

AGENDA

Monday, February 24, 2014

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 THE FLAG

MOMENT OF SILENCE

ADEQUATE NOTICE

Statement re: Adequate Notice of Meeting

Pursuant to the requirements of R.S. 10:4-10, adequate notice of this meeting has been provided by including same in the Annual Notice, copies of which were posted on the Municipal Bulletin Board, on the main floor of the Municipal Building, e-mailed to the Independent Press, the Morris County Daily Record, the Star Ledger, the Chatham Courier, the Chatham Patch, and the Alternative Press and filed with the Borough Clerk, all on January 2, 2014.

ROLL CALL

On a call of the roll the following officials should be present:

Mayor Bruce A. Harris
Council Member James J. Collander
Council Member James Lonergan
Council Member John Holman
Council President Victoria Fife
Council Member Gerald J. Helfrich
Council Member Alida Kass
Robert J. Falzarano, Borough Administrator
James L. Lott, Jr., Borough Attorney
Susan Caljean, Municipal Clerk

PROCLAMATION
National Nutrition Month 2014

WHEREAS, the Academy of Nutrition and Dietetics developed an informational campaign that focuses attention on the importance of making informed food choices, developing eating and physical activity habits; and

WHEREAS, The Mayors Wellness Campaign of the Chathams recognizes that food is the substance by which life is sustained; and

WHEREAS the type, quality, and amount of food that individuals consume each day plays a vital role in their overall health and physical fitness; and

WHEREAS, there is a need for continuing nutrition education and a wide-scale effort to enhance healthy eating practices;

BE IT RESOLVED, that I, **Bruce A. Harris** Mayor of the Borough of Chatham by virtue of the authority vested in me, do hereby proclaim the month of March, 2014 as

NATIONAL NUTRITION MONTH®

In doing so, I encourage all citizens and employees to join the campaign and become concerned about their nutrition and the nutrition of others in the hope of achieving optimum health for both today and tomorrow.

RESOLUTION #14-122

RESOLUTION TO ADOPT COUNCIL MEETING MINUTES

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the minutes from the following meeting are approved as typed and filed in the Borough Clerk's office:

Council Meeting, February 10, 2014

DISCUSSION ITEMS

1. 2014 Budget Presentation- Mr. Falzarano
2. 2014 Capital Budget Presentation- Mr. Falzarano
3. Gateway Community Signs- Mr. Collander/Mr. DeNave

MEETING OPEN TO THE PUBLIC

**NOTICE
OF PUBLIC COMMENT**

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.

SECOND READING ORDINANCE PROCEDURE

Mayor Harris asks **Council Member Lonergan** to proceed with Ordinance #14-02

Council Member Lonergan reads Ordinance #14-02 entitled:

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN BOROUGH OWNED REAL PROPERTY LOCATED AT 57 WATCHUNG AVENUE (BLOCK 107, LOT 25) BY PRIVATE SALE IN ACCORDANCE WITH LOCAL LANDS AND BUILDINGS LAW, N.J.S.A. 40A:12-1 ET SEQ.

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on February 10, 2014.

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

The Clerk states: A legal notice was published indicating that Ordinance #14-02 was introduced and passed on first reading at the February 10, 2014 meeting and indicating that the second reading and public hearing would be held at the Council meeting on February 24, 2014 for consideration of final adoption. Copies were made available to the general public and posted in accordance with the law.

Mayor Harris: The meeting is now open for a public hearing on the Ordinance and any member of the public may be heard.

Mayor Harris: I will now close the meeting to the public.

Council Member Lonergan: I offer the following Ordinance and move its adoption:

Resolved, that this Ordinance as read by title on second reading, at this regular meeting, be adopted and finally passed.

Council Member _____ seconds the motion.

Name	Motion	Second	Yes	No	Abstain	Absent
Collander						
Lonergan						

COUNCIL MEETING
February 24, 2014

Holman						
Fife						
Helfrich						
Kass						

Mayor Harris: I declare this Ordinance adopted and finally passed. I hereby request the Clerk to publish the proper notice of this adoption in the newspaper and to record the Ordinance in the proper places.

COUNCIL COMMITTEE REPORTS

Budget and Finance

James Lonergan

Public Works Planning

John Holman

Personnel

Victoria Fife

Public Safety & Emergency Services

James J. Collander

Shared Services & 3rd Party Agreements

Gerald Helfrich

**Long Range Traffic & Pedestrian
Safety Planning**

James J. Collander

Madison/Chatham Joint Meeting

John Holman

MAYOR'S REPORT

Mayor Bruce A. Harris

ADMINISTRATOR'S REPORT

Robert J. Falzarano

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 #14-123 through Resolution #14-134 have been placed on the Consent Agenda.

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA

APPOINTMENT

RESOLUTION #14-123

**RESOLUTION TO APPOINT BARBARA HEIMRICH TO THE MEMORIAL POOL
ADVISORY COMMITTEE**

C-02/21/14

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Barbara Heimrich be appointed to the Memorial Pool Advisory Committee with a term to expire on December 31, 2014.

FINANCE

RESOLUTION #14-124

RESOLUTION CALLING ON THE LEGISLATURE TO MAKE PERMANENT THE 2% CAP ON INTEREST ARBITRATION AWARDS

WHEREAS, on December 21, 2010, Governor Christie signed into law reforms to the arbitration process that took effect January 1, 2011; and

WHEREAS, the reforms capped arbitration awards on economic factors to no more than 2%, provided for random selection of arbitrators, expedited the determination of awards, required the arbitrator to provide a written report detailing the weight accorded to each of the required considerations and expedited the appeal process; and

WHEREAS, these reforms marked a dramatic change to the arbitration process and have helped municipalities to control the never-ending rise in public safety personnel costs; and

WHEREAS, a key element of the reforms, capping arbitration awards on economic factors to no more than 2% of the property tax levy will expire on April 1, 2014; and

WHEREAS, while municipalities are statutorily limited to raise their property tax levy by no more than 2%, with very limited exceptions, failure to extend the 2% cap on interest arbitration awards will force municipalities throughout the State to further reduce or even eliminate crucial services, personnel, and long-overdue infrastructure improvement projects in order to fund an arbitration award.

WHEREAS, the 2% Interest arbitration cap has controlled one of the largest municipal expense, public safety salaries, not only through arbitration awards but through contract negotiations; and

WHEREAS, absent further action by the Legislature, any contract that expires on or after April 1, 2014, will be subject to all new procedures and requirements, EXCEPT the 2% awards cap; and

WHEREAS, without those limits, arbitrators will be able to impose awards that do not account for the 2% limit on the property tax levy, which would immediately threaten funding for all other municipal services; and

WHEREAS, without the 2% cap on Interest arbitration awards but with the 2% cap on property tax levy local budget makers could be forced to reduce other essential municipal services to fund an arbitration award.

BE IT RESOLVED, that the Chatham Borough Council urges the Legislature to permanently extend the 2% cap on interest arbitration awards prior to the April 1, 2014 sunset; and

BE IT FURTHER RESOLVED, that a that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, Senator Thomas H. Kean, Jr., Assemblywoman Nancy F. Munoz, Assemblyman Jon M. Bramnick, Governor Chris Christie, and the New Jersey State League of Municipalities.

Distribution List

Governor Chris Christie
Office of the Governor
PO Box 001
Trenton, New Jersey 08625-0001

Senator Thomas H. Kean, Jr.
425 North Avenue East, Suite C
Westfield, NJ 07090

Stephen Sweeney
Senate President
Kingsway Commons
935 Kings Highway
Suite 400
West Deptford, New Jersey 08086

Assemblywoman Nancy F. Munoz
57 Union Place, Suite 310
Summit, NJ 07901

Vincent Prieto
Assembly Speaker
1249 Paterson Plank Road
Secaucus, New Jersey 07094

Assemblyman Jon M. Bramnick
251 North Avenue West, 2nd Floor
Westfield, NJ 07090

New Jersey League of Municipalities
222 West State Street
Trenton, New Jersey 08608

RESOLUTION #14-125
RESOLUTION TO APPROVE PAYMENT OF VOUCHERS

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

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that all vouchers approved by the Finance Chairman be paid subject to the certification of the availability of funds by the Director of Finance.

RESOLUTION #14-126

**RESOLUTION TO TRANSFER MONIES IN THE APPROPRIATION BUDGET 2014
CURRENT FUND**

WHEREAS, N.J.S.A. 40A: 4-59 provides that during the first three months of any fiscal year, when the amount of the prior fiscal year's budget is insufficient to pay the claims authorized or incurred during said prior year which were chargeable to said appropriation.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham in the County of Morris and State of New Jersey that the Director of Finance is hereby authorized to make the following Line-item transfers in the 2013 Current Fund Reserve Budget with an effective date of February 24, 2014:

From:

<u>Departments</u>	<u>Account #</u>	<u>Amount</u>
Parking O/E	25-245-203	\$5,000.00
Police O/E	25-240-204	\$35,000.00
Police S/W	25-240-011	\$31,000.00
Auditor	20-135-200	<u>\$ 3,100.00</u>
TOTAL		<u>\$74,100.00</u>

To:

<u>Departments</u>	<u>Account #</u>	<u>Amount</u>
Telephone O/E	31-440-200	\$15,000.00
Natural Gas O/E	31-446-200	\$ 5,000.00
Legal O/E	20-155-200	\$51,000.00
Tax Collector	20-145-200	<u>\$ 3,100.00</u>
TOTAL		<u>\$74,100.00</u>

RESOLUTION #14-127

RESOLUTION TO ESTABLISH POOL & TENNIS FEES

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the following fees be hereby adopted:

Fee - Pool and Tennis Proposed 2014	

Pool	2014
<u>Fees for Borough Residents:</u>	<u>Early Fees</u>
Individual	(\$110) \$130
Senior age 65+	(\$50) \$60
Family of 4+	(\$400) \$450
Au Pair of Borough Resident	(\$100) \$100
Early bird fee in parenthesis (March 15-April 15)	
Swim Lessons (3 week series) Borough Resident	
1st child	\$75
2nd child	\$65
3rd child +	\$60
Guest pass	\$7
Private Swim Lessons 1/2 hr	\$40
<u>Fees for Township Residents</u>	<u>Early Fees</u>
Individual	(\$165) \$195
Senior age 65+	(\$85) \$105
Family of 4+	(\$600) \$650
Au Pair of Township Resident	(\$115) \$115
Early bird fee in parenthesis (March 15-April 15)	
Swim Lessons (3 week series) Township Resident	
1st child	\$90
2nd child	\$80
3rd child +	\$75
Guest pass	\$7
Private Swim Lessons 1/2 hr	\$40
Tennis	2014
Tennis Badges - Borough Resident	\$75
Tennis Badge - Senior Borough Resident	\$45
Tennis Badges - Township Resident	\$100

RESOLUTION #14-128
RESOLUTION TO REFUND PROPERTY TAXES

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that a refund of property taxes be issued to the individuals listed below as follows:

BLOCK/LOT	OWNERS & PROPERTY ADDRESS	AMOUNT	YEAR/QTR
61/9	Addams, Christopher & Emma 17 Duchamp Place	\$2,498.73	2013 3 rd Qtr. Overpayment

***Please make check payable & mail to:**
Addams, Christopher & Emma
c/o James M. Foerst, Esquire
210 Haven Avenue (Rt. 22 East)
Scotch Plains, NJ 07076

CONTRACTS

RESOLUTION #14-129

RESOLUTION TO CONSENT TO AMEND THE MORRIS COUNTY SOLID WASTE MANAGEMENT PLAN THROUGH ADMINISTRATIVE ACTION TO INCLUDE S. ROTONDI & SONS, INC.'S VEGETATIVE WASTE ACTIVITIES ON BLOCK 140, LOT 17 INTO DEP PERMIT No. REC100002

WHEREAS, S. Rotondi & Sons, Inc. is located at 3 Watchung Avenue, on Block 140, Lot 16 and Block 140, Lot 17; and

WHEREAS, S. Rotondi & Sons, Inc. ("Rotondi") has made a Request for Plan Modification to the Morris County Solid Waste Management Plan ("Request") in a letter dated November 13, 2013; and

WHEREAS, the Request seeks to include Rotondi's vegetative recycling operations located upon Block 140, Lot 17 within its New Jersey Department of Environmental Protection ("DEP") approved Class B and C Facility located upon Block 140, Lot 6 at their common address of 3 Watchung Avenue (the "Facility"); and

WHEREAS, the Facility has been in operation as a vegetative waste recycling business for over twenty years and the current DEP approval references the ongoing business being conducted on Block 140, Lot 17; and

WHEREAS, pursuant to DEP Permit No.: REC100002, Rotondi is authorized to receive, process and/or transferred leaves, grass clippings, brush and tree branches upon Block 140, Lot 16; and

WHEREAS, the Facility stores and sells final product including topsoil, compost, wood chips, mulch, dyed mulch, stone and fire wood; and

WHEREAS, Rotondi's seeks to include its vegetative waste operation on Block 140, Lot 17 into the aforesaid permit to formally incorporate the storage of Class B material including

brush, tree parts, whole trees, stumps, clean wood (unpainted and untreated), dimensional wood and wood pallets and the processing of said wood material via a Morbark Tub Grinder within Permit No.: REC100002; and

WHEREAS, the inclusion of the aforesaid vegetative recycling operations on Block 140, Lot 17 will not increase or change the truck traffic or volume of materials at the Facility; and

WHEREAS, the Borough of Chatham has reviewed the Request and consents thereto; and

WHEREAS, Rotundi has agreed to grant the Borough of Chatham an easement across its property for the purpose of establishing a nature trail.

BE IT RESOLVED, that the Borough of Chatham hereby consents to Rotondi's Request for Plan Modification to the Morris County Solid Waste Management Plan to include Block 140, Lot 17 into the existing DEP permit upon Lot 140, Lot 16.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be sent to the Morris County Solid Waste Advisory Council to the attention of Larry Gindoff, Solid Waste Coordinator.

RESOLUTION #14-130

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS AUTHORIZING THE MADISON -CHATHAM JOINT MEETING TO MAKE APPLICATION FOR A LOAN FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FUND FINANCING PROGRAM

WHEREAS, the Borough of Chatham is a member of the Madison–Chatham Joint Meeting (hereinafter the “Joint Meeting”); and

WHEREAS, the Joint Meeting has provided wastewater treatment services to the Borough of Chatham and the Borough of Madison since its formation in 1910; and

WHEREAS, the Joint Meeting operates the Molitor Water Pollution Control Facility; and

WHEREAS, the Joint Meeting finds upon the recommendation of its Superintendent that the following capital improvements should be made to Molitor Water Pollution Control Facility as part of its proposed 2015 Facility Improvement Program, to wit :

- (1) Replacement of the secondary digester
- (2) Replacement of two primary clarifiers
- (3) Replacement of two final clarifiers

- (4) Retrofitting of two final clarifiers
- (5) Other such work as may be reasonable necessary in order to complete the replacement and/or retrofitting of the aforementioned digester and clarifiers; and

WHEREAS, the New Jersey Environmental Infrastructure Trust working in partnership with New Jersey Department of Environmental Protection (hereinafter collectively referred to as the “Environmental Infrastructure Trust”) provides qualified borrowers with low interest loans to undertake water quality, wastewater treatment and storm water discharge improvement projects; and

WHEREAS, the Joint Meeting intends to file an application with Environmental Infrastructure Trust in order to finance in whole or in part its proposed 2015 Facility Improvement Program for the Molitor Water Pollution Control Facility; and

WHEREAS, each member municipality of the Joint Meeting must join in, consent to, support and endorse the application that the Joint Meeting intends to make to the Environmental Infrastructure Trust for the financing of its 2015 Facility Improvement Program; and

BE IT RESOLVED,

1. The Mayor and Borough Council does hereby offer its full support of the application that the Joint Meeting intends to make to the Environmental Infrastructure Trust for the financing of its 2015 Facility Improvement Program in an amount as shown in Exhibit A and as attached hereto and incorporated as if fully set forth herein;
2. The Mayor and Borough Council does hereby join in, consent to, and endorses the application that the Joint Meeting intends to make to the Environmental Infrastructure Trust for the financing of its 2015 Facility Improvement Program in the amount as shown in Exhibit A and as attached hereto and incorporated as if fully set forth herein;
3. The Mayor and Borough Council hereby direct that Joint Meeting Superintendent Christopher Manak prepare execute and/or submit all necessary forms, applications and reports that may be necessary or required by the Environmental Infrastructure Trust in order to apply for financing of its proposed 2015 Facility Improvement Program.
4. The Mayor and Borough Council hereby direct that Superintendent Christopher Manak be authorized to act as the as the Authorized Representative of the Madison- Chatham Joint Meeting and to do all things necessary and proper in all matters relating to the financing application to be submitted to the Environmental Infrastructure Trust for the proposed 2015 Facility Improvement Program.

5. As Authorized Representative, Joint Meeting Superintendent Christopher Manak may be contacted at: Madison-Chatham Joint Meeting, 214 N. Passaic Avenue, P.O. Box 341, Chatham, NJ 07928, 973-635-4616.

6. A copy of this Resolution shall be sent to the following persons:

- (a) Clerk, Borough of Madison,
- (b) Secretary/Treasurer of the Madison- Chatham Joint Meeting
- (c) Joint Meeting Superintendent Christopher Manak

7. All Borough of Chatham officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

EVENTS

RESOLUTION #14-131

RESOLUTION TO APPROVE CHATHAM BOROUGH VOLUNTEER FIRE DEPARTMENT FISHING DERBY

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Chatham Borough Volunteer Fire Department is hereby authorized to conduct a fishing derby at Kelley's Pond on April 26 & 27, 2014 from 8:00 a.m. to 5:00 p.m.

RESOLUTION #14-132

RESOLUTION TO AUTHORIZE THE CHIEF OF POLICE TO CLOSE CERTAIN DESIGNATED PARKING LOTS AND TO CONTROL AND TO REGULATE TRAFFIC CONDITIONS CONSEQUENT THERETO FOR THE 2014 CHATHAM FISHAWACK FESTIVAL

WHEREAS, the 2014 Chatham Fishawack Festival (Festival) is scheduled for June 14, 2014; and

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

BE IT RESOLVED, that the Council of the Borough of Chatham authorize the Chief of Police to close the following parking lots from 8:00 a.m. to 11:00 p.m. on June 14, 2014 to facilitate the public activity created by the Festival:

- A. Parking Lot No. 1 or Plaza North
- B. Parking Lot No. 4 or Passaic Avenue Lot
- C. Parking Lot No. 7 or Firehouse Plaza Lot

and

BE IT FURTHER RESOLVED, that the Council of the Borough of Chatham authorize the Chief of Police to close roads and establish detour routes.

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

RESOLUTION #14-133

RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN AN INDEMNITY AGREEMENT FOR THE FISHAWACK FESTIVAL

BE IT RESOLVED, by the Borough Council that the Mayor is hereby authorized to sign an indemnity agreement for the Fishawack Festival.

RESOLUTION #14-134

RESOLUTION TO AUTHORIZE THE SENIOR CENTER TO HOLD A PAPER SHREDDING EVENT AT THE SOUTH PARKING LOT OF THE TRAIN STATION ON SATURDAY, APRIL 26, 2014 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 Saturday, April 26, 2014 from 10:00 am to 1:00 pm. at the south parking lot of the train station.

CONSENT AGENDA VOTE:

Mayor Harris asks Council Member _____ to proceed with the Resolutions listed on the Consent Agenda, Resolutions #14-123 through #14-134.

Council Member _____: I would like to make a motion to allow the resolutions on this evening's agenda to be approved by consent of the Council; and I so move.

Seconded by: _____

FIRST READING ORDINANCE PROCEDURE

- (1) Mayor Harris asks **Council Member Lonergan** to introduce Ordinance #14-03
- (2) **Council Member Lonergan** introduces Ordinance #14-03 by title as follows:

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

(3) **Council Member Lonergan** explains the purpose of the Ordinance and moves for introduction of the First Reading.

Council Member Lonergan reads:

WHEREAS, the above Ordinance was introduced, read by title at this Council meeting held on February 24, 2014.

BE IT RESOLVED, that at the Council meeting to be held on March 10, 2014 at 7:30 p.m. prevailing time, at Borough Hall in said Borough, this Council will further consider this Ordinance for a second reading and final passage.

BE IT FURTHER RESOLVED, that the Clerk of this Borough 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.

Mayor asks the Clerk for a Roll Call Vote:

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

RESOLUTION #14-135
RESOLUTION TO RECESS INTO CLOSED SESSION

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that it 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:

CONTRACTS:1. Joint Meeting Agreement- Mr. Lott/Mr. Helfrich

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.