

AGENDA

Monday, April 22, 2013

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 4, 2013.

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 Member Victoria Fife
Council Member Gerald J. Helfrich
Robert J. Falzarano, Borough Administrator
James L. Lott, Jr., Borough Attorney
Susan Caljean, Municipal Clerk

**PROCLAMATION
PARENTS WHO HOST LOSE THE MOST**

WHEREAS, adults who provide alcohol to those below the legal drinking age of 21 are placing those youth at risk for health, safety and legal problems; and

WHEREAS, alcohol use by young people is dangerous, not only because of the risks associated with acute impairment, but also because of the threat to their long-term development and well-being; and

WHEREAS, it is illegal to give or allow your teen's friends to drink alcohol in your home, even with their parents' permission; and

WHEREAS, anyone found guilty of providing alcohol to youth can face up to a \$1,000 fine and six months in jail, in addition to any civil action that can be brought as a result of damages or injury related to the offense; and

WHEREAS, adults have the authority and responsibility to our youth to provide them with alternative opportunities by creating alcohol free activities; and

WHEREAS, Drug-Free Action Alliance, through the "Parents Who Host, Lose The Most: Don't be a party to teenage drinking" campaign provides the educational materials to raise community awareness regarding this illegal and unhealthy practice; and

WHEREAS, the Borough of Chatham encourages residents to refuse to provide alcoholic beverages to underage youth and to take the necessary steps to discourage the illegal and unhealthy practice, including the reporting of underage drinking by calling their local police.

BE IT RESOLVED, that the Borough of Chatham not only discourages the use of alcohol by those below the legal age of consumption but also exhorts all residents of Borough of Chatham to refuse to provide alcoholic beverages to those underage youth, and will continue to take the necessary steps to discourage this illegal and unhealthy activity; and

BE IT FURTHER RESOLVED, I, Bruce A. Harris, Mayor of the Borough of Chatham, State of New Jersey do hereby proclaim, the period of May 23 through the month of June 2013 to be: "Parents Who Host, Lose The Most: Don't be a party to teenage drinking" Month 2013.

RESOLUTION #13-180

**RESOLUTION TO PROMOTE ERMINIO TORELLO TO THE POSITION OF
DEPUTY PUBLIC WORKS DIRECTOR**

WHEREAS, the position of Deputy Public Works Director is vacant; and

WHEREAS, the Mayor and Borough Council have decided to select and appoint a Deputy Public Works Director; and

WHEREAS, the Personnel Committee has conducted interviews with qualified candidates; and

WHEREAS, after the completion of the interviews the Personnel Committee has submitted a recommendation to promote Erminio Torello to the position of Deputy Public Works Director; and

WHEREAS, Erminio Torello was appointed in August 1989 by the Chatham Borough Council to the position of Roads and Parks Laborer; and

WHEREAS, Erminio Torello has held various positions including Water and Sewer Laborer; and

WHEREAS, Erminio Torello was promoted in August 1999 to serve as Lead Person/Water Operator; and

WHEREAS, Erminio Torello is a licensed Certified Public Works Manager, T-2 Water Treatment Operator, W-2 Water Distribution Operator, C-2 Sewer Operator and New Jersey Compost Operator ; and

WHEREAS, Erminio Torello has demonstrated that he is qualified and possesses the experience that is necessary to fulfill the duties and responsibilities assigned to the Deputy Public Director.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham in the County of Morris and State of New Jersey that Erminio Torello is promoted to the position of Deputy Public Works Director effective April 23, 2013, at an annual salary of \$101,490 to be prorated for the remainder of 2013.

RESOLUTION #13-181

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, April 8, 2013

RESOLUTION #13-182

**RESOLUTION SUPPORTING S-1896/A-1503 SHARING THE BURDEN OF
PROPERTY ASSESSMENT APPRAISAL REFUNDS**

WHEREAS, when County Tax Board appeals are successful, the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

WHEREAS, the municipal tax collector must then adjust the taxpayer's fourth quarter tax bill, resulting in the municipality's fund balance for the preceding year being diminished, if not completely depleted; and

WHEREAS, in recent years, municipalities have experienced a large spike in tax appeals caused by the economic down-turn, which lowered property values and placed increased stress on the income of homeowners all around our Garden State; and

WHEREAS, successful tax appeals have a four-fold negative impact on municipal budgets; first by requiring the municipality, as the collector of taxes for the School district, county and special districts, to fund the full cost of the legal defense of the assessments; and

WHEREAS, the second negative impact on municipal budgets results from State law, which guarantees to the county and the school district 100% of their levies, hence forcing the municipality to bear the full cost of any reimbursements resulting from the appeal, as well as the full burden for any uncollected taxes; and

WHEREAS, the third negative impact on municipal budgets ensues because the refunds and credits negatively impact the municipality's tax collection rate, resulting in a State required increase in the appropriation for the Reserve for Uncollected Taxes (a non-exempt from cap budget expenditure); and

WHEREAS, fourth, the end result is a further decline in the property tax base used to support municipalities, county governments, school systems and any fire or other special purpose districts, which will necessitate tax rate increases to raise the same amount of revenue; and

WHEREAS, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the tax paying public.

WHEREAS, Senator Anthony R. Bucco, Assemblyman Michael Patrick Carroll and Assemblyman Anthony M. Bucco have recently introduced Senate Bill S-1896/Assembly Bill A-1503, which requires fire districts, school districts, and county governments to share in burden of property assessment appeal refunds;

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham hereby urge the swift passage and signing of S-1896/A-1503; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christie, to Senate President Sweeney, to Assembly Speaker Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

DISCUSSION ITEMS

1. Board of Education Budget- Dr. LaSusa
2. Capital Projects Update- Mr. DeNave
3. Community Garden- Mr. DeNave
4. Main Street No Passing Zone- Mr. DeNave
5. Relay for Life- Tony Britt

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.

Council Liaison Reports

Affordable Housing Advisory Committee	Mayor Bruce A. Harris
Communications Technology Advisory Committee	Mayor Bruce A. Harris
Community Gardens Advisory Committee	Vacant
Environmental Commission	Vacant
Overnight Parking Advisory Committee	Vacant
Public Arts Council Advisory Committee	Vacant
Cares & Shares Advisory Committee	James Lonergan
Municipal Pool Advisory Committee	James Lonergan
Joint Recreation Advisory Committee	James Lonergan
Shade Tree Commission	James Lonergan
Board of Health	John Holman
Farmers' Market Advisory Committee	John Holman
Madison Chatham Joint Meeting	John Holman
Mayors' Wellness Committee	Victoria Fife
Project Community Pride	Victoria Fife
Chamber of Commerce	Victoria Fife
Planning Board	Victoria Fife
Senior Center of the Chathams	Victoria Fife
9/11 Memorial Advisory Committee	Gerald J. Helfrich
Historic Preservation Commission	Gerald J. Helfrich

**Board of Education
Traffic Safety Advisory Committee**

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Gerald J. Helfrich
James Collander

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 #13-183 through Resolution #13-191 have been placed on the Consent Agenda.

APPOINTMENT

**RESOLUTION #13-183
RESOLUTION TO APPOINT JEFF STANTON TO THE TRAFFIC SAFETY
ADVISORY COMMITTEE**

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Jeff Stanton be hereby appointed to the Traffic Safety Advisory Committee with a term to expire on December 31, 2013.

FINANCE

**RESOLUTION #13-184
RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN A SUPPLEMENTAL GRANT
AGREEMENT BETWEEN THE MORRIS COUNTY FREEHOLDERS AND THE
CHATHAM MUNICIPAL ALLIANCE COMMISSION**

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that the Mayor is hereby authorized to sign a supplemental grant agreement between the Morris County Freeholders and the Chatham Municipal Alliance Committee; and

BE IT FURTHER RESOLVED, that the supplemental grant provided by the Morris County Freeholders should be in the amount of \$4,000 with a required cash match of 50%; half of which is provided by the Borough of Chatham (\$1,000.) and the other half from Chatham Township (\$1,000.)

**RESOLUTION #13-185
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 #13-186

RESOLUTION TO REFUND REDEMPTION OF A TAX LIEN

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

BLOCK/LOT	OWNERS & PROPERTY ADDRESS	AMOUNT	PURPOSE
136/3	US Bank Cust for Pro Capital I L.L.C. 50 South 16 th Street Suite #1950 Philadelphia, PA 19102	\$7,551.90	Redemption of tax sale cert#2010-5

RESOLUTION #13-187

RESOLUTION TO REFUND RECREATION FEES

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the following fee be refunded:

<u>Last Name</u>	<u>Amount</u>	<u>Account</u>	<u>Activity</u>
Wightman	\$55.00	851-406	Softball

PERSONNEL

RESOLUTION #13-188

RESOLUTION TO APPOINT TEMPORARY SUMMER EMPLOYEES FOR THE RECREATION DEPARTMENT

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the following individuals be appointed upon the recommendation of the Recreation Department for temporary summer employment for the Borough of Chatham. The salary range shall be from \$7.50 to \$20.40 per hour based on their experience.

**Summer Part-Time
Employees**

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McMahon, Conor	Acting Head Guard	\$9.00
Boehmer Tayler	Staff	\$7.95
Cappucci Joseph	Staff	\$7.50
Hough, Matt	Staff	\$8.00
LeMon, Tristan	Staff	\$7.50
Mascolo, Joe	Staff	\$8.25
Mascolo, Amanda	Staff	\$7.50
McMahon Kara	Staff	\$7.95
McMahon, Conor	Staff	\$ 8.40
Murphy, Mary	Staff	\$ 8.00
Murphy, Ryan	Staff	\$ 8.40
Nauta, Amy	Manager	\$20.40
Schaefer, Brian	Staff	\$ 8.40
Schaeffer, Laura	Asst. Manager	\$11.20
<u>Subs</u>		
Carroll, Paul	Sub	\$7.50
Carleen, Jessica	Sub	\$7.50
Bender, Paul	Staff	\$8.85
Mascolo Rachel	Sub	\$7.50
Heimrich, Alyssa	Sub	\$8.00
Nauta, Janet	Sub	\$8.00
Schaeffer Christine	Sub	\$8.00

EVENTS

RESOLUTION #13-189

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY AUTHORIZING THE GREEN FAIR OF THE CHATHAMS TO BE HELD IN REASONER PARK AND THE IMMEDIATE SURROUNDING AREA, INCLUDING THE NORTH RAILROAD PARKING LOT FROM THE HOURS OF 9:00 A.M. TO 2:00 P.M. ON SATURDAY, SEPTEMBER 21st, 2013

WHEREAS, Chatham Borough has held five Green Fairs since September, 2008 with much success; and

WHEREAS, the 2013 Green Fair of the Chathams is a collaborative effort between the Chatham Borough Environmental Commission, Chatham Borough Green Initiatives Committee, and the Chatham Township Environmental Commission; and

WHEREAS, the Borough of Chatham acknowledges that the residents of the Borough of Chatham desire a stable, sustainable future for themselves and future generations; and

WHEREAS, the Borough of Chatham is participating in the Sustainable Jersey Program; and

WHEREAS, Green Festivals celebrate what's working in our communities – for people, businesses and the environment; and

WHEREAS, Green means safe, healthy communities in a strong local economy; and

WHEREAS, the purpose of the Green Fair is to promote eco-friendly products and organizations with wide-ranging, affordable, environmental solutions to sustain our community.

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Chatham, County of Morris, State of New Jersey authorizing the Green Fair of the Chathams to be held in Reasoner Park and Firehouse Plaza from Fairmount Avenue to the driveway to the parking lot on the north side of Firehouse Plaza and the North railroad parking lot from the hours of 9:00 a.m. to 2:00 p.m. on Saturday, September 21st, 2013 and the police will cordon off appropriate areas in order to ensure the safety of our residents.

RESOLUTION #13-190

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE RELAY FOR LIFE EVENT

WHEREAS, the Relay for Life Committee has planned an Information Fair; and

WHEREAS, Tony Britt, the Relay for Life liaison, appeared before the Mayor and Borough Council on March 11, 2013, and discussed the Relay for Life Event; and

WHEREAS, the Relay for Life Event is scheduled to be held at Haas Field on June 1st and 2nd of 2013; and

WHEREAS, on March 11, 2013, the Council approved the request from the Relay for Life Committee to place ribbons on trees within the Borough of Chatham; and

WHEREAS, the proposed location for the Information Fair is at Reasoner Park and Gazebo; and

WHEREAS, the Relay for Life Information Fair will promote and publicize the upcoming Relay for Life Event in June; and

WHEREAS, the Relay for Life Fair Committee and volunteers plan to have a small number of vendors providing a variety of homemade wares for sale and local businesses offering products for sale; and

WHEREAS, each of the vendors will donate a percentage of the profits to the Relay for Life Event; and

WHEREAS, the Relay for Life is a community-owned/volunteer-driven event, not simply to raise funds, but to involve new communities, give society a local presence and provide communities the opportunity to own the American Cancer Society's mission to relentlessly work to save lives and create a world with less cancer.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham in the County of Morris and the State of New Jersey that the Relay for Life Fair proposed for May 18, 2013 is hereby approved; and

BE IT FUTHER RESOLVED, the clean-up will be coordinated by the Chatham Borough Department of Public Works with the assistance from the Relay for Life Committee members and volunteers; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Council extend their appreciation to the many volunteers that gave their time to plan, coordinate and manage the Relay for Life Event.

OTHER

RESOLUTION #13-191

RSOLUTION TO AUTHORIZE ECLC TO INSTALL A VEGETABLE GARDEN ON THE OUTSIDE SOUTHWEST CORNER OF THE ECLC SCHOOL BUILDING

WHEREAS, the ECLC School Principal, Diane Gagliardi, submitted a request to install a vegetable garden on the outside southwest corner of the ECLC School Building; and

WHEREAS, the plan has been reviewed by the Borough Engineer; and

WHEREAS, on April 8, 2013, the Borough Engineer discussed the plan with the Mayor and Borough Council; and

WHEREAS, the Borough Council recognizes the importance to provide the ECLC students with classroom instruction and practical experiences; and

WHEREAS, the gardening experience will provide the ECLC students with a practical course of instruction about the cultivation and responsibilities of gardening.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the installation of a vegetable garden on the southwest corner of the ECLC School Building is approved; and

BE IT FURTHER RESOLVED, the garden size shall not exceed 12' x 20' with a fenced enclosure; and

BE IT FURTHER RESOLVED, the Borough Engineer is authorized to coordinate the installation of the garden and that the specifications approved by the Mayor and Borough Council are followed.

CONSENT AGENDA VOTE:

Mayor Harris asks Council Member _____ to proceed with the Resolutions listed on the Consent Agenda. Resolutions #13-182 through #13-191

Council Member _____: I would like to make a motion to allow the resolution 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 Helfrich** to introduce Ordinance #13-10
- (2) **Council Member Helfrich** introduces Ordinance #13-10 by title as follows:

**AN ORDINANCE OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY ADDING NEW ARTICLE XVII, SECTION 139-83,
ENTITLED OVERNIGHT PARKING ON BOROUGH STREETS, OVERNIGHT
PARKING ON BOROUGH STREETS, OF THE BOROUGH CODE**

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

Council Member Helfrich reads:

WHEREAS, the above Ordinance was introduced, read by title at this Council meeting held on April 22, 2013.

BE IT RESOLVED, that at the Council meeting to be held on May 13, 2013 at 7:30 p.m. prevailing time, at the Borough Hall in said Borough, this Council will further consider this Ordinance for a second reading and final passage; and

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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 the Municipal Building and make copies available to members of the general public.

Mayor asks Clerk for a Roll Call Vote:

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

RESOLUTION #13-192
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. Telephone Service- Mr. Mariniello/Mr. Lonergan
2. Metric Parking Meters- Mr. Mariniello
3. Borough Leases Antennae Installations- Mr. Holman
4. Weichert Land Donation- Mr. DeNave
5. Madison IT Shared Service Proposal- Mr. Falzarano
6. 2014 Recycling Contract- Mr. Falzarano

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.