# AGENDA DECEMBER 8, 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 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 filed with the Borough Clerk, all 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 Member 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

#### <u>APPOINTMENT</u>

**RESOLUTION #14-340** 

RESOLUTION APPOINTING MARK L. SHADEK AS A NEW PROBATIONARY FIREFIGHTER IN THE CHATHAM BOROUGH VOLUNTEER FIRE DEPARTMENT, ENGINE COMPANY NO. 2

WHEREAS, the Mayor and Council of the Borough of Chatham recognize the valuable contributions volunteer firefighters make to our community every day of every year; and

**WHEREAS,** Mark L Shadek has expressed interest in becoming a Probationary Firefighter with the Chatham Borough Volunteer Fire Department, Engine Company No. 2; and

**WHEREAS,** the Fire Chief and the Captain of Engine Company No. 2 have recommended that Mark L Shadek be appointed as a new Probationary Firefighter with the Chatham Borough Volunteer Fire Department, Engine Company No. 2.

**BE IT RESOLVED,** by the Mayor and Council of the Borough of Chatham that Mark L Shadek's Application for Membership to the Chatham Borough Volunteer Fire Department, Engine Company No. 2 is hereby approved; and

**BE IT FURTHER RESOLVED**, that Mark L Shadek is hereby appointed as a new Probationary Firefighter for the Chatham Borough Volunteer Fire Department, Engine Company No. 2.

#### **RESOLUTION #14-341**

# RESOLUTION CONGRATULATING THE BOROUGH OF MADISON ON THE OCCASION OF ITS ${\bf 125}^{\rm TH}$ YEAR ANNIVERSARY

**WHEREAS**, the Mayor and Borough Council of the Borough of Chatham wish to extend their congratulations to the Borough of Madison on the occasion of Madison's 125<sup>th</sup> year anniversary; and

**WHEREAS**, the two towns share a common heritage in that both were once part of the Township of Chatham; and

**WHEREAS**, the Borough of Madison and the Borough of Chatham have enjoyed a tradition of cooperation dating back to 1910 when the Councils of Madison and Chatham created the Joint Meeting, the first public joint venture of its kind in the State of New Jersey, which is still in operation today serving our communities; and

**WHEREAS,** over the years, the Boroughs of Madison and Chatham have further strengthen their mutual cooperation and partnership through the strategic development and implementation of a number of shared services, including a Joint Municipal Court, community health services, information technology support services, and construction code services; and

**WHEREAS,** the sharing of these municipal services have resulted in significant cost savings to the taxpayers and have produced sustainable efficiencies in the delivery of those services.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham that they hereby proudly pay tribute to the Borough of Madison upon the occasion of its 125<sup>th</sup> year anniversary; and

**BE IT FURTHER RESOLVED** that the Borough of Chatham expresses its thanks and gratitude to the Borough of Madison for being a valued partner and joins them in the celebration of their 125<sup>th</sup> year anniversary.

#### **RESOLUTION #14-342**

#### 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:

November 24, 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:

November 24, 2014

#### **DISCUSSION ITEMS**

- 1. Capital Projects Update Mr. Vince DeNave, Borough Engineer
- 2. Borough Tax and Open Space Maps Mr. Vince DeNave, Borough Engineer
- 3. ALCO Test Equipment Agreement Live Scan Council Member James Collander
- 4. Memorial Plaque and Bench Program Council President Victoria Fife

#### 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.

ORDINANCE FOR SECOND READING

Mayor Harris asks Council Member \_\_\_\_\_\_ to proceed with Ordinance #14-13.

Council Member \_\_\_\_\_ reads Ordinance #\_\_\_\_ entitled:

# **ORDINANCE #14-13**

# AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING DEDICATION OF A PORTION OF BLOCK 134, LOT 29 (APPROXIMATELY 1.8 ACRES)

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on November 24, 2014.

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

The Borough Clerk states: A legal notice was published indicating that Ordinance #14-13 was introduced and passed on first reading at the November 24, 2014 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on December 8, 2014 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with 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:	Seeing no	one else	wishing to	be heard,	I will no	w close th	e public	hearing.
Council Membe	er	: I of	fer the foll	owing Or	dinance a	nd move	its adopti	ion:

	BE IT RESO	<b>OLVED</b> , th	at this Ord	inance a	s read by	title on seco	ond reading	, and a
public	hearing at this				•			
Counc	il Member	S	econds the	motion.				
Mayor	Harris asks th	e Borough	Clerk for a	Roll Cal	l Vote.			
	Name	Motion	Second	Yes	No	Abstain	Absent	
	Collander							
	Lonergan							
	Holman							
	Fife							
	Helfrich							
	Kass							
publis	Harris: I declar the hold the proper not nently record the mittees	otice of ado	ption of this		• •	-	-	
udget and I					Council Member James Lonergan			
Long Range Traffic & Pedestrian Safety Planning				ng	Council Member James J. Collander Council Member James J. Collander			
Public Safety & Emergency Services			8					
ublic Safety					Council President Victoria Fife			
•					Council P	resident Vic	ctoria Fife	
ublic Safety ersonnel ublic Work	s Planning					resident Vio Aember John		

#### **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 #14-343 through Resolution #14-351 have been placed on the Consent Agenda.

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

### **RESOLUTION #14-**

### **FINANCE**

#### **RESOLUTION #14-343**

#### 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 #14-344**

RESOLUTION AUTHORIZING THE SETTLEMENT OF A 2013 TAX APPEAL ENTITLED DOREEN ACAMPORA V. BOROUGH OF CHATHAM FILED IN THE TAX COURT OF NEW JERSEY UNDER DOCKET NO.: 011593-2013 CONTESTING THE REAL PROPERTY ASSESSMENT OF BLOCK 109, LOT 5, KNOWN AS 87 WATCHUNG AVENUE, IN THE BOROUGH OF CHATHAM, MORRIS COUNTY, STATE OF NEW JERSEY

**WHEREAS**, an appeal of the real property tax assessment for tax year 2013 involving Block 109, Lot 5, has been filed by the Taxpayer, Doreen Acampora; and

**WHEREAS**, the proposed Stipulation of Settlement has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

**WHEREAS**, settlement of said matter as more fully set forth below is in the best interest of the Borough of Chatham.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby authorize the referenced settlement of the 2013 tax appeal as follows:

87 Watchung Avenue Block 109, Lot 5 Year: 2013

	Original Assessment	County Board Judgment	Settlement Amount
Land:	\$366,800	\$366,800	\$366,800
Imprvts:	\$115,700	\$115,700	\$68,200
Total:	\$482,500	\$482,500	\$435,000

and,

**BE IT FURTHER RESOLVED**, that any and all refunds as a result of the settlement due to the Taxpayer shall be in the form of a credit to the Taxpayer; and.

**BE IT FURTHER RESOLVED**, that the parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year(s) 2014 and 2015, and therefore agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year(s) shall be the basis for application of the Freeze Act for any subsequent year(s); and

**BE IT FURTHER RESOLVED**, that all municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

#### **RESOLUTION #14-345**

# RESOLUTION AUTHORIZING TRANSFERS BETWEEN CERTAIN BUDGET APPROPRIATIONS IN THE 2014 CURRENT FUND BUDGET PURSUANT TO N.J.S.A. 40A:4-58

**WHEREAS**, N.J.S.A. 40A:4-58 provides that transfers may be made between appropriation accounts in the General Budget in the last two months of the fiscal year; and

WHEREAS, such transfers are made to cover expenses in accounts in excess of that anticipated and from accounts having expenses in lesser amounts than anticipated: and

**WHEREAS**, these transfers do not affect the total of the operations budget as originally approved in the 2014 Current Fund Budget.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham, in the County of Morris, State of New Jersey, that the Chief Financial Officer is hereby authorized to make the following line-item transfers in the 2014 Current Fund Budget with an effective date of December 8<sup>th</sup>, 2014 in accordance with N.J.S.A. 40A:4-58:

Account Name	Account Number	Transfer To	Tra	ansfer From
<u>TO</u>				
DPW S&W	4-01-26-290-010	\$ 8,000.00		
DPW OE - Road Maintenance Mat.	4-01-26-290-200	\$ 7,000.00		
Human Resources OE	4-01-20-105-200	\$ 7,000.00		
Legal OE	4-01-20-155-200	\$ 18,000.00		
Tax Assessment OE	4-01-20-150-200	\$ 4,000.00		
<u>FROM</u>				
Parking S&W	4-01-25-245-010		\$	4,500.00
Planning OE	4-01-21-180-200		\$	3,500.00
Board of Adjustment OE	4-01-21-185-200		\$	3,000.00
Police OE	4-01-25-240-200		\$	15,000.00
Police S&W	4-01-25-240-010		\$	15,000.00
Fire Dept OE	4-01-25-265-200		\$	3,000.00
Totals		\$ 44,000.00	\$	44,000.00
Difference			\$	-

and,

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution adopted by not less than a two-thirds (2/3) vote of the full membership of the governing body shall be forwarded to the Borough Administrator and to the Chief Finance Officer/Treasurer.

#### **RESOLUTION #14-346**

# RESOLUTION AUTHORIZING THE REFUND FOR PROPERTY TAX OVERPAYMENT

**WHEREAS**, the Tax Collector for the Borough of Chatham has advised that a duplicate payment was made by the mortgage lender resulting in an overpayment of property taxes; and

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

BLOCK/LOT	OWNERS/PROPERTY LOCATION	<u>AMOUNT</u>	YEAR/QTR.
25/14	Kumar, Vivek & Tanu, Bansal 18 Essex Road	\$3,478.68	2014 2 <sup>nd</sup> Qtr
	Make check payable and mail to: CitiMortgage, Inc., Attn: Recovery Dept. P.O. Box 23689 Rochester, NY 14692		

**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

# **CONTRACT**

#### **RESOLUTION #14-347**

# RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO MELGAR CLEANING SERVICES, IN THE AMOUNT NOT TO EXCEED 20,400.00

**WHEREAS**, the Director of Public Works solicited proposals from four (4) qualified contractors for janitorial services for calendar year 2015 for Borough Hall and Fire Headquarters; and

**WHEREAS**, four (4) quotations were received as follows:

	<u>VENDOR</u>	<b>QUOTE AMOUNT</b>
1.	Melgar Cleaning Services	\$20,400.00
2.	Cleaning USA	\$22,750.00
3.	M.O. Cleaning Services LLC	\$27,000.00
4.	Reliable Janitorial Services	\$30,000.00

and,

**WHEREAS**, the value of this contract will exceed 15% of the bid threshold, but will be less than the bid threshold of \$36,000.00, and therefore may be awarded by soliciting competitive quotes without advertising for bids under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, this contract is awarded as a non-fair and open contract pursuant to the provisions of <u>N.J.S.A.</u> 19:44A-20.4; and

**WHEREAS,** the Director of Public Works and the Qualified Purchasing Agent recommends that the award of the contract be made to Melgar Cleaning Services, 540 Main Street, Chatham N.J., in the amount of \$20,400.00; and

WHEREAS, Melgar Cleaning Services has completed and submitted a Business Entity Disclosure Certification certifying that they have not made any reportable contributions to a political

and/or candidate committee in the Borough of Chatham in the previous one year, and that the contract will prohibit the contractor from making any reportable contributions through the term of this contract; and

**WHEREAS**, the Chief Finance Officer has confirmed that sufficient funds are available in Current Fund Account #5-01.-26-310-240 for the award of this contract; and

**BE IT RESOLVED,** by the Mayor and Council of the Borough of Chatham that it concurs with the recommendation of the Director of Public Works and Qualified Purchasing Agent and hereby authorizes the Mayor to execute the contract with Melgar Cleaning Services, in the amount of \$20,400.00, in accordance with the specifications upon which quotations were received and accepted; 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.

\_\_\_\_\_

## **PERSONNEL**

#### **RESOLUTION #14-348**

RESOLUTION TO EMPLOY ADAM BOOTHBY AS A SERVICEPERSON FOR THE DEPARTMENT OF PUBLIC WORKS WITH AN ANNUAL SALARY OF \$39,603.00 AND PROPOSED EFFECTIVE DATE OF JANUARY 2, 2015

**WHEREAS,** the Borough of Chatham publicly advertised the job opening for the position of Serviceperson for the Department of Public Works and solicited resumes and applications from interested candidates; and

**WHEREAS**, the Public Works selection committee (the "Committee") conducted interviews of interested and qualified candidates; and

**WHEREAS**, after considering all interested and qualified candidates the Committee finds that Mr. Adam Boothby is the best qualified candidate for the position of Serviceperson and has recommended his employment as a Serviceperson for the Department of Public Works with an annual salary of \$39,603.00 with a proposed effective start date of January 2, 2015.

**BE IT RESOLVED,** by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Committee that Mr. Adam Boothby be employed as a Serviceperson for the Department of Public Works with an annual salary of \$39,603.00 with a proposed effective date of January 2, 2015; and

**BE IT FURTHER RESOLVED,** that the other terms and conditions of Adam Boothby's employment are contained in a letter from the Director of Public Works dated November 12, 2014.

### **RESOLUTION #14-349**

# RESOLUTION ADOPTING A REVISED EMPLOYEE POLICIES AND PRACTICES MANUAL

**WHEREAS,** pursuant to Chapter 39, Article II, Sections 10 "Powers and Duties" and Section 11 "Authority Established," the Mayor and Council of the Borough of Chatham vested the Borough Administrator with authority to provide the Borough with sound and lawful directives and policies regarding Borough officers and employees; and

WHEREAS, the Employee Policies and Practices Manual (the "manual") is intended to

provide guidelines covering public service by the Borough's officers and employees and the provisions of this manual may be amended and supplemented from time to time to ensure the manual is current regarding best practices in the public employment sector; and

**WHEREAS,** the Borough Administrator has undertaken a review of the Borough's Employees Policies and Practices Manual and has made revisions to the Health Benefits section of the manual, applicable to all employees hired after December 31, 2014 as follows:

(1) The minimum weekly work hours to qualify for health benefits is increased from 25 hours per week to 30 hours per week.

and,

**WHEREAS**, the Borough Administrator recommends the adoption of the revised manual to the Mayor and Council.

**BE IT RESOLVED,** by the Mayor and Council of the Borough of Chatham that the Employee Practices Manual as revised and recommended for approved by the Borough Administrator on this date is hereby adopted.

#### RESOLUTION #14-350

# RESOLUTION TO SET THE ANNUAL RATES OF COMPENSATION FOR BOROUGH EMPLOYEES FOR THE YEAR 2015

**WHEREAS,** Ordinance #14-12, adopted by the Mayor and Council of the Borough of Chatham on November 24, 2014, established the minimum and maximum rate of pay for the various positions in the Borough of Chatham; and

**WHEREAS,** specific rates of pay must be established for each individual employee of the Borough.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the following rates of pay shall be established:

	Salary Employees	<u>Name</u>	2015 Salary
1.	Borough Administrator	Falzarano, Robert	\$ 165,685
2.	Engineer	DeNave, Vince	\$ 114,408
3.	Zoning Code Enforcement Officer/Zoning Official	DeNave, Vince	\$ 34,174
4.	Chief of Police	Crosson, Phil	\$ 148,072
5.	Director of Public Works	Venezia, Robert	\$ 118,742
6.	Deputy Director of Public Works	Torello, Tony	\$ 104,559
7.	Chief Financial Officer	Day, Tim	\$ 91,350
8.	Borough Clerk	Kline, Robin	\$ 81,200
9.	Deputy Registrar of Vital Statistics	Kline, Robin	\$ 657
10	Police Executive Administrative Assistant	O'Shea, Kevin	\$ 75,781
11.	Recreation Coordinator	Nauta, Carol	\$ 73,083
12	Media Programming Supervisor	Nauta, Carol	\$ 2,261
13	Accounts Payable Clerk	Mandal, Anne	\$ 37,239
14	Senior Assessing Clerk	Mandal, Anne	\$ 27,401

Mandal, Anne	\$ 5,621
Piccolo, Janice	\$ 71,760
Piccolo, Janice	\$ 6,240
Morris, Cheri	\$ 58,932
Morris, Cheri	\$ 657
Polidor, Madeline	\$ 54,735
Polidor, Madeline	\$ 3,000
Ciccarone, Mary Beth	\$ 52,767
Williams, Steve	\$ 59,000
Williams, Steve	\$ 3,000 (stipend)
Baldwin, Catherine	\$ 52,500
Baldwin, Catherine	\$ 2,500
Sweetin, Robert	\$ 46,238
Bochniack, Mike	\$ 46,238
Holler, Liz	\$ 37,855
Glogolich, Peter	\$ 18,745
Nauta, Bill	\$ 13,192
DePierro, Therese	\$ 18,404
Nugent, Walter	\$ 37.90 hr.
Cittrich, Tyrina	\$ 35.56 hr.
Grobert, John	\$ 26.41 hr.
Lowe, Margie	\$ 15.00 hr.
	Piccolo, Janice Piccolo, Janice Morris, Cheri Morris, Cheri Polidor, Madeline Polidor, Madeline Ciccarone, Mary Beth Williams, Steve Williams, Steve Baldwin, Catherine Baldwin, Catherine Sweetin, Robert Bochniack, Mike Holler, Liz Glogolich, Peter Nauta, Bill DePierro, Therese  Nugent, Walter Cittrich, Tyrina Grobert, John

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**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.

#### **SHARED SERVICES**

#### **RESOLUTION #14-351**

# RESOLUTION AUTHORIZING AN INTERLOCAL SHARED SERVICE AGREEMENT WITH THE BOROUGH OF SADDLE RIVER, BERGEN COUNTY, TO PROVIDE SERVICES OF QUALIFIED PURCHASING AGENT

**WHEREAS,** the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) provides that local units of government may enter into a contract for the joint provision of any service which either party to said agreement is empowered to render or perform within its own jurisdiction; and

**WHEREAS**, the Mayor and Borough Council desire to enter into a shared service arrangement with the Borough of Saddle River for the services of a Qualified Purchasing Agent; and

**WHEREAS,** the Borough of Saddle River is interested in providing such services to Chatham Borough in accordance with mutually-agreeable terms and conditions as set forth in a shared services agreement.

**BE IT RESOLVED,** by the Council of the Borough of Chatham that they hereby authorize the Mayor to execute a shared services agreement with the Borough of Saddle River for the services of a Qualified Purchasing Agent contingent upon the approval of the terms and conditions by the Borough Attorney; 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:

Mayor Harris asks Council Member \_\_\_\_\_\_\_ to proceed with the Resolutions listed on the Consent agenda. Resolutions #14-340 through #14-351.

Council Member \_\_\_\_\_\_\_: I would like to make a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Council.

Seconded by Council Member: \_\_\_\_\_\_.

#### **RESOLUTION #14-352**

#### 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 Negotiation Matter: 1. Perrin Street Vacation – Mr. James Lott

Litigation: 1. TriCare Litigation Update – Mr. Denis Driscoll

Contracts: 1. Professional Service Providers – Mr. Robert 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 not return to public session after this closed session.

ADJOURNMENT