

AGENDA
September 8, 2014

Regular Meeting
Mayor and Borough Council

Borough of Chatham
54 Fairmount Avenue
Chatham, NJ 07928

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

SALUTE TO FLAG

MOMENT OF SILENCE

STATEMENT OF

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

ROLL CALL

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
Robin R. Kline, Borough Clerk

PROCLAMATIONS

**PROCLAMATION SUPPORTING THE 8TH ANNUAL TURN THE TOWNS TEAL[®]
CAMPAIGN IN THE BOROUGH OF CHATHAM**

WHEREAS, the Turn The Towns Teal[®] campaign was founded by Gail MacNeil of Chatham, New Jersey during her 10 year battle with ovarian cancer; and

WHEREAS, Turn The Towns Teal[®] Inc. together with the National Ovarian Cancer Coalition are partnering to promote awareness of ovarian cancer through the 8th Annual Turn The Towns Teal[®] campaign; and

WHEREAS, ovarian cancer is the fifth leading cause of cancer deaths among women and the leading cause of gynecologic cancer deaths in the United States each year with more than 22,000 women diagnosed with the disease and approximately 16,000 die from it; and

WHEREAS, if detected in its early stages, the survival rate for those women diagnosed with ovarian cancer is 90-95 percent, yet, the five-year survival rate for those diagnosed with the disease is only 28 percent because it is so difficult to detect early; and

WHEREAS, ovarian cancer is called the “silent disease” because its symptoms are often vague or subtle and there is no early detection test for ovarian cancer.

BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham proclaim

SEPTEMBER 2014 AS OVARIAN CANCER AWARENESS MONTH

In the Borough of Chatham, Morris County, New Jersey, and do hereby whole-heartedly support the 8th Annual Turn The Towns Teal[®] awareness campaign by authorizing the placement of teal-colored ribbons around Borough trees during the period September 1st through September 30th 2014; and

BE IT FURTHER RESOLVED, that the placement of any signage must be reviewed and approved in advance of the 8th Annual Turn The Towns Teal[®] awareness campaign by the Chatham Borough Zoning Officer.

RESOLUTION #14-272

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:

August 11, 2014

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:

August 11, 2014

DISCUSSION ITEMS

1. Historical Markers – Ms. Susan Allen
2. Strengthening Volunteer Community Groups - Council President Victoria Fife
3. 2015 Annual Parking Fees – Council Member James Lonergan
4. Capital Projects Update – Vince DeNave, Borough Engineer

MEETING OPEN TO THE PUBLIC

NOTICE OF PUBLIC COMMENT TIME LIMIT

Hearing of citizens during the Public Comment section of the Agenda is an opportunity for any member of the public to be heard about issues which are/are not topics scheduled for Public Hearing tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to a reasonable length of time.

REPORTS

COUNCIL COMMITTEES

Budget and Finance

Council Member James Lonergan

Long Range Traffic & Pedestrian Safety Planning

Council Member James J. Collander

Public Safety & Emergency Services

Council Member James J. Collander

Personnel

Council President Victoria Fife

Public Works Planning

Council Member John Holman

Shared Services & 3rd Party Agreements

Council Member Gerald Helfrich

MAYOR'S REPORT

ADMINISTRATOR'S REPORT

CONSENT AGENDA

The following items are considered to be routine by the Chatham Borough Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

Resolution #14-273 through Resolution #14-282 have been placed on the Consent Agenda.

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

APPOINTMENTS

RESOLUTION #14-273

RESOLUTION APPOINTING JUNIOR VOLUNTEERS TO THE FARMERS' MARKET ADVISORY COMMITTEE

WHEREAS, by Resolution #14-18 adopted on January 6, 2014, the Mayor and Council of the Borough of Chatham re-established the Chatham Farmers' Market Advisory Committee; and

WHEREAS, the Chatham Borough Farmer's Market will operate for a period of 23 Saturdays, June 21st through November 22nd from 8:00 a.m. until 1:00 p.m. at the Chatham Train Station South Plaza; and

WHEREAS, the Chatham Farmers' Market Advisory Committee seeks volunteers to assist with the set-up and operations of the Farmers' Market; and

WHEREAS, Grace Krauer and Pat Trainor have expressed interest in being appointed as Junior Volunteer Members to the Chatham Farmers' Market Advisory Committee and have submitted a Junior Volunteer Membership application to the Borough Clerk in accordance with Chapter 3, §3-6 of the Code of the Borough of Chatham for consideration by the Mayor and Council; and

WHEREAS, the Mayor and Council, as the appointing authority, upon conducting a review of the volunteer applications and/or interview of the applicants, wish to appoint Grace Krauer and Pat Trainor as Junior Volunteer Members to the Chatham Farmers' Market Advisory Committee.

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that it hereby approves and confirms the appointment of Grace Krauer and Pat Trainor to the Chatham Farmers' Market Advisory Committee as Junior Volunteer Members for the 2014 season.

FINANCE

RESOLUTION #14-274

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 #14-275

RESOLUTION REFUNDING REDEMPTION OF TAX SALE CERTIFICATE #2012-3

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

BLK/LOT	OWNERS & PROPERTY ADDRESS	AMOUNT
55/37	Valgenti - Lien 54 N. Summit Avenue	\$74,994.15 Total Due/Redemption [\$54,994.15 + \$20,000.00 premium]

Refund should be made payable & mailed to lien holder:
John Venutolo
25 Hughes Place
Summit, NJ 07901

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough Tax Collector to issue a refund for the redemption of tax sale certificate #2012-3 as herein referenced.

RESOLUTION #14-276

RESOLUTION AMENDING RESOLUTION #14-233 TO INCREASE THE AMOUNT OF THE 2014 ROAD RESURFACING CONTRACT AWARDED TO TILCON, INC., MT. HOPE ROAD, WHARTON, NEW JERSEY, IN THE AMOUNT NOT TO EXCEED \$215,000.00

WHEREAS, Resolution #14-233 adopted by the Borough Council on July 14, 2014 awarded the 2014 Road Resurfacing Contract for milling and paving of the following roadways:

Red Road	Harvard Street	Center Avenue
Fairview Avenue	Summit Avenue	Edgehill Road

And;

WHEREAS, the Borough Engineer has advised that additional funding in the amount not to exceed \$65,000 is required to complete the milling and paving of Edgehill Road, and has recommended that the award of the contract made to Tilcon, Inc., for the 2014 Road Resurfacing Program be increased to the amount not to exceed \$215,000; and

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

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 Director of Finance has provided a certification of availability of funds for the 2014 Road Resurfacing Program, Capital Improvement Fund Account #4-01-44-901-903, in the amount not to exceed \$215,000.00.

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 amends Resolution #14-233 to increase the amount of the award of contract to Tilcon, Inc. in the amount not to exceed \$215,000.00; and

BE IT FURTHER RESOLVED, that the Finance Director is hereby authorized and directed to approve and forward a Purchase Requisition to Tilcon, Inc. in the amount not to exceed \$215,000.00 from the Capital Improvement Fund Account #4-01-44-901-903.

RESOLUTION #14-277

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING AN AWARD OF CONTRACT TO TILCON, INC., MT. HOPE ROAD, WHARTON, NEW JERSEY, FOR THE MILLING AND RESURFACING OF POST OFFICE PLAZA, IN THE AMOUNT NOT TO EXCEED \$100,000.00

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 Engineer has completed project specifications for the milling and resurfacing of Post Office Plaza; and

WHEREAS, the Borough Engineer recommends that an award of the contract be made to Tilcon, Inc., Mt. Hope Road, Wharton, New Jersey, for the milling and resurfacing of Post Office Plaza, in the amount not to exceed \$100,000; and

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

WHEREAS, the Director of Finance has provided a certification of availability of funds in the amount not to exceed \$100,000.00 from the Capital Improvement Fund Account #C-04-55-914-103 for improvements to Post Office Plaza.

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 an award of contract be made to Tilcon, Inc. through the Morris County Cooperative Purchasing Program for the milling and resurfacing of Post Office Plaza, in the amount not to exceed \$100,000.00; and

BE IT FURTHER RESOLVED, that the Finance Director is hereby authorized and directed to approve and forward a Purchase Requisition to Tilcon, Inc. from the Capital Improvement Fund Account #C-04-55-914-103, in the amount not to exceed \$100,000.00.

OTHER

RESOLUTION #14-278

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT WITH THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION TO FUND THE DE-SILTING AND DE-SNAGGING OF DEBRIS IN THE PASSAIC RIVER, GRANT IDENTIFIER EC-14-052

WHEREAS, the Borough of Chatham wishes to participate in a joint grant program with the Borough of Florham Park, Township of Long Hill, the Morris County Park Commission, the County of Union, City of Summit, Borough of New Providence, Township of Berkeley Heights, Township of Bernards, and the Township of Warren (the “Parties”) to fund the clearing of debris and de-snagging of a 15.63 mile stretch of the Passaic River (the “Project”) in their respective communities; and

WHEREAS, this project is deemed to be in the public interest and the parties desire to obtain a grant from the State of New Jersey Department of Environmental Protection (the “State”) in the amount of \$300,000.00 to fund the Project; and

WHEREAS, the County of Union has agreed to act as the lead agency of the joint grant program on behalf of the Parties and will coordinate the grant submission and administration of the Project.

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that it hereby authorizes the Mayor to make application for the Borough’s participation in the joint grant program with the New Jersey Department of Environmental Protection to fund the de-slitting and de-snagging of debris in the Passaic River, Grant Identifier EC-14-052; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute the grant agreement with the State in the amount of not less than \$1.00 and not more than \$300,000.00; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute any amendments thereto, which do not increase Chatham Borough’s obligations.

RESOLUTION #14-279

RESOLUTION APPROVING THE HONEY BEE HABITAT EAGLE SCOUT PROJECT PROPOSED BY STEPHEN J. KAMIONEK III, LIFE SCOUT TROOP 8, TO BE CONSTRUCTED AND INSTALLED AT THE BEE GARDEN

WHEREAS, the Borough property at the east end (north side) of St. James Street is currently being used as a Bee Garden; and

WHEREAS, Stephen J. Kamionek III of Scout Troop 8 in Chatham has requested permission to construct a honey bee habitat for his Eagle Scout project at this location; and

WHEREAS, the honey bee habitat will include several 8” x 8” x 10” raised flower beds to be planted in the field adjacent to the Bee Garden and an informational kiosk will be mounted on the existing chain link fence at the entrance gate to the property; and

WHEREAS, JCP&L has an easement over the property and has consented to the use of the property for the Eagle Scout project, and has agreed that the project will not interfere with JCP&L

easement maintenance operations, and that the proposed use is a beneficial use of the utility right-of-way; and

WHEREAS, the Borough Council recognizes that honey bees and pollination play a crucial role in our agricultural ecosystem and food supply.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby approve the Eagle Scout project proposed by Stephen J. Kamionek III of Scout Troop 8; and

BE IT FURTHER RESOLVED, that the Mayor and Council commend Mr. Kamionek for his efforts to take on a project that will benefit the agricultural ecosystem and the Chatham Borough community.

RESOLUTION #14-280

RESOLUTION ESTABLISHING NOVEMBER 15, 2014 AS AMERICA RECYCLES DAY IN THE BOROUGH OF CHATHAM

WHEREAS, the Borough of Chatham recognizes the importance of protecting and preserving our natural resources and adopting conscientious habits that will improve our daily lives and bring about a cleaner, safer, and more sustainable environment; and

WHEREAS, although there has been a significant increase in the amount of recycling in Chatham Borough to date, we must also continue to focus on other initiatives such as waste reduction, composting, the reuse of products and materials, and purchasing recycled products; and

WHEREAS, by encouraging businesses, state agencies, non-profit organizations, schools and individuals to celebrate AMERICA RECYCLES DAY, we can further promote recycling as an environmentally efficient and economically smart habit; and

WHEREAS, state and community leaders can help encourage recycling by informing citizens about local recycling options, they can also help foster greater awareness of the need to expand collections programs by promoting the benefits of recycling investments for businesses; and

WHEREAS, it is important that all Chatham Borough citizens become involved in recycling activities and learn more about the many recycled and recyclable products available to them as consumers; it is also fitting for Chatham Borough to celebrate America Recycles Day and take action by educating citizens about the recycling options available in our community; and

WHEREAS, AMERICA RECYCLES DAY is a nationally-recognized day dedicated to promoting and celebrating recycling in the United States of America.

BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham proclaim November 15, 2014 as AMERICAN RECYCLES DAY in the Borough of Chatham, Morris County, New Jersey, and do hereby encourage all citizens and businesses to promote environmental citizenship initiatives and encourage recycling activities in Chatham Borough.

RESOLUTION #14-281

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

WHEREAS, Villa Milagro Vineyards wishes to conduct retail sales and provide free samples of its products at the Chatham Borough Farmers' Market on Saturdays in the months of August and September, 2014; and

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

WHEREAS, the Borough Clerk has verified that Villa Milagro Vineyards has been granted Special Wine Festival Permit #3402-21-995-002 from the New Jersey Division of Alcoholic Beverage Control authorizing them to display and sell products produced by its winery under the authority of its New Jersey Farm or Plenary Winery License, and to provide wine samples at the Chatham Borough Farmers' Market on the following dates and time:

Saturday, 09/13/2014, 8:00 AM to 1:00 PM;

Saturday, 09/20/2014, 8:00 AM to 1:00 PM.

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

RESOLUTION #14-282

RESOLUTION AUTHORIZING THE BOROUGH OF CHATHAM'S SUPPORT AND PARTICIPATION IN THE NEW JERSEY VOLUNTEER TUITION CREDIT PROGRAM (P.L. 1998, c. 145)

WHEREAS, the Mayor and Council of the Borough of Chatham in the County of Morris, deems it appropriate to enhance the recruitment and retention of volunteer firefighters and emergency medical volunteers in the Borough of Chatham; and

WHEREAS, the State of New Jersey has enacted P.L. 1998, c. 145 which permits municipal governments to allow their firefighting and emergency medical volunteers to take advantage of the Volunteer Tuition Credit Program at no cost to the municipal government.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham in the County of Morris that the Volunteer Tuition Credit Program as set forth in P.L. 1998, c. 145 is herewith adopted for the volunteer firefighters and emergency medical volunteers in the municipality; and

BE IT FURTHER RESOLVED, that the Borough Clerk is herewith delegated the responsibility to administer the program and is authorized to enter into all agreements and to maintain files of all documents as may be required under the P.L. 1998, c. 145.

CONSENT AGENDA VOTE:

Mayor Harris asks Council Member _____ to proceed with the Resolutions listed on the Consent agenda, Resolution #14-273 through Resolution #14-282.

Council Member _____: I make a motion to approve the resolutions presented on this evening's Consent Agenda by consent of the Council.

Seconded by Council Member: _____

ADD-ON RESOLUTIONS

RESOLUTION #14-283

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:

Litigation:	1. Tricare Update – Mr. Lott
Public Land Acquisition:	1. Commerce Street Land Donation – Mr. Lott/Mr. DeNave
Disposition of Public Land:	1. Street Vacation – Mr. Lott/Mr. DeNave
Contract:	1. Joint Meeting Contract – Mr. Helfrich
Attorney Client Privilege:	1. Historical Society Room – Mr. Lott

And,

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

ADJOURNMENT