish to become a participating member of the Educational Services Commission of New Jersey Cooperative Pricing System.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that the Mayor is hereby authorized to execute the Cooperative Pricing Agreement with the Educational Services Commission of New Jersey; 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.

**RESOLUTION #16-256**

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE 2016 ROAD RESURFACING PROGRAM TO TILCON, INC. THROUGH THE MORRIS COUNTY COOPERATIVE PURCHASING PROGRAM, IN THE AMOUNT NOT TO EXCEED \$150,000.00**

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

**WHEREAS**, the Chatham Borough Engineering Department has scheduled milling and resurfacing of the following roadways as part of the Borough's 2016 Road Resurfacing Program:

- Center Street (Yale Street to end)
- Red Road (Hillside Avenue to end)
- Commerce Street
- Duchamp Place
- Vincent Street
- Public Works Garage

And;

**WHEREAS**, the Borough Engineer recommends that a contract for the 2016 Road Resurfacing Program be awarded to Tilcon, Inc., Mt. Hope Road, Wharton, New Jersey, in the amount not to exceed \$150,000.00; and

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

**WHEREAS**, the Chief Financial Officer has provided a certification of availability of funds in the amount not to exceed \$150,000.00 from General Capital & Current Funds for the 2016 Road Resurfacing Program from Capital Account #C-04-55-916-002.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that it concurs with the recommendation of the Borough Engineer and hereby authorizes the award of a contract be made to Tilcon, Inc. in the amount not to exceed \$150,000.00 in accordance with the specifications upon which bids were received and accepted by the Morris County Cooperative Purchasing Program; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer is hereby authorized and directed to approve and forward a Purchase Requisition to Tilcon, Inc. in the amount not to exceed \$150,000.00 from the General Capital & Current Funds for the 2016 Road Resurfacing Program; 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.

**FINANCE**

**RESOLUTION #16-257**

**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 #16-258**

**RESOLUTION EXTENDING THE PAYMENT OF THIRD QUARTER PROPERTY TAX BILLS FROM AUGUST 1, 2016 TO SEPTEMBER 6, 2016**

**WHEREAS**, N.J.S.A. 54:4-64 requires municipal property tax bills to be mailed at least 47 days prior to August 1<sup>st</sup> of each year; and

**WHEREAS**, due to the delay in the certification of the Borough's tax rate by the Morris County Tax Board, the mailing of the 2016 tax bills will be delayed; and

**WHEREAS**, N.J.S.A. 54:4-64 further mandates that property taxpayers shall be given adequate notice of the date when taxes are due before interest is charged on delinquent tax payments; and

**WHEREAS**, by law the taxpayer has 25 days from the date of mailing of the tax bill to pay property taxes due without interest or penalty; and

**WHEREAS**, the taxpayer would have less than the required 25-day period from the date of mailing of the tax bill to the third quarter August 1, 2016 due date to pay property taxes due without interest or penalty; and

**WHEREAS**, the Tax Collector has recommended that payments for the third quarter property taxes should be extended from August 1, 2016 to September 6, 2016.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby concur with the Tax Collector's recommendation and authorize to extend the payment of the third quarter property taxes from August 1, 2016 to September 6, 2016; and

**BE IT FURTHER RESOLVED**, that the payment of property taxes shall be considered delinquent after September 6, 2016 and after which date interest will be charged from August 1, 2016 to the date of payment.

**PERSONNEL**

**RESOLUTION #16-259**

**RESOLUTION ACCEPTING THE RESIGNATION OF RICHARD CARROLL, JR. AS A CHATHAM BOROUGH VOLUNTEER FIRE DEPARTMENT PROBATIONARY FIREFIGHTER**

**WHEREAS**, Richard Carroll, Jr. has notified Fire Chief Allan of his resignation as a Chatham Borough Volunteer Fire Department, Engine Company 2, Probationary Firefighter by letter dated July 21, 2016.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Richard Carroll, Jr.'s resignation as a Chatham Borough Volunteer Fire Department, Engine Company 2, Probationary Firefighter 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.

**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.

**RECREATION**

**RESOLUTION #16-260**

**RESOLUTION APPOINTING SUBSTITUTE SUMMER POOL STAFF**

WHEREAS, the Chatham Borough Recreation Program has a need to hire substitute summer pool staff for the 2016 summer season; and

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

<b><u>NAME</u></b>	<b><u>PAY RATE</u></b>	<b><u>POSITION</u></b>
Ingraham, Morgan	\$8.38	Substitute
Tomaro, Quinn	\$8.38	Substitute
Brown, Bryant	\$8.38	Substitute

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that it hereby approves the appointment of the herein referenced individuals as substitute summer pool staff for the 2016 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

**OTHER**

**RESOLUTION #16-261**

**RESOLUTION APPROVING THE SUNSHINE STRIDERS FUN RUN AND AUTHORIZING STREET CLOSURES**

WHEREAS, Borough resident, Kelly Leach, presented a proposal for the Sunshine Striders to host a children’s 1-mile Sunshine Striders Fun Run in the Borough on Saturday, October 1, 2016 from 3:00 p.m. to 6:00 p.m.; and

**WHEREAS**, the course for the run will be a 1-mile loop including Dellwood Avenue, Fairview Avenue, Washington Avenue and Longwood Avenue; and

**WHEREAS**, following the run, participants will enjoy face painting and other activities on a section of Dellwood Avenue; and

**WHEREAS**, proceeds of the event will be donated to Cycle for Survival, a 501c(3) charity that raises funds for rare cancer research at the Memorial Sloan Kettering Cancer Center; and

**WHEREAS**, the event will require the temporary closure of certain portions of Dellwood Avenue, Fairview Avenue, Washington Avenue and Longwood Avenue for public safety; and

**WHEREAS**, the Mayor and Borough Council wish to authorize the closure of certain portions of those streets for the safety and protection of participants and those who are to use those roadways during the event.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that approval is hereby given for the Sunshine Striders Fun Run scheduled for Saturday, October 1, 2016 from 3:00 p.m. to 6:00 p.m. and for the Chatham Borough Police Department to close certain portions of Dellwood Avenue, Fairview Avenue, Washington Avenue and Longwood Avenue during the event as necessary for public safety; 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.

#### **RESOLUTION #16-262**

#### **RESOLUTION APPROVING A CATERING PERMIT TO DISPENSE AND SERVE ALCOHOLIC BEVERAGES AT THE CHATHAM BOROUGH FARMERS' MARKET FARM-TO-TABLE DINING EVENT TO BE HELD ON SEPTEMBER 18, 2016 AT REASONER PARK**

**WHEREAS**, the Chatham Borough Farmers' Market Advisory Committee is planning a Farm-to-Table dining event to be held on September 18, 2016 at Reasoner Park; and

**WHEREAS**, Restaurant Serenade desires to submit an Application for a Catering Permit to the Division of Alcoholic Beverage Control, pursuant to N.J.S.A. 33:1-74, to dispense and serve alcoholic beverages for consumption at the planned Farm-to-Table dining event.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Restaurant Serenade is hereby granted permission to dispense and serve alcoholic beverages for consumption at the Farm-to-Table dining event sponsored by the Chatham Borough Farmers' Market Advisory Committee on September 18, 2016 at Reasoner Park; and

**BE IT FURTHER RESOLVED**, that permission is granted contingent upon approval of a Catering Permit issued by the Division of Alcoholic Beverage Control Commission for the event; 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 #16-263**

#### **RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING SETTLEMENT WITH FAIR SHARE HOUSING CENTER IN LITIGATION, I/M/O BOROUGH OF CHATHAM AFFORDABLE HOUSING COMPLIANCE, DOCKET NO. MRS-L-1906-15**

**WHEREAS**, the New Jersey Supreme Court's recent decision in In re Adoption of N.J.A.C. 5:96 & 5.97, 225 N.J. 1 (2015), authorizes the Superior Court to hear and decide actions addressing

municipal compliance with constitutional Mount Laurel obligations due to the Council on Affordable Housing's ("COAH") failure to adopt Third Round Rules; and

**WHEREAS**, the decision instructed municipalities which had either received Third Round Substantive Certification or been declared to have "participating" status by COAH to file a declaratory judgment action in Superior Court seeking approval of their housing element and fair share plan in order to receive judicial substantive certification and the accompanying protection as afforded under the Fair Housing Act; and

**WHEREAS**, in accordance with the decision, the Borough filed a declaratory judgment action, I/M/O Borough of Chatham Affordable Housing Compliance, Docket No. MRS-L-1906-15, on July 6, 2015 in Superior Court, Morris County seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 53:27D-301 et seq.; and

**WHEREAS**, the Borough filed a draft 2015 Housing Element and Fair Share Plan (the "Affordable Housing Plan") with the Court on December 4, 2015; and

**WHEREAS**, the Borough revised the Affordable Housing Plan in accordance with the report of the Court appointed Special Master, Michael P. Bolan, AICPP, PP, dated February 29, 2016; and

**WHEREAS**, the Borough Attorney engaged in negotiations with the attorney for Fair Share Housing Center ("FSHC"), an interested party in the litigation, in an effort to resolve substantially all of the issues as they relate to the Borough's fair share obligation; and

**WHEREAS**, said negotiations resulted in a comprehensive Settlement Agreement between the Borough and FSHC which, upon the advice and recommendation of the Borough Attorney, resolved all litigation between the Borough and FSHC without the time and expense of trial; and

**WHEREAS**, the Settlement Agreement shall be in substantially the same form as the agreement attached hereto and made a part of this Resolution; and

**WHEREAS**, the Affordable Housing Plan has been revised consistent with the Settlement Agreement; and

**WHEREAS**, the Court has scheduled a Fairness and Compliance Hearing for September 7, 2016 at 3:30 pm, the purpose of which, in part, is to determine whether the Settlement Agreement reached between the Borough and FSHC is fair and reasonable to low income and moderate income households; and

**WHEREAS**, the Mayor and Borough Council wish to authorize settlement of the litigation with FSHC and approve of the settlement as set forth in the attached Settlement Agreement.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham in the County of Morris and the State of New Jersey that the Mayor and Council hereby approve of settlement with FSHC as set forth in the attached Settlement Agreement and authorize the Mayor and Borough Clerk to execute the Settlement Agreement in a form acceptable to the Borough Attorney; and

**BE IT FURTHER RESOLVED**, that the Borough Administrator or his designee, Borough Attorney and other Borough officials are hereby authorized and directed to take such actions and execute and deliver such other documents as may be necessary or desirable in furtherance of the purposes set forth herein.

#### **RESOLUTION #16-264**

#### **RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MORRIS COUNTY TRAIL CONSTRUCTION GRANT PROGRAM APPLICATION FOR THE CONSTRUCTION OF PHASE I OF THE HISTORIC RIVERSIDE TRAIL PROJECT**

**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 Historic Riverside Trail Project; and

**WHEREAS**, Phase I of the Historic Riverside Trail Project entails a trail loop around Shepard Kollock Park and follows the Passaic River north to Summit Avenue; and

**WHEREAS**, the Borough Engineer has estimated the total project cost at \$154,460.00 with the Borough contributing \$30,000.00 from the 2017 Capital Improvement Budget and \$30,000.00 in In-Kind Services; and

**WHEREAS**, the amount requested for the Morris County Trail Construction Grant Program for this project is \$93,710.00; and

**WHEREAS**, the Morris County Trail Construction Grant Program is a reimbursable grant program requiring municipalities to fund its proposed trail project(s) upfront; and

**WHEREAS**, if the Morris County Park Commission approves the grant, the Chief Financial Officer has confirmed that sufficient funds will be included in the 2017 Capital Budget submission for Borough Council approval; and

**WHEREAS**, the Trail Construction Grant Application must be submitted to the Morris County Park Commission on or before September 1, 2016.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that they hereby authorize the Mayor to execute a Morris County Trail Construction Grant Program application for the construction of Phase I of the Historic Riverside Trail Project as herein referenced; 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 Helfrich moved to approve Resolution #16-253 through Resolution #16-264. Council Member Resto seconded the motion. A vote was taken and Resolution #16-253 through Resolution #16-264 listed on the Consent Agenda were approved.

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

None.

Mayor Harris asked Council Member Helfrich to proceed with Resolution #16-265.

Council Member Helfrich read Resolution #16-265.

#### **RESOLUTION #16-265**

#### **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. ECLC Lease Extension – Mr. Falzarano

And,

**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 #16-265. Council Member Resto seconded the motion. A vote was taken and Resolution #16-265 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 9:30 p.m.

Respectfully Submitted:

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