

AGENDA
September 28, 2015

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 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, 2015.

ROLL CALL

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

PROCLAMATION

NATIONAL BREAST CANCER AWARENESS MONTH - OCTOBER 2015

WHEREAS, October is *National Breast Cancer Awareness Month*, which is an annual campaign to increase awareness of this disease; and

WHEREAS, *National Breast Cancer Awareness Month* remains dedicated to increasing public knowledge about the importance of early detection of breast cancer diagnosis and treatment; and

WHEREAS, the National Cancer Institute estimates that in the United States more than 231,000 female and 2,000 male new cases of breast cancer will be diagnosed this year and over 40,000 people will die from the disease; and

WHEREAS, in Morris County, female breast cancer accounts for 15.8 % of all cancers and 9% of all cancer deaths; and

WHEREAS, when breast cancer is caught early, treatments work best and survival rates increase and today, more Americans are surviving breast cancer than ever before, but there is more work to be done; and

WHEREAS, this month, as we honor those lost to breast cancer, let us join with others who celebrate their loved one's memory, and the patients who battle this disease every day, as well as, the medical researchers, health care providers, and the many organizations such as the New Jersey Office of Cancer Control and Prevention and the Morris - Somerset County Regional Chronic Disease Coalition and its partners that educate our community about the importance of early detection to better prevent and treat breast cancer.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby declare October 2015 as *National Breast Cancer Awareness Month* and urge all citizens, businesses, nonprofit organizations, and all other interested groups to join in activities that will increase awareness of what we can do to prevent breast cancer to help improve the lives of breast cancer patients, survivors, and their families.

RESOLUTION #15-301

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:

September 14, 2015

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:

September 14, 2015

DISCUSSION ITEMS

1. Leaf Pick-up Update – Mr. Tony Torello
2. Hedges Sewer Project – Mr. Vince DeNave
4. Capital Projects Update – Mr. Vince DeNave
4. Monuments & Memorials Policy and Procedures – Council Member Victoria Fife
5. Fishawack Transfer – Council Member 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.

ORDINANCES FOR SECOND READING

Mayor Harris asks Council Member James Collander to proceed with Ordinance #15-12.

Council Member James Collander reads Ordinance #15-12 entitled:

**AN 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 PUBLIC PARKING
AT THE LIBRARY OF THE CHATHAMS LOT**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on September 14, 2015.

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 #15-12 was introduced and passed on first reading at the September 14, 2015 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on September 28, 2015 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 now close the public hearing.

Council Member James Collander: I offer the following Ordinance and move 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 _____ seconds the motion.

Mayor Harris asks the Borough Clerk for a Roll Call Vote.

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

Mayor Harris: I declare this Ordinance adopted and finally passed and request the Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

Mayor Harris asks Council Member James Collander to proceed with Ordinance #15-13.

Council Member James Collander reads Ordinance #15-13 entitled:

**AN 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 PUBLIC PARKING ALONG
THE PARROTT MILL ROAD CUL-DE-SAC**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on September 14, 2015.

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 #15-13 was introduced and passed on first reading at the September 14, 2015 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on September 28, 2015 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 now close the public hearing.

Council Member James Collander: I offer the following Ordinance and move 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 _____ seconds the motion.

Mayor Harris asks the Borough Clerk for a Roll Call Vote.

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

Mayor Harris: I declare this Ordinance adopted and finally passed and request the Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

Mayor Harris asks Council Member Victoria Fife to proceed with Ordinance #15-14.

Council Member Victoria Fife reads Ordinance #15-14 entitled:

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 165
OF THE BOROUGH CODE RELATED TO RESIDENTIAL FLOOR AREA RATIO**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on September 14, 2015.

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 #15-14 was introduced and passed on first reading at the September 14, 2015 meeting and indicated the second

reading and public hearing would be held at 7:30 p.m. on September 28, 2015 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 now close the public hearing.

Council Member Victoria Fife: I offer the following Ordinance and move 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 _____ seconds the motion.

Mayor Harris asks the Borough Clerk for a Roll Call Vote.

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

Mayor Harris: I declare this Ordinance adopted and finally passed and request the Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

REPORTS

Board & Commission Members & Liaison Reports

- | | |
|---|-----------------------------------|
| Affordable Housing Advisory Committee | Mayor Bruce A. Harris |
| Traffic & Pedestrian Safety Advisory Committee | Council Member James J. Collander |
| MyChathamNJ Advisory Committee | Council Member Victoria Fife |
| Mayors' Wellness Committee | Council Member Victoria Fife |
| Planning Board | Council Member Victoria Fife |
| Project Community Pride | Council Member Victoria Fife |
| Public Arts Council Advisory Committee | Council Member Victoria Fife |
| Senior Center of the Chathams | Council Member Victoria Fife |
| Special Events Advisory Committee | Council Member Victoria Fife |
| Communications & Technology Advisory Committee | Council Member James Lonergan |
| Joint Recreation Advisory Committee | Council Member James Lonergan |
| Municipal Pool Advisory Committee | Council Member James Lonergan |
| Board of Health | Council Member John Holman |
| Farmers' Market Advisory Committee | Council Member John Holman |
| Joint Community Gardens Advisory Committee | Council Member John Holman |
| Madison Chatham Joint Meeting | Council Member John Holman |

Board of Education
9/11 Memorial Advisory Committee
Environmental Commission
Historic Preservation Commission
Open Space & Historic Preservation Trust Advisory Committee
Shade Tree Commission

Council President Gerald J. Helfrich
Council President Gerald J. Helfrich
Council Member Alida Kass
Council Member Alida Kass
Mayor Bruce A. Harris
Council Member Alida Kass
Council Member Alida Kass

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 #15-302 through Resolution #15-309 have been placed on the Consent Agenda.

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

RESOLUTION #15-

APPOINTMENTS

RESOLUTION #15-302

RESOLUTION APPOINTING JOSEPH GONSALVES TO THE MAYORS' WELLNESS COMMITTEE

WHEREAS, Resolution #15-25, adopted by the Borough Council on January 5, 2015, 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, Joseph Gonsalves has expressed interest in being appointed to Mayors' Wellness Advisory Committee and has submitted a Volunteer Application to the Mayor and Borough Council for consideration; and

WHEREAS, Mayor Bruce Harris wishes to appoint Joseph Gonsalves to the Mayors' Wellness Advisory Committee.

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that it hereby approves and confirms the Mayoral appointment of Joseph Gonsalves to the Mayors' Wellness Advisory Committee, with such term expiring December 31, 2015.

CONTRACTS

RESOLUTION #15-303

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO NORTHEASTERN ARBOR SUPPLY. FOR ONE (1) 2015 BANDIT SELF-PROPELLED STUMP GRINDER MODEL 2650 SP IN THE AMOUNT NOT TO EXCEED \$46,796.00

WHEREAS, the Borough of Chatham has a need to purchase a self-propelled stump grinder; and

WHEREAS, the Deputy Director of Public Works prepared bid specifications for the purchase of one (1) 2015 Bandit Self-Propelled Stump Grinder Model 2650 SP or approved equal; and

WHEREAS, sealed bid proposals were received from four (4) bidders as follows:

Bidder	Equipment	Bid Amount
Northeastern Arbor Supply	Bandit Industries Bobcat Model 2650	\$46,796.00
Cherry Valley Tractor Sales	Rayco RG70X-R	\$52,500.00
Equiptech LLC dba Bobcat of Central Jersey	Morbark D 52 SPH	\$41,335.00
Vermeer North Atlantic	Vermeer SC 652	\$51,838.00

And,

WHEREAS, the Deputy Director of Public Works has reviewed all bid proposals and recommends that the award of the contract be made Northeastern Arbor Supply, 50 Notch Road, Woodland Park, NJ 07424 in the amount of \$46,796.00; and

WHEREAS, the Chief Financial Officer has confirmed that sufficient funds are available in Current Fund Account # C-04-55-915-603 for the award of this contract.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it concurs with the recommendation of the Deputy Director of Public Works and hereby authorizes the Mayor to execute the contract with Northeastern Arbor Supply, in the amount of \$46,796.00, 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.

RESOLUTION #15-304

RESOLUTION APPROVING AMENDMENT TO THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT (“MSSDA”)

WHEREAS, the Mayor and Borough Council of the Borough of Chatham entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action that was filed on behalf of the Borough in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; and

WHEREAS, the Mayor and Borough Council of the Borough of Chatham recognize that the Declaratory Judgment action requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Mayor and Borough Council of the Borough of Chatham have determined that it is in the best interests of the citizens of the Borough of Chatham to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA.

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Chatham that the terms and conditions of the Amendment to MSSDA are hereby approved, and/or ratified and confirmed and that the Mayor and Borough Clerk be and are hereby authorized to execute the Amendment. Alternatively, the Mayor and Borough Council hereby approve and ratify all prior actions to negotiate and execute the Amendment taken prior to the date of this Resolution by the Borough Attorney and other Borough officials; and

BE IT FURTHER RESOLVED, by the Mayor and Borough Council of the Borough of Chatham as follows:

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Borough Clerk be and are hereby authorized to execute the aforesaid Amendment. Alternatively, the Mayor and Borough Council hereby approve and ratify all prior actions to negotiate and execute the Amendment taken prior to the date of this Resolution by the Borough Attorney and other Borough officials.
3. The Mayor and Borough Council hereby authorize Jeffrey R. Surenian, Esq. to execute an agreement on behalf of the Borough of Chatham with Econsult Solutions, Inc. The Mayor and Borough Council hereby authorize Jeffrey R. Surenian, Esq. to execute on behalf of the Borough of Chatham, with the approval of the Borough’s designated counsel, such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.
4. The Mayor and Borough Council further authorize their designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA, provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA. In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, the Borough of Chatham shall only be responsible for such funding if it authorizes same.
5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Borough of Chatham.
6. All Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

7. This Resolution shall take effect immediately.

FINANCE

RESOLUTION #15-305

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 Chief Financial Officer.

LAW & PUBLIC SAFETY

RESOLUTION #15-306

RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF FIREHOUSE PLAZA FOR THE FIRE PREVENTION OPEN HOUSE ON SATURDAY, OCTOBER 10, 2015

WHEREAS, the Chatham Borough Volunteer Fire Department will be holding a Fire Prevention Open House at the Firehouse on Saturday, October 10, 2015 from 10:00 a.m. to 1:00 p.m.; and

WHEREAS, the Chatham Borough Volunteer Fire Department seeks permission to temporarily close Firehouse Plaza during this period; and

WHEREAS, the Mayor and Borough Council wish to authorize the closure of Firehouse Plaza for the Fire Prevention Open House event.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that approval is hereby given to the Chatham Borough Volunteer Fire Department to temporarily close Firehouse Plaza on Saturday, October 10, 2015 from 9:30 a.m. to 1:00 p.m. for the Fire Prevention Open House; and

BE IT FURTHER RESOLVED, that the Chatham Borough Police Department is authorized to close Firehouse Plaza during this period 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.

PERSONNEL

RESOLUTION #15-307

RESOLUTION TO EMPLOY CRISTIAN CAMPOS AS A SERVICEPERSON FOR THE DEPARTMENT OF PUBLIC WORKS

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 Cristian Campos 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 \$50,344.00 (Step #5) with an effective start date of October 16, 2015.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Committee that Cristian Campos be employed as a Serviceperson for the Department of Public Works with an annual salary of \$50,344.00 (Step #5) with an effective start date of October 16, 2015; and

BE IT FURTHER RESOLVED, that the other terms and conditions of Cristian Campos' employment are contained in a letter from the Director of Public Works dated September 17, 2015.

RESOLUTION #15-308

RESOLUTION AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF CHATHAM AND ROBERT J. FALZARANO, BOROUGH ADMINISTRATOR

WHEREAS, the Borough of Chatham governing body and the Borough Administrator, Robert J. Falzarano, have successfully negotiated terms and conditions of two-year employment agreement, including *inter alia*, salary, benefits, vacation time, sick time, and severance; and

WHEREAS, the Borough Attorney has reviewed the employment agreement and advises that it is satisfactory in form and content.

BE IT RESOLVED, by the Council of the Borough of Chatham that the Mayor and Borough Clerk are hereby authorized and directed to execute the employment agreement by and between the Borough of Chatham and Robert J. Falzarano, Borough Administrator; and

BE IT FURTHER RESOLVED, that a copy of the fully executed contract shall be filed with the Borough Clerk.

RECREATION

RESOLUTION #15-309

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:

<u>Last Name</u>	<u>Amount</u>	<u>Activity</u>	<u>Reason</u>
Ranji	\$65.00	Volleyball	Medical

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, 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 #15-302 through #15-309.

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:_____.

ADD-ON RESOLUTIONS

RESOLUTION #15-310

RESOLUTION TO ADJOURN INTO CLOSED SESSION

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that it shall adjourn into closed session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of R.S. 10:4-12b:

- | | |
|-------------------|--|
| Attorney-Client: | 1. Oliver Street Vacation Update – Mr. Lott/Mr. Falzarano |
| Personnel Matter: | 1. Police Reorganization – Chief Philip Crosson |
| | 2. Administration Personnel – Council Member Victoria Fife |

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