

AGENDA
August 12, 2019

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 the Open Public Meetings Act, adequate notice of this meeting has been provided by including same in the Annual Notice, copies of which were posted on the official bulletin board on the main floor of Borough Hall, emailed to the Daily Record, the Star Ledger, the Chatham Courier, the Chatham Patch, and TAPinto Chatham and was filed with the Borough Clerk, all on January 17, 2019.

ROLL CALL

Mayor Bruce A. Harris
Council President James J. Collander
Council Member Victoria Fife
Council Member Robert A. Weber, Sr.
Council Member Thaddeus J. Kobylarz
Council Member Carolyn Dempsey
Council Member Jocelyn Mathiasen
Stephen W. Williams, Borough Administrator
James L. Lott, Jr., Borough Attorney

**PROCLAMATION
RESOLUTION #19-252**

**RESOLUTION SUPPORTING THE 12TH ANNUAL TURN THE TOWNS TEAL® CAMPAIGN,
A NATIONAL CAMPAIGN PROMOTING AWARENESS OF OVARIAN CANCER AND ITS
SYMPTOMS**

WHEREAS, ovarian cancer is the fifth leading cause of cancer-related death among women in the United States; and

WHEREAS, the month of September is dedicated to raising awareness of ovarian cancer; and

WHEREAS, ovarian cancer is called the “silent disease” because its symptoms are often vague or subtle; and

WHEREAS, if detected in its early stages, the survival rate from ovarian cancer is 90-95 percent, yet the relative five-year survival rate for ovarian cancer is 46 percent because it is so difficult to detect early. Survival rates vary greatly depending on the stage of diagnosis; and

WHEREAS, the Turn the Towns Teal®, a national campaign to promote awareness of ovarian cancer and its symptoms, was the inspiration of Gail MacNeil of Chatham, New Jersey during her 10-year battle with ovarian cancer. This campaign continues to go forward in her name and in her honor; and

WHEREAS, Turn the Towns Teal® and the Ovarian Cancer Research Fund Alliance (OCRFA) are partnering to promote awareness of ovarian cancer through the Turn the Towns Teal® campaign; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby support the Turn the Towns Teal® campaign, a national campaign to promote awareness of ovarian cancer and its symptoms, and authorize the placement of teal colored ribbons around Borough trees during the month of September; and

BE IT FURTHER RESOLVED, that the placement of any banners or signage must be reviewed and approved in advance of their posting on Borough property by the Borough’s Zoning Officer and that all ribbons shall be removed from Borough trees on or before September 30, 2019.

RECUSALS

Recusals or abstentions submitted for the record.

RESOLUTION #19-253

RESOLUTION TO ADOPT COUNCIL MEETING MINUTES

BE IT RESOLVED, by the Council of the Borough of Chatham that the minutes from the following meeting are approved as prepared and shall be filed as a permanent record in the Borough Clerk’s office:

July 22, 2019

And,

BE IT FURTHER RESOLVED, by the Council of the Borough of Chatham that the minutes from the following Closed Session meeting(s) are approved as prepared and shall be filed as a permanent record in the Borough Clerk’s office:

July 22, 2019

DISCUSSION ITEMS

1. Capital Projects Update – Mr. DeNave
-

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 Thaddeus Kobylarz
Long Range Traffic and Pedestrian Safety Planning	Council President James J. Collander
Public Safety and Emergency Services	Council President James J. Collander
Personnel	Council Member Robert A. Weber, Sr.
Public Works Planning/Community Services	Council Member Victoria Fife
Shared Service & 3rd Party Agreements	Council Member Jocelyn Mathiasen

MAYOR'S REPORT

ADMINISTRATOR'S REPORT

RESOLUTION (Non-Routine, Non-Consent) RESOLUTION #19-254

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, AUTHORIZING AND DIRECTING THE TAX COLLECTOR TO CALCULATE AND REFUND PROPERTY TAXES TO MRS. MARYANN MCCABE

WHEREAS, the New Jersey Statutes at N.J.S.A. 54:4-3.30 et seq. provide that the dwelling house and the lot or curtilage whereon the same is erected of any citizen and resident of this State who has been honorably discharged or released under honorable circumstances, from active service, in time of war, in any branch of the Armed Forces of the United States, who has been declared by the United States Veterans Administration to have a service-connected disability declared by the United States Veterans Administration to be a total of 100% permanent disability sustained through enemy action, or accident, or resulting from disease contracted while in such active service shall be exempt from taxation, on proper claim made therefor; and

WHEREAS, the New Jersey Statutes at N.J.S.A. 54:4-3.30 et seq. provide that the surviving spouse of any such citizen and resident of this State, who at the time of death was entitled to the exemption, shall be entitled, on proper claim made therefor, to the same exemption as the deceased had or would have been eligible for, during the surviving spouse's widowhood, and while a resident of this State, for the time that the surviving spouse is the legal owner thereof and actually occupies the said dwelling house or any other dwelling house thereafter acquired; and

WHEREAS, the United States Veterans Administration on June 20, 2018 declared Charles J. McCabe, a citizen and resident of New Jersey who resided prior to his death at 60 Highland Ave., Block 5, Lot 14 in the Borough of Chatham, to have a 100% permanent service-connected disability within the meaning of this Statute, and was therefore entitled to the tax exemption of his dwelling house and the lot whereon the same was erected as of that date; and

WHEREAS, Mrs. Maryann McCabe, residing at 60 Highland Ave. in the Borough of Chatham, Block 5 Lot 14 is the surviving spouse of Charles J. McCabe and on May 19, 2019 made an application with the appropriate forms to claim such exemption; and

WHEREAS, the New Jersey Statutes at N.J.S.A. 54:4-3.30 et seq. provide that the governing body of each municipality may by resolution return all taxes collected on property that would have been exempt had proper claim in writing been made therefor and may also by resolution return to the veteran or the veteran's surviving spouse all property tax payments made since the time of the veteran's actual disability;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Chatham, County of Morris, State of New Jersey that the Tax Collector of the Borough of Chatham is hereby authorized and directed to calculate the amount of refund due to Mrs. McCabe as of the date of the United States Veterans Administration's declaration of Mr. McCabe's 100% permanent service-related disability; and

BE IF FURTHER RESOLVED, the Tax Collector of the Borough of Chatham is hereby authorized and directed to issue a refund of all property taxes to Mrs. McCabe as of said date; and

BE IF FURTHER RESOLVED, that all 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

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 #19-255 through Resolution #19-264 have been placed on the Consent Agenda.

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

RESOLUTION #19-

FINANCE

RESOLUTION #19-255

RESOLUTION TO APPROVE PAYMENT OF VOUCHERS

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

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

RESOLUTION #19-256

RESOLUTION CERTIFYING RECEIPT AND REVIEW OF THE ANNUAL AUDIT REPORT FOR THE YEAR 2018

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, N.J.S.A. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations;" and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by the Borough's Registered Municipal Accountant with the Borough Clerk pursuant to N.J.S.A. 40A:5-6 and copies have been distributed and received by each member of the governing body; and

WHEREAS, the members of the governing body have personally reviewed the Annual Report of Audit, and specifically, as a minimum, the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto and made part of this Resolution; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they have complied with N.J.S.A. 40A:5-4 and N.J.A.C. 5:30-6.5 and do hereby direct the Acting Borough Clerk to submit a certified copy of this Resolution and the required affidavit, attached hereto and made a part of this Resolution, to the Local Finance Board to show evidence of said compliance.

RESOLUTION #19-257

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised that both the mortgage company and the title company made property tax payments for the herein referenced property resulting in an overpayment of property taxes; and

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

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>YEAR/QTR.</u>
128-9	Mc Glade, Brian Jr., & Julie 19 Tallmadge Avenue	\$3,048.07	2019/2 nd Qtr.
		*Refinanced home (mortgage co & title co. paid)	

***make check payable & mail to:**

Chase
Attn: Tax Department/Core Servicing Division
P.O. Box 961227
Fort Worth, TX 76161

RESOLUTION #19-258

RESOLUTION AUTHORIZING REFUND FOR WATER UTILITY OVERPAYMENT

WHEREAS, the Utility Clerk for the Borough of Chatham has advised that an overpayment was made in the payment of a water bill; and

WHEREAS, the property owner has requested a refund for the overpayment as follows:

<u>ACCOUNT #</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>REFUND AMOUNT</u>
2319-0	Joseph Ferrante 9 Lafayette Place Chatham, NJ 07928	\$240.96

Please make check payable & mail to:
Joseph Ferrante
9 Lafayette Place
Chatham, NJ 07928

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough's Utility Clerk to process a refund for the overpayment as herein referenced.

RESOLUTION #19-259

RESOLUTION AUTHORIZING A REFUND FOR A FARMERS' MARKET APPEARANCE FEE TO ALLA JACKELLI OWNER OF TRUFFALLA, LLC

WHEREAS, the Director of the Department of Community Services has advised that a written request has been received from Alla Jackelli owner of Truffalla, LLC seeking a refund for the paid Farmers' Market Appearance fee; and

WHEREAS, the Director of the Department of Community Services has further confirmed that Alla Jackelli owner of Truffalla, LLC would not be able to participate in the 2019 Farmers' Market season due to unforeseen personal reasons and obligations; and

WHEREAS, the Farmers' Market Advisory Committee and the Chatham Borough Board of Health recommends that a refund should be made as follows:

<u>NAME/ADDRESS</u>	<u>REFUND AMOUNT</u>
Alla Jackelli of Truffalla, LLC 5 Elliott Place West Orange, NJ 07052	Refund Appearance Fees - TOTAL REFUND AMOUNT \$340.28

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the request seeking a refund for the paid Farmers' Market Appearance fee, for Alla Jackelli owner of Truffalla, LLC as herein referenced is hereby granted; and

BE IT FURTHER RESOLVED, the Director of the Department of Community Services is authorized to process a refund and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

RESOLUTION #19-260

RESOLUTION EXTENDING THE PAYMENT OF THIRD QUARTER PROPERTY TAX BILLS FROM AUGUST 1, 2019 TO SEPTEMBER 6, 2019

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

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

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

WHEREAS, the taxpayer would have less than the required 25-day period from the date of mailing of the tax bill to the third quarter August 1, 2019 due date to pay property taxes due without interest or penalty; and

WHEREAS, the Tax Collector has recommended that payments for the third quarter property taxes should be extended from August 1, 2019 to September 6, 2019.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby concur with the Tax Collector's recommendation and authorize to extend the payment of the third quarter property taxes from August 1, 2019 to September 6, 2019; and

BE IT FURTHER RESOLVED, that the payment of property taxes shall be considered delinquent after September 6, 2019 and after which date interest will be charged from August 1, 2019 to the date of payment.

LAW AND PUBLIC SAFETY

RESOLUTION #19-261

RESOLUTION TO HIRE WILLIAM G. MOORE AS A CROSSING GUARD IN THE CHATHAM BOROUGH POLICE DEPARTMENT

WHEREAS, the Chatham Borough Police Department has a need to hire crossing guards and has solicited applications from interested candidates; and

WHEREAS, after considering all interested and qualified candidates and upon conducting a background investigation, the Police Chief recommends hiring William G. Moore as a crossing guard.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Police Chief and hereby authorize the hiring of William G. Moore as a crossing guard in the Chatham Borough Police Department effective August 13, 2019 at the hourly rate of \$22.49.

RESOLUTION #19-262

RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF FIREHOUSE PLAZA FOR A CONCERT TO BE HELD AT THE GAZABO/REASONER PARK ON FRIDAY, AUGUST 30, 2019

WHEREAS, a concert will be held at the Gazebo in Reasoner Park Friday, August 30, 2019 from 5:00 p.m. to 9:00 p.m.; and

WHEREAS, the Mayor and Borough Council wish to authorize the closure of Firehouse Plaza for the concert event.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that approval is hereby given to the Police Chief/Chatham Borough Police Department to temporarily close Firehouse Plaza on Friday, August 30, 2019 from 5:00 p.m. to 9:00 p.m.; and

BE IT FURTHER RESOLVED, that the Police Chief/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

BOARDS, COMMISSIONS & COMMITTEES

RESOLUTION #19-263

RESOLUTION ESTABLISHING THE CHATHAM BOROUGH RECREATION ADVISORY COMMITTEE

WHEREAS, N.J.S.A. 40A:60-7(d) authorizes Borough councils to create “advisory councils” in the municipality; and

WHEREAS, Chapter 2, §2-32 of the Code of the Borough of Chatham provides that the Council shall have the discretion to establish by resolution such advisory committees as it deems necessary and advisable to assist in those aspects of government that require community involvement and that the membership, purpose and responsibilities of any such committee shall be set forth by resolution; and

WHEREAS, the Mayor and Council of the Borough of Chatham have determined that it would be beneficial to establish a Chatham Borough Recreation Advisory Committee (the “Committee”) to make recommendations regarding recreation programs, activities and facilities within the Borough of Chatham; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Chatham Borough Recreation Advisory Committee is hereby established; and

BE IT FURTHER RESOLVED, that said Committee shall meet as deemed advisable by the Committee; and all such meetings shall be open to the public, which shall be permitted to make comment during a public comment portion of the meeting and at other times as deemed appropriate by the Committee and except for closed sessions held in accordance with the Open Public Meetings Act; notices of all meetings shall be posted on the Borough website and other media as deemed advisable by the Borough Clerk and the Committee, but shall not be required to be published in the Official Newspapers and scheduled meetings shall not be canceled less than 48 hours in advance of the scheduled meeting date except in the event of an emergency;

And,

BE IT FURTHER RESOLVED, that the members of the Committee shall include Chatham Borough Representatives serving on the Chatham Joint Recreation Advisory Committee and shall serve as ex-officio members of the Chatham Borough Recreation Advisory Committee; 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.

PERSONNEL

RESOLUTION #19-264

RESOLUTION APPOINTING ADDITIONAL SUMMER MEMORIAL PARK POOL STAFF FOR THE 2019 SEASON

WHEREAS, the Chatham Borough Recreation Program has a need to hire additional summer pool staff for the 2019 season; and

WHEREAS, the Recreation Coordinator recommends hiring the following individuals pending completion of all paperwork requirements prior to any employment

Name	Hourly Pay Rate	Position
William Eckhardt	\$10.00	Substitute
Allison Baun	\$10.00	Substitute

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they concur with the recommendations of the Recreation Coordinator and hereby approve the hiring of the individuals referenced herein as summer pool staff for the 2019 season at the respective positions and rates of pay, contingent upon the Recreation Coordinator verifying that all paperwork requirements have been completed prior to employment; and

BE IT FURTHER RESOLVED, that all other Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution

CONSENT AGENDA VOTE:

Mayor Harris asks Council Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions #19-255 through #19-264.

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 RESOLUTION[S]

RESOLUTION #19-265

RESOLUTION TO ADJOURN INTO CLOSED SESSION

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

Personnel

1. Vacancies - Mr. Williams

Contracts:

1. ECLC – Mr. Lott
2. Pingry School – Mr. DeNave, Mr. Williams and Mr. Lott

Attorney Client Privilege

1. Right of Way Licensing Agreements – Mr. Lott and Mr. DeNave
- 238 Washington Avenue

Potential Sale of Public Property, Block 55 Lot 1 – Mr. DeNave

Proposed Acquisition of Real Property – Mayor Harris

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