

AGENDA
September 22, 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 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

RESOLUTION #14-284

RESOLUTION OF SPECIAL COMMENDATION TO CHATHAM BOROUGH RESIDENT BRIAN HART FOR HIS COURAGEOUS ACTIONS AND SUPPORT DURING A DANGEROUS POLICE ENCOUNTER

WHEREAS, on April 9, 2014, Patrolman Jeffrey Battiloro and Patrolman Matthew Belcastro were actively engaged in attempting to apprehend a physically combative alleged robbery suspect fleeing the HSBC Bank; and

WHEREAS, Patrolman Belcastro pursued the suspect on foot across Main Street onto Dunbar Street making physical contact with the suspect near Martin Place. During the encounter Patrolman Belcastro sustained significant injuries; however, he maintained steadfast in his duties subduing the suspect to the ground; and

WHEREAS, Patrolman Belcastro continued to struggle with the suspect attempting to secure him when Chatham Borough resident Brian Hart courageously announced his presence and willingness to assist the officer without regard for his own safety; and

WHEREAS, Brian Hart helped maintain physical control of the suspect as Patrolman Belcastro secured the suspect in handcuffs; and

WHEREAS, the courageous actions of Brian Hart in this dangerous encounter assisted in the apprehension of the suspect who allegedly committed robbery at the HSBC Bank on Main Street.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, in the County of Morris, State of New Jersey that they hereby commend Chatham Borough resident Brian Hart for his courageous actions in assisting the Chatham Borough Police Department in a dangerous encounter; and

BE IT FURTHER RESOLVED, that through this special commendation, the Mayor and Council of the Borough of Chatham wishes to pay tribute to Brian Hart for his courageous service in assisting the law enforcement community.

RESOLUTION #14-285

RESOLUTION OF SPECIAL COMMENDATION TO PATROLMAN JEFFREY BATTILORO #118, CHATHAM BOROUGH POLICE DEPARTMENT FOR MERITORIOUS SERVICE IN A DANGEROUS ENCOUNTER

WHEREAS, on April 9, 2014, Patrolman Battiloro, was dispatched to the HSBC Bank on a report of an individual attempting to commit a fraudulent transaction; and

WHEREAS, upon arrival Patrolman Battiloro was advised that the subject standing at the teller window was attempting to make a fraudulent withdrawal of funds using a fake identification card; and

WHEREAS, Patrolman Battiloro approached the suspect and requested to speak with him, upon receiving no acknowledgement, he again requested to speak with the suspect. The suspect then looked at Patrolman Battiloro, turned and attempted to flee the bank. Patrolman Battiloro pursued the suspect through the bank and tackled him inside the lobby; and

WHEREAS, a struggle ensued and the suspect began to punch Patrolman Battiloro and they continued to wrestle and in the process they fell over a glass table. The suspect broke free from the officers grasp and exited the bank towards Main Street;

WHEREAS, Patrolman Matthew Belcastro entered the HSBC bank through the side door and began to chase the suspect on foot toward Dunbar Street; and

WHEREAS, Patrolman Battiloro coordinated radio communications to other responding police units and unable to give chase due to injuries sustained in the struggle, Patrolman Battiloro returned to his patrol vehicle and drove toward Dunbar Street to assist Patrolman Belcastro who had broadcast over the radio that he believed that he had injured his shoulder and was requesting assistance; and

WHEREAS, upon arrival, Patrolman Battiloro observed that the suspect had been captured and placed under arrest by Patrolman Belcastro; and

WHEREAS, both officers were later transported to the hospital and treated for a variety of injuries sustained during this investigation; and

WHEREAS, the outstanding performance of Patrolman Battiloro in this dangerous encounter led to the apprehension of the suspect who committed an alleged robbery at the HSBC Bank on Main Street.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, in the County of Morris, State of New Jersey commend Patrolman Jeffrey Battiloro in his exemplary conduct and meritorious service in a dangerous encounter; and

BE IT FURTHER RESOLVED, that through this special commendation, the Mayor and Council of the Borough of Chatham honor the service of Patrolman Jeffrey Battiloro and pay tribute to Patrolman Jeffrey Battiloro as an outstanding member of the law enforcement community.

RESOLUTION #14-286

RESOLUTION OF SPECIAL COMMENDATION TO PATROLMAN MATTHEW BELCASTRO #137, CHATHAM BOROUGH POLICE DEPARTMENT FOR MERITORIOUS SERVICE IN A DANGEROUS ENCOUNTER

WHEREAS, on April 9, 2014, Patrolman Matthew Belcastro heard the dispatch of a call to the HSBC Bank for a report of an individual attempting to commit a fraudulent transaction; and

WHEREAS, while enroute to the HSBC Bank, Patrolman Belcastro heard Patrolman Jeffrey Battiloro advise dispatch that he was on the scene; and

WHEREAS, moments later, Patrolman Belcastro arrived at the bank and upon his approach, he observed Patrolman Battiloro being violently punched in his shoulder by an unknown male subject who was attempting to evade apprehension; and

WHEREAS, before he could even open the door to enter the bank, Patrolman Belcastro heard Patrolman Battiloro shout for him to secure the suspect who had fled through the front door toward Main Street; and

WHEREAS, having witnessed an aggravated assault on a police officer, Patrolman Belcastro immediately gave chase; and

WHEREAS, Patrolman Belcastro continued to give chase across Main Street and onto Dunbar Street ordering the suspect to stop however, the suspect did not comply. Upon closing the gap between himself and the suspect, Patrolman Belcastro grabbed the suspect's shirt causing them both to fall to the ground at which time he lost contact with the suspect; and

WHEREAS, during the fall, Patrolman Belcastro struck the asphalt at which time he heard a snap and his right arm immediately became numb;

WHEREAS, at this time, Patrolman Belcastro was able to return to his feet and in doing so, noted that the suspect began to run again but quickly stopped. Patrolman Belcastro then drew his service weapon and commanded the suspect to the ground several times. The suspect did not comply with the commands and began to move toward the officer closing the gap between them; and

WHEREAS, when the suspect was about 10 feet from Patrolman Belcastro he suddenly increased his pace and began to run at him. Patrolman Belcastro quickly holstered his service weapon and began running toward the suspect making physical contact with him. Patrolman Belcastro struggled with the suspect avoiding some punches thrown by the suspect; and

WHEREAS, at this time, an unknown male ran to assist Patrolman Belcastro as he secured the suspect in handcuffs; and

WHEREAS, both officers were later transported to the hospital and treated for a variety of injuries sustained during this investigation; and

WHEREAS, the outstanding performance of Patrolman Belcastro in this dangerous encounter led to the apprehension of the suspect who committed alleged robbery at the HSBC Bank on Main Street.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, County of Morris, State of New Jersey commend Patrolman Belcastro in his exemplary conduct and meritorious service in a dangerous encounter; and

BE IT FURTHER RESOLVED, that through this special commendation, the Mayor and Council of the Borough of Chatham honor the service of Patrolman Belcastro and pay tribute to Patrolman Belcastro as an outstanding member of the law enforcement community.

RESOLUTION #14-287

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 8, 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:

September 8, 2014

DISCUSSION ITEMS

1. Cub Scout Recruitment Event Facility Use Request – Mr. Tony Britt
2. Shade Tree Specimen Selection – Mr. Patrick Carroll
3. Cross Country Long Distance Recreation Program – Mr. Jim LeMon
4. Farmer's Market Permanent Seating – Advisory Committee Representative
5. Leaf Pick-up Update – Mr. Bob Venezia
6. Home Security – Chief Crosson

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

Board & Commission Members & Liaison Reports

Affordable Housing Advisory Committee

Mayor Bruce A. Harris

Traffic & Pedestrian Safety Advisory Committee

Council Member James J. Collander

Chamber of Commerce

Council President Victoria Fife

Clean Chatham Advisory Committee

Council President Victoria Fife

Mayor's Wellness Committee

Council President Victoria Fife

Planning Board

Council President Victoria Fife

Project Community Pride

Council President Victoria Fife

Public Arts Council Advisory Committee

Council President Victoria Fife

Senior Center of the Chathams

Council President Victoria Fife

Cares & Shares Advisory Committee

Council Member James Lonergan

Communications & Technology Advisory Committee

Council Member James Lonergan

Joint Recreation Advisory Committee

Council Member James Lonergan

Overnight Parking 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

Council Member Gerald J. Helfrich

9/11 Memorial Advisory Committee

Council Member Gerald J. Helfrich

Environmental Commission

Council Member Alida Kass

Historic Preservation Commission

Council Member Alida Kass

Open Space & Historic Preservation Trust Advisory Committee

Council Member Alida Kass

Shade Tree Commission

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 #14-288 through Resolution #14-294 have been placed on the Consent Agenda.

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

RESOLUTION #14-

FINANCE

RESOLUTION #14-288

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 #14-289

RESOLUTION CERTIFYING RECEIPT AND REVIEW OF THE 2013 ANNUAL AUDIT REPORT

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, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been distributed and received by each member of the Governing Body; 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 the 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, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; 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

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, that the Mayor and Council of the Borough of Chatham hereby states that it has complied with N.J.S.A. 40A:5-4 and N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this Resolution and the required affidavit attached hereto to the Local Finance Board to show evidence of said compliance.

CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT GROUP AFFIDAVIT FORM

STATE OF NEW JERSEY:

: ss

COUNTY OF MORRIS :

We, members of the governing body of the *Borough of Chatham* in the **County of Morris** being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the governing body of the ***Borough of Chatham*** in the **County of Morris**;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6 for Calendar Year 2013;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

Bruce A. Harris, Mayor	(L.S.)
James Collander, Council	(L.S.)
James Lonergan, Council	(L.S.)
John Holman, Council Member	(L.S.)
Victoria Fife, Council President	(L.S.)
Gerald Helfrich, Council	(L.S.)
Alida Kass, Council Member	(L.S.)

NO PHOTO COPIES OF SIGNATURES

OTHER

RESOLUTION #14-290

RESOLUTION ESTABLISHING PARKING FEES AND RULES AND REGULATIONS REGARDING THE SALE OF PARKING PERMITS REQUIRED FOR PARKING LOTS OR AREAS DESIGNATED "FEE PARKING" PURSUANT TO CHAPTER 139, SECTIONS 61 AND 62 OF THE CODE OF THE BOROUGH OF CHATHAM

WHEREAS, Chapter 139, Section 61 of the Code of the Borough of Chatham entitled "Fee parking spaces" specifies that the governing body shall establish by resolution the parking fees required to be paid in parking lots or other areas designated fee parking as well as rules and regulations governing the sale of parking permits ; and

WHEREAS, Chapter 139, Section 62 of the Code of the Borough of Chatham entitled "Parking by permit" specifies that the governing body shall establish by resolution the rules and regulations governing the issuance and management of parking permits.

BE IT RESOLVED, that the following fees shall apply:

1. In parking lots or areas designated as fee parking, a Smart Card fee of \$5.50 Dollars and Fifty cents (\$5.50) for Non-Borough residents and a Five Dollar (\$5.00) fee for Borough residents shall be paid between the hours of 5:00 a.m. and 4:00 p.m., prevailing time, daily, except Saturdays, Sundays, and legal holidays. The Daily Permit fee for cash or credit card customers is Five Dollars and Fifty cents (\$5.50).
- 2 The following annual permit fees shall be established:
 - A. LOTS #1 & 2-RAILROAD NORTH & SOUTH
Borough Residents Only \$435.00
 - B. LOT #3-CENTER STREET-EAST
Borough Resident \$265.00
Borough Business Owner/Borough Business Employee \$240.00
 - C. LOT #4-CENTER STREET-WEST
Borough Resident \$265.00
Borough Business Owner/Borough Business Employee \$240.00
 - D. LOT #5-BOWERS LANE LOT

Borough Resident	\$265.00
Borough Business Owner/Borough Business Employee	\$240.00
E. LOT #6-DIVISION AVENUE LOT	
Borough Resident	\$265.00
Borough Business Owner/Borough Business Employee	\$240.00

And;

BE IT FURTHER RESOLVED, that the effective date for implementation of this Resolution shall be January 1, 2015; and

BE IT FURTHER RESOLVED, that the Borough of Chatham Parking Permits Rules and Regulations established and authorized by Resolution #13-129 shall remain in full force for calendar year 2015.

RESOLUTION #14-291

RESOLUTION APPROVING THE CHANGE OF VENUE FOR THE CHATHAM BOROUGH BOARD OF HEALTH FALL FLU CLINIC

WHEREAS, each year the Chatham Borough Board of Health schedules a Flu Clinic for season influenza immunizations for its residents aged 50 years and older through the Madison Health Department; and

WHEREAS, the Chatham Borough Board of Health has requested a change in venue for its annual Flu Clinic to be held at the Chatham United Methodist Church, 460 Main Street; and

WHEREAS, the Chatham United Methodist Church has agreed to allow the use of its facilities for the Fall Flu Clinic scheduled for September 27, 2014, 9:00 a.m. to 11:00 a.m.; and

WHEREAS, the Borough has submitted a Use of Facilities application to the Chatham United Methodist Church and has complied with all liability insurance requirements mandated by the Morris County Joint Insurance Fund.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that it hereby approves the change the venue for the Chatham Borough Board of Health Flu Clinic to be held on September 27, 2014, 9:00 a.m. to 11:00 a.m. to the United Methodist Church, 460 Main Street.

RESOLUTION #14-292

RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO CLOSE CERTAIN DESIGNATED ROADS AND TO CONTROL AND REGULATE TRAFFIC CONDITIONS CONSEQUENT THERETO FOR THE 2014 ST. PATRICK PARISH COMMUNITY 5K RUN

WHEREAS, the 2014 St. Patrick Parish Community 5K Run is scheduled for October 26, 2014; and

WHEREAS, the Chief of Police has reviewed the traffic route for the 5K run and has recommended to the Borough Administrator that certain designated roads be closed in order to facilitate the public activity created by the 2014 St. Patrick Parish Community 5K Run and to control and regulate traffic conditions consequent thereto.

BE IT RESOLVED by the Borough Council of the Borough of Chatham, County of Morris and State of New Jersey, that they hereby authorize the Chief of Police to close the following roads from 7:30 a.m. to 11:30 a.m. on October 26, 2014 to facilitate the public activity created by the 2014 St. Patrick Parish Community 5K Run:

1. Washington Avenue (from Main Street to Longwood Avenue);

2. Chatham Street (from Fairmount Avenue to Lafayette Avenue);
3. Walnut Street
4. Cherry Lane
5. Lincoln Avenue (from Chatham Street to Walnut Street);
6. Oliver Street (from Fairmount Avenue to Washington Avenue);
7. Orchard Road;
8. Inwood Road;
9. Oak Drive (from Washington Avenue to Lafayette Avenue);
10. Chandler Road;
11. Fairview Avenue (from Dellwood Avenue to Fairmount Avenue);
12. Highland Avenue (from Fairview Avenue to Longwood Avenue);
13. Greenwood Avenue;
14. Lum Avenue (from Chatham Street to Front Street);
15. Front Street
16. Longwood Avenue (from Washington Avenue to Fairmount Avenue)
17. Broadview Terrace (from Washington Avenue to Fairmount Avenue)
18. Inwood Circle

BE IT FURTHER RESOLVED, that the Chief of Police is further authorized to undertake such traffic measures to control and regulate traffic conditions created consequent to the closure of the aforementioned roads.

RESOLUTION #14-293

RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDING FROM THE JOINT RECREATION TRUST FUND FOR IMPROVEMENTS TO NASH FIELD, IN THE AMOUNT NOT TO EXCEED \$70,000.00

WHEREAS, the Township Committee of the Township of Chatham has authorized certain drainage improvements to Nash Field located in the Township but used for joint recreation purposes; and

WHEREAS, the sum of \$70,000 has been appropriated for said improvements from the Joint Recreation Trust Fund; and

WHEREAS, the Mayor and Borough Council wish to authorize the use of funds from the Joint Recreation Trust Fund for this purpose.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby approve the appropriation of funding from the Joint Recreation Trust Fund for certain drainage improvements to Nash Field, in the amount not to exceed \$70,000.00; 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.

RESOLUTION #14-294

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; 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 applied to the New Jersey Division of Alcoholic Beverage Control for a Special Wine Festival Permit to authorize 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 in the month of October:

Saturday, 10/04/2014, 8:00 AM to 1:00 PM;

Saturday, 10/11/2014, 8:00 AM to 1:00 PM;

Saturday, 10/18/2014, 8:00 AM to 1:00 PM;

Saturday, 10/25/2014, 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 at the Chatham Borough Farmers' Market on the referenced dates and time in the month of October contingent upon the Borough Clerk receiving a valid Special Wine Festival Permit issued by the New Jersey Division of Alcoholic Beverage Control and in accordance with state laws.

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 #14-288 through #14-294.

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)

ORDINANCE FOR FIRST READING

Mayor Harris asks Council Member _____ to introduce Ordinance #14-07.

Council Member _____ introduces Ordinance #14-07 by title as follows:

ORDINANCE #14-07

ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY PROVIDING FOR THE VACATION OF THE BOROUGH RIGHT-OF-WAY KNOWN AS 11 EDGEWOOD AVENUE, BLOCK 15, LOT 17 IN THE BOROUGH OF CHATHAM

WHEREAS, pursuant to N.J.S.A. 40:67-1 et seq., the governing body of a municipality may make, amend, repeal and enforce an ordinance to vacate any public street, highway, lane or alley, or any portion thereof; and

WHEREAS, the Borough of Chatham (the "Borough") has received a request from Michael and Ellen M. Blazoski with an address of 9 Edgewood Road, Block 15, Lot 11 and William Calvert III and Janet B. Calvert with an address of 13 Edgewood Road, Block 15, Lot 12 on the official Tax Map of the Borough of Chatham (collectively, the "Adjacent Property Owners"), for the Borough to vacate the right-of-way known as 11 Edgewood Avenue, Block 17, Lot 17 immediately adjacent to their properties; and

WHEREAS, the Mayor and Borough Council are of the opinion that it is in the best interests of the Borough and its citizenry to vacate the right-of-way known as 11 Edgewood Avenue Block 15, Lot 17 on the official Tax Map of the Borough of Chatham; and

WHEREAS, the Mayor and Borough Council have determined that the Borough right-of-way known as 11 Edgewood Avenue, Block 15, Lot 17 on the official Tax Map of the Borough of Chatham is no longer needed for public purposes; and

WHEREAS, the area to be vacated is more particularly described by the metes and bounds descriptions entitled "A PORTION OF TAX LOT 17 IN BLOCK 15 TO BE ANNEXED TO TAX LOT 11 IN BLOCK 15 LANDS NOW OR FORMERLY OF MICHAEL AND ELLEN M. BLAZOSKI DESCRIBED IN DEED BOOK 3784 AT PAGE 209," attached hereto as Exhibit "A" and together with "A PORTION OF TAX LOT 17 IN BLOCK 15 TO BE ANNEXED TO TAX LOT 12 IN BLOCK 15 LANDS NOW OR FORMERLY OF WILLIAM, III AND JANET B. CALVERT

DESCRIBED IN DEED BOOK 6036 AT PAGE 8,” attached hereto as Exhibit “B”; and as more fully delineated on a survey entitled “SURVEY OF PROPERTY PART OF LOT 17 BLOCK 15 EDGEWOOD ROAD BOROUGH OF CHATHAM MORRIS COUNTY, NEW JERSEY,” attached hereto as Exhibit “C”, which description and survey were prepared by DPK CONSULTING, 147 Union Ave., Ste. 1C, Middlesex, NJ 08846, last revised June 10, 2014; and

WHEREAS, upon adoption of this vacation ordinance, the area to be vacated will be thereby conveyed to the Adjacent Property Owners, in its “as is” condition; and

WHEREAS, the Adjacent Property Owners have agreed to reimburse the Borough for all reasonable professional fees expended with regard to the vacation of the right-of-way known as 11 Edgewood Avenue and have posted and will maintain the escrow required by § 244-50.1 et seq. of the Borough Code.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Chatham, County of Morris, and State of New Jersey as follows:

Section 1. Subject to the conditions set forth herein, the rights of the public in and to the right-of-way known as 11 Edgewood Avenue, as described in Exhibits “A” and “B” and as more fully depicted on Exhibit “C” all being attached hereto and made a part hereof, are hereby released, extinguished and vacated.

Section 2. The area hereby vacated, is conveyed to the Adjacent Property Owners of, and shall merge, consolidate with, and become a part of the adjoining property identified as Block 15, Lots 11 and 12 on the Official Tax Map of the Borough of Chatham as described in Exhibits A and B and depicted on Exhibit C hereto.

Section 3. The vacation hereby enacted expressly reserves to the Borough, for itself, its successors and assigns, and excepts from vacation, all rights and privileges heretofore granted to all public utilities as defined by R.S. 48:2-13 and by any cable television company as defined in the “Cable Television Act”. P.L. 1972c. 186 (c.48:5A-1 et. seq.), to construct, install, build, operate, maintain, use, repair, replace and relocate any such public utilities and cable television facilities in, adjoining to, over or under the right-of-way known as 11 Edgewood Avenue as hereby vacated.

Section 4. The vacation hereby enacted further expressly reserves to the Borough, for itself, its successors and assigns, and excepts from vacation, a fifteen foot wide perpetual utility easement for the construction, reconstruction, inspection, maintenance, operation, use, and repair of any sanitary sewer, storm water drainage or public water supply improvements in, under, over and along the right-of-way known as 11 Edgewood Avenue as hereby vacated.

Section 5. It is the intent of the Mayor and Borough Council to vacate the aforementioned interests that the public may have in the right-of-way known as 11 Edgewood Avenue, subject, however, to the reservations set forth herein, and to provide that the property shall be conveyed, in its “as is” condition, to the Adjacent Property Owners.

Section 6. The Borough Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under the seal of the Borough to be a true copy thereof, together with proof of publication thereof, in the Office of the County Clerk of the County of Morris in the Book of Vacations, in accordance with applicable law.

Section 7. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section 8. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 9. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

Council Member _____ explains the purpose of the Ordinance and moves for introduction on First Reading.

Council Member _____ reads:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on September 22, 2014.

BE IT RESOLVED, that at the Council meeting to be held on October 14, 2014 at 7:30 p.m. prevailing time, at the Borough Hall, the Chatham Borough Council will further consider this Ordinance for a second reading, public hearing and final passage; and

BE IT FURTHER RESOLVED that the Clerk 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. And I do so move.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Collander						
Loneragan						
Holman						
Fife						
Helfrich						
Kassh						

RESOLUTION #14-295

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. Director of Finance Interview – Council President Victoria Fife

Public Land Acquisition: 1. Commerce Street Land Donation – Mr. Lott/Mr. DeNave

Disposition of Public Land: 1. Perrin Street Vacation – Mr. Lott/Mr. DeNave

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