

**REGULAR MEETING OF THE
MAYOR AND BOROUGH COUNCIL**

April 25, 2016 MINUTES

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, April 25, 2016 at 7:30 p.m. in the Council Chambers in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

SALUTE TO FLAG

The Mayor and Borough Council led the assembled in the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Harris asked for a moment of silence for those who have given their lives for our country.

STATEMENT OF ADEQUATE NOTICE

Robin R. Kline, Municipal Clerk, read the following 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 Municipal Bulletin Board on the main floor of Borough Hall, emailed to 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 11, 2016.

ROLL CALL

On a call of the roll, the following officials were present:

Mayor Bruce A. Harris
Council Member James J. Collander
Council President James Lonergan
Council Member Victoria Fife
Council Member Gerald J. Helfrich
Council Member Leonard Resto
Council Member Peter Hoffman
Robert J. Falzarano, Borough Administrator
James L. Lott, Jr., Borough Attorney
Robin R. Kline, Borough Clerk

Mayor Harris proceeded with Resolution #16-172.

RESOLUTION #16-172

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:

April 11, 2016

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:

April 11, 2016

Council Member Resto made a motion to approve Resolution #16-172. Council Member Collander seconded the motion. A vote was taken and Resolution #16-172 was approved unanimously.

DISCUSSION ITEMS

Hedges, Wilson, Roosevelt and University Sanitary Sewer Line – Mr. Vince DeNave, Borough Engineer, reported that the inspection of the sanitary sewer lines in the Hedges Avenue, Wilson Street, Roosevelt Avenue and University Avenue neighborhoods has been completed. The inspection revealed the sewer line has two 270° directional turns along the sewer line leading to the sewer treatment plant. He said this could be a contributing factor during storm events to the backup of sewage flow in basements of some of the homes connected into the sewer line. He recommended that a bypass sanitary sewer line project and installation of backflow preventers at each residence be completed next year at an estimated cost of \$150,000.00. The current sewer line would remain in place to carry any overflow during peak capacity.

Council President Lonergan inquired whether the Department of Public Works would be able to install the new sanitary sewer line to save on costs. Mr. DeNave responded that he and DPW personnel would further evaluate the scope of the project to determine whether the project could be completed in-house.

Revised Water Rules and Regulations – Mr. Stephen Williams, Assistant Administrator, reported that the Borough's Water Rules and Regulations have been revised to meet current standards and to remain consistent with Borough Codes. The revised document also removed all references to fees and fee schedules, since fees will be included in the annual Fee Resolution. Four new service request forms have been added to the appendix.

Mr. Williams thanked Mayor Harris and the Council for their input in reviewing the Water Rules and Regulations and mentioned that the project was a collaborative effort with many other municipal departments.

Mayor Harris informed Mr. Williams that he had a few additional editorial comments to provide and that the Public Works Committee would review the final version before recommending for Council approval.

2016 1st Quarter Goals & Objectives – Mr. Robert Falzarano, Borough Administrator, provided a status report on the 2016 Goals and Objectives for the first quarter of the year. He reported that of the 37 goals and objectives identified for this year, five goals have been completed and 32 goals remain active.

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.

Mayor Harris opened the meeting to the public.

Leah McBride, 1 Wilson Street, and Susan Ericksen, 3 Wilson Street, commented on property maintenance and zoning issues concerning the Minisink Swim and Tennis Club. They requested that Borough officials look into enforcing existing Borough ordinances, as well as resolutions adopted by the Zoning Board of Adjustment over the years, with respect to the club.

Seeing no one else wishing to comment, Mayor Harris closed the meeting to the public and proceeded with the Ordinance scheduled for second reading.

ORDINANCES FOR SECOND READING

Mayor Harris asked Council President Lonergan to proceed with Ordinance #16-02.

Council President Lonergan read Ordinance #16-02 entitled:

ORDINANCE #16-02

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT IN, BY AND FOR THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,264,500 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on March 28, 2016.

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

The Borough Clerk stated that a legal notice was published indicating that Ordinance #16-02 was introduced and passed on first reading at the March 28, 2016 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on April 25, 2016 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Harris opened the public hearing on the Ordinance and invited any member of the public to be heard. Seeing no one wishing to be heard, Mayor Harris closed the public hearing.

Council President Lonergan offered the Ordinance and moved 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 Resto seconded the motion.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Collander			X			
Lonergan	X		X			
Fife			X			
Helfrich			X			
Resto		X	X			
Hoffman			X			

Mayor Harris declared this Ordinance adopted and finally passed and requested the Borough Clerk to

publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

Mayor Harris asked Council President Loneran to proceed with Ordinance #16-03.

Council President Loneran read Ordinance #16-03 entitled:

ORDINANCE #16-03

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$195,700 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on March 28, 2016.

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

The Borough Clerk stated that a legal notice was published indicating that Ordinance #16-03 was introduced and passed on first reading at the March 28, 2016 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on April 25, 2016 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Harris opened the public hearing on the Ordinance and invited any member of the public to be heard. Seeing no one wishing to be heard, Mayor Harris closed the public hearing.

Council President Loneran offered the Ordinance and moved 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 Helfrich seconded the motion.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Collander			X			
Loneran	X		X			
Fife			X			
Helfrich		X	X			
Resto			X			
Hoffman			X			

Mayor Harris declared this Ordinance adopted and finally passed and requested the Borough Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

Mayor Harris asked Council President Loneragan to proceed with Ordinance #16-04.

Council President Loneragan read Ordinance #16-04 entitled:

ORDINANCE #16-04

CALENDAR YEAR 2016

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on March 28, 2016.

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

The Borough Clerk stated that a legal notice was published indicating that Ordinance #16-04 was introduced and passed on first reading at the March 28, 2016 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on April 25, 2016 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Harris opened the public hearing on the Ordinance and invited any member of the public to be heard. Seeing no one wishing to be heard, Mayor Harris closed the public hearing.

Council President Loneragan offered the Ordinance and moved 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 Helfrich seconded the motion.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Collander			X			
Loneragan	X		X			
Fife			X			
Helfrich		X	X			
Resto			X			
Hoffman				X		

Mayor Harris declared this Ordinance adopted and finally passed and requested the Borough Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

RESOLUTIONS (NON-ROUTINE REQUIRING SEPARATE ACTION)

Mayor Harris proceeded with Resolution #16-173.

RESOLUTION #16-173

RESOLUTION FOR SELF-EXAMINATION OF THE 2016 MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the

Director of the Division of Local Government Services, of conducting the annual budget examination;
and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997;
and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Chatham has been declared eligible to participate in the program by the Division of Local Government Services and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2016 budget year.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that in accordance with N.J.A.C. 5:30-7 and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met and complies with the CAP law.
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

And,

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the Director of the Division of Local Government Services upon adoption.

Council President Lonergan made a motion to approve Resolution #16-173. Council Member Collander seconded the motion. A vote was taken and Resolution #16-173 was approved unanimously.

Mayor Harris proceeded with Resolution #16-174.

RESOLUTION #16-174

RESOLUTION TO READ THE 2016 OPERATING BUDGET BY TITLE

WHEREAS, N.J.S.A. 40A 4-8, as amended, provides that the municipal budget shall be read in full at the public hearing, or that it may be read by its title only if at least one week prior to the date of

the hearing, and during the public hearing, complete copies of the budget were made available at no charge to each person requesting one; and

WHEREAS, the Borough Clerk has certified that the budget summary was published in the official newspapers upon approval by the Borough Council at its March 28, 2016 meeting, and that copies of the municipal budget were made available at no charge to each person requesting one in accordance with N.J.S.A. 40A:4-8.

BE IT RESOLVED, by the Council of the Borough of Chatham that it hereby declares that the conditions of N.J.S.A. 40A:4-8, as amended, have been met and therefore the municipal budget shall be read by title only at the public hearing.

Council Member Resto made a motion to approve Resolution #16-174. Council Member Collander seconded the motion. A vote was taken and Resolution #16-174 was approved unanimously.

Mayor Harris proceeded with Resolution #16-175.

RESOLUTION #16-175

RESOLUTION TO ADOPT THE 2016 MUNICIPAL BUDGET

WHEREAS, the Mayor and Council introduced and approved the 2016 Municipal Budget on March 28, 2016; and

WHEREAS, the approved budget was advertised as required by law on April 7, 2016 with notice of the public hearing scheduled for April 25, 2016.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the local Municipal Budget for the year 2016:

Municipal Budget

Revenues

General Revenues	\$ 5,672,740.86
Local Tax for Muni Purposes	\$ 7,699,771.42
Minimum Library Tax	<u>\$ 887,000.00</u>
	\$14,259,512.28

Appropriations

Municipal Purposes	\$12,515,331.54
Reserve for Uncollected Taxes	<u>\$ 1,744,180.74</u>
Total General Appropriations	\$14,259,512.28

Water Operating Budget

Revenues

Rents and Fees	\$ 1,830,308.00
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Appropriations

Expenses	\$ 1,830,308.00
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Solid Waste Budget

Revenues

Rents and Fees	\$ 574,800.00
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Appropriations

Expenses	\$ 574,800.00
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Mayor Harris opened the public hearing on the 2016 Municipal Budget and invited any member of the public to be heard. Seeing no one wishing to be heard, Mayor Harris closed the public hearing.

Mr. Falzarano reported that the state reviewed the Municipal Budget, although the Borough was not scheduled for state review this year. He said the state flagged a de minimis issue in the introduced budget document that requires a revision to the amount reported as the “Minimum Library Tax.” He confirmed that the amended Budget Resolution makes this required correction.

RESOLUTION #16-175

RESOLUTION TO ADOPT THE 2016 MUNICIPAL BUDGET AS AMENDED DURING THE PUBLIC HEARING

WHEREAS, the Mayor and Council introduced and approved the 2016 Municipal Budget on March 28, 2016; and

WHEREAS, the approved budget was advertised as required by law on April 7, 2016 with notice of the public hearing scheduled for April 25, 2016; and

WHEREAS, during the public hearing, it was desired to amend the 2016 approved Municipal Budget as follows:

<u>Summary of Revenues</u>	<u>From</u>	<u>To</u>
6. Amount to be Raised by Taxes for Support of the Municipal Budget		
a) Local Tax for Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	\$ 7,699,771.42	\$ 7,791,272.66
c) Minimum Library Tax	\$ 887,000.00	\$ 795,498.76

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the local Municipal Budget for the year 2016:

Municipal Budget

Revenues

General Revenues	\$ 5,672,740.86
Local Tax for Muni Purposes	\$ 7,791,272.66
Minimum Library Tax	<u>\$ 795,498.76</u>
	\$14,259,512.28

Appropriations

Municipal Purposes	\$12,515,331.54
Reserve for Uncollected Taxes	<u>\$ 1,744,180.74</u>
Total General Appropriations	\$14,259,512.28

Water Operating Budget

Revenues

Rents and Fees	\$ 1,830,308.00
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Appropriations

Expenses	\$ 1,830,308.00
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Solid Waste Budget

Revenues

Rents and Fees	\$ 574,800.00
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Appropriations

Expenses	\$ 574,800.00
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And,

BE IT RESOLVED, that the Borough Clerk shall file two (2) certified copies of this Resolution with the Director of Local Government Services, together with two (2) certified copies of the 2016 Municipal Budget, as amended during the public hearing, within three (3) days of adoption; 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.

Council President Lonergan made a motion to approve Budget Resolution #16-175, as amended, and moved its adoption:

BE IT RESOLVED, that this Budget Resolution as read by title on second reading, and after public hearing at this meeting, be adopted, as amended, and finally passed.

Council Member Helfrich seconded the motion.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Collander			X			
Lonergan	X		X			
Fife			X			
Helfrich		X	X			
Resto			X			
Hoffman			X			

Mayor Harris stated that the 2016 Municipal Budget, as amended, has been adopted.

REPORTS

COUNCIL COMMITTEE REPORTS

Budget and Finance – Council President Lonergan had nothing new to report.

Long Range Traffic & Pedestrian Safety Planning - Council Member Collander reported that the next Committee meeting is scheduled for May 12th and had nothing new to report.

Public Safety & Emergency Services - Council Member Collander had nothing new to report.

Personnel - Council Member Resto reported that the Committee met on April 8th. The Committee discussed revisions to the Personnel Policies and Procedures Manual and also discussed the interviewing process to be followed for candidates interested in the police lieutenant position.

Public Works Planning/Community Services - Council Member Fife reported that the Committee met on April 19th and had nothing new to report.

Shared Services & 3rd Party Agreements - Council Member Helfrich reported that the Committee has been working with the Board of Education on the improvements to the Washington Avenue School parking lot. He also reported that the Joint Court's first quarter report was received and everything is in good order.

MAYOR'S REPORT

Mayor Bruce Harris reported that 11 towns have signed on to the Municipal Pipeline Group's legal retainer and that the group is working with four other towns to join the legal retainer. He also reported that he continues to work with the New Jersey Department of Transportation concerning traffic studies requested for State Highway 24 and State Highway 124.

ADMINISTRATOR'S REPORT

Mr. Falzarano reported that his office sent a letter to Tom Ciccarone, Chatham Township Administrator, regarding the Lafayette Sidewalk Construction Project. The letter notifies the township that the Chatham Borough Shade Tree Commission has jurisdiction over two trees that may be located in the Borough on Borough property and would require approval from the Shade Tree Commission should they need to be removed for the sidewalk project.

CONSENT AGENDA

The following items are considered 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 #16-176 through Resolution #16-187 have been placed on the Consent Agenda.

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

Council Member Resto requested that Resolution #16-182 be removed from the Consent Agenda for discussion and vote and made a motion to remove Resolution #16-182 from the Consent Agenda for discussion and vote.

Council Member Collander seconded the motion.

Mayor Harris opened Council discussion on Resolution #16-182.

Council Member Resto stated that Jersey Central Power & Light ("JCP&L") requires the Borough to sign an indemnity agreement for use of its utility poles to hang a temporary banner. He pointed out that the indemnity agreement provides JCP&L with absolute indemnification from any negligence or liability relative to the use of its utility poles, even in the event that an incident is caused by, or is contributed by, a defective utility pole.

Council President Lonergan inquired whether the Morris County Joint Insurance Fund ("MCJIF") program provides liability coverage to the Borough, which Mr. Falzarano confirmed it did.

Mr. Falzarano clarified that MCJIF would provide liability insurance coverage for Borough-sponsored activities and that outside groups or organizations would not be covered by the Borough's insurance provider.

RESOLUTION #16-182

RESOLUTION APPROVING THE PLACEMENT OF A BANNER ACROSS MAIN STREET AS REQUESTED BY THE MYCHATHAMNJ ADVISORY COMMITTEE FOR SPECIAL EVENTS

WHEREAS, the MyChathamNJ Advisory Committee (the “Committee”) wishes to promote community awareness of its various community activities by installing a temporary banner over Main Street (State Highway 124) for periods of two weeks for each event during the year; and

WHEREAS, the Committee seeks permission to apply to Jersey Central Power & Light (“JCP&L”) and the New Jersey Department of Transportation (“NJDOT”) for approval to utilize their utility poles on Main Street (State Highway 124) to hang a temporary banner; and

WHEREAS, JCP&L requires a duly signed “Letter of Indemnification,” which sets forth all conditions and insurance requirements JCP&L and the joint utility service entities (Verizon and Cable TV) require for the temporary installation of a banner to a utility pole; and

WHEREAS, the NJDOT requires the submission of a permit application for the temporary installation of a banner across State Highway Route 124.

BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham desire to further the public interest by obtaining approval to hang a temporary banner across Main Street (State Highway Route 124) to promote the Committee’s community events; and

BE IT FURTHER RESOLVED, by the Borough Council that the Mayor is hereby authorized to sign JCP&L’s “Letter of Indemnification” and to sign the NJDOT permit application for such purpose; and

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

Mayor Harris closed Council discussion and asked for a vote. A vote was taken and Resolution #16-182 passed unanimously.

Mayor Harris proceeded with the Consent Agenda.

APPOINTMENTS

RESOLUTION #16-176

RESOLUTION APPOINTING FELICIA RAMADHIN TO THE MYCHATHAMNJ ADVISORY COMMITTEE

WHEREAS, Resolution #16-19, adopted by the Borough Council on January 4, 2016, re-established the MyChathamNJ Advisory Committee to explore, develop and provide Borough-sponsored programs, events and activities that promote our community’s rich history and heritage; enhance a sense of community and community pride; and increase opportunities for volunteerism and community service for residents of all ages; and

WHEREAS, Felicia Ramadhin has expressed interest in being appointed to the MyChathamNJ Advisory Committee and has submitted a Volunteer Application to the Mayor and Borough Council for consideration.

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Chatham that Felicia Ramadhin is hereby appointed to the MyChathamNJ Advisory Committee; 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.

CONTRACTS

RESOLUTION #16-177

RESOLUTION AUTHORIZING THE AWARD OF THE CONTRACT FOR THE FRONT STREET AND LAFAYETTE AVENUE ROAD CAPITAL IMPROVEMENT PROJECT TO AJM CONTRACTORS, INC. IN THE AMOUNT NOT TO EXCEED \$212,185.00

WHEREAS, the Borough of Chatham advertised for the receipt of sealed competitive bids to be received on April 21, 2016 at 10:00 am for the Front Street and Lafayette Avenue Road Capital Improvement Project as per the bid specifications; and

WHEREAS, the Borough received six (6) bids for this contract; and

WHEREAS, all bids have been reviewed and analyzed by the Borough Attorney, Borough Engineer, and Dynamic Engineering Consultants, P.C., the Borough's engineering consultant retained to prepare the bid specifications; and

WHEREAS, the Local Public Contracts Law requires that competitive bidding contracts be awarded to the lowest, responsible, responsive bidder; and

WHEREAS, the bid received from the lowest responsible bidder, AJM Contractors, Inc., in the amount of \$212,185.00 has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the bid specifications as written; and

WHEREAS, the Chief Financial Officer has confirmed that sufficient funds are available in Capital Account #C-04-55-916-006 for the award of this contract.

BE IT RESOLVED, by the Council of the Borough of Chatham that they hereby authorize the Mayor and Borough Clerk to execute the contract with AJM Contractors, Inc., in the amount of \$212,185.00, in accordance with its bid for the Front Street and Lafayette Avenue Road Capital Improvement Project; 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.

RESOLUTION #16-178

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF CHATHAM AND THE COUNTY OF MORRIS FOR EMERGENCY 9-1-1 AND DISPATCHING SERVICES

WHEREAS, on August 19, 2010 by Resolution #10-260, the Borough of Chatham entered into a five year Interlocal Services Agreement (the "Agreement") with the County of Morris to provide emergency 9-1-1 and dispatching services on behalf of the Borough; and

WHEREAS, said Agreement is in full compliance with the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq.; and

WHEREAS, the Agreement is to the mutual benefit of both the Borough and the County of Morris and the parties wish to continue such Agreement.

BE IT RESOLVED, by the Council of the Borough of Chatham that the Interlocal Services Agreement with the County of Morris for the county to provide emergency 9-1-1 and dispatching services to the Borough is approved; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to sign the Agreement and that a copy of this Resolution and the signed Agreement shall be forwarded to the County of Morris for their approval and signature; 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.

FINANCE

RESOLUTION #16-179

RESOLUTION AUTHORIZING REFUND FOR PROPERTY TAX OVERPAYMENT

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

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

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR.</u>
34/21	Blaich, Merle E. 32 Jackson Avenue Please make check payable & mail to: Financial Freedom Attn: Barbara Noteboom, Tax Specialist 6900 Beatrice Drive Kalamazoo, MI 49009	\$2,892.99	2016 2 nd & 3rd Qtr.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough Tax Collector to process a refund for the duplicate overpayment of property taxes as herein referenced.

RESOLUTION #16-180

RESOLUTION AUTHORIZING REFUND FOR WATER UTILITY OVERPAYMENT

WHEREAS, on overpayment was made to the Chatham Borough Water Utility; and

WHEREAS, a malfunctioning water meter was the cause; and

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

<u>ACCOUNT #</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>ACCOUNT BALANCE</u>
953-0	Remede, Joel R. & Lisa L. 108 N. Passaic Avenue Please make check payable & mail to: Lisa Remede 108 N. Passaic Avenue Chatham, NJ 07928	-\$3,283.33, Credit Balance

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

RECREATION

RESOLUTION #16-181

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>
Ivers	\$65.00	Basketball	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.

OTHER

RESOLUTION #16-182

Resolution #16-182 was removed from the Consent Agenda for discussion and vote.

RESOLUTION #16-183

RESOLUTION AUTHORIZING THE SUSTAINABILITY FAIR TO BE HELD ON SATURDAY, SEPTEMBER 10, 2016

WHEREAS, our residents desire a healthy, stable, and sustainable future for themselves and future generations and desire to take steps to sustain their quality of life over the long term; and

WHEREAS, since 2008, the Chatham Borough Environmental Commission and the Chatham Township Environmental Commission have organized and co-hosted the *Green Fair of the Chathams*, a collaborative effort promoting eco-friendly organizations, companies and products that offer wide-ranging, affordable environmental solutions to sustain our community; and

WHEREAS, the Mayors' Wellness Campaign of the Chathams Committee, a joint committee with Chatham Township, in collaboration with the Chatham Borough Farmers' Market Advisory Committee, has been working with Mayors and key leaders promoting healthier lifestyles for all citizens in their communities by championing practices and organizing programs that promote active living; and

WHEREAS, the Chatham Borough Environmental Commission, the Chatham Township Environmental Commission, the Mayors' Wellness Committee and the Chatham Borough Farmers' Market Advisory Committee wish to collaboratively organize and hold a *Sustainability Fair* on Saturday, September 10, 2016 at the Chatham Borough Farmers' Market, Railroad Plaza South, from the hours of 9:00 a.m. to 2:00 p.m.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby support the collaborative initiative and authorize the *Sustainability Fair* to be held on Saturday, September 10, 2016 at the Chatham Borough Farmers' Market, Railroad Plaza South, from the hours of 9:00 a.m. to 2:00 p.m., subject to compliance and approval of police and public safety directives; and

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

RESOLUTION #16-184

RESOLUTION APPROVING THE MARCH 21, 2016 REGULAR MEETING MINUTES OF THE MADISON-CHATHAM JOINT MEETING

WHEREAS, the approval of the Madison-Chatham Joint Meeting's March 21, 2016 regular meeting was listed on the April 18, 2016 Madison-Chatham Joint Meeting agenda for approval; and

WHEREAS, the Borough of Chatham did not have a quorum present at the April 18, 2016 meeting of the Madison-Chatham Joint Meeting; and

WHEREAS, it is necessary for the Borough of Chatham to approve the March 21, 2016 regular meeting minutes of the Madison-Chatham Joint Meeting.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the minutes of the Madison-Chatham Joint Meeting for the March 21, 2016 regular meeting are hereby approved.

RESOLUTION #16-185

RESOLUTION APPROVING THE APRIL 2016 CHECK REGISTER AND PURCHASE ORDERS RENDERED BY THE MADISON-CHATHAM JOINT MEETING

WHEREAS, the approval of the April 2016 Check Register and Purchase Orders Rendered were presented on the April 18, 2016 agenda of the Madison-Chatham Joint Meeting for approval; and

WHEREAS, the Borough of Chatham did not have a quorum present at the April 18, 2016 regular meeting of the Madison-Chatham Joint Meeting; and

WHEREAS, it is necessary for the Borough of Chatham to approve the April 2016 Check Register and Purchase Orders Rendered for the Madison-Chatham Joint Meeting totaling \$195,162.37.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the April 2016 Check Register and Purchase Orders Rendered for the Madison-Chatham Joint Meeting totaling \$195,162.37 is hereby approved.

RESOLUTION #16-186

RESOLUTION APPROVING THE APRIL 2016 FACILITY IMPROVEMENTS CHECK REGISTER AND PURCHASE ORDERS RENDERED BY THE MADISON-CHATHAM JOINT MEETING

WHEREAS, the approval of the April 2016 Facility Improvements Check Register and Purchase Orders Rendered were presented on the April 18, 2016 agenda of the Madison-Chatham Joint Meeting for approval; and

WHEREAS, the Borough of Chatham did not have a quorum present at the April 18, 2016 regular meeting of the Madison-Chatham Joint Meeting; and

WHEREAS, it is necessary for the Borough of Chatham to approve the April 2016 Facility Improvements Check Register and Purchase Orders Rendered for the Madison-Chatham Joint Meeting totaling \$226,437.88.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the April 2016 Facility Improvements Check Register and Purchase Orders Rendered for the Madison-Chatham Joint Meeting totaling \$226,437.88 is hereby approved.

RESOLUTION #16-187

RESOLUTION APPROVING A CATERING PERMIT TO DISPENSE AND SERVE ALCOHOLIC BEVERAGES AT THE FISHAWACK FESTIVAL SCHEDULED FOR JUNE 11, 2016

WHEREAS, Chatham Borough will be holding its Fishawack Festival on June 11, 2016; and

WHEREAS, Charley's Aunt Inc. desires to submit an Application for a Catering Permit to the Division of Alcoholic Beverage Control, pursuant to N.J.S.A. 33:1-74, to dispense and serve alcoholic beverages for consumption at the Fishawack Festival scheduled for June 11, 2016.

BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham hereby grant permission to Charley's Aunt Inc. to dispense and serve alcoholic beverages for consumption at Fishawack on June 11, 2016 contingent upon approval of a Catering Permit issued by the Division of Alcoholic Beverage Control Commission; 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

Council Member Collander moved to approve Resolution #16-176 through Resolution #16-187. Resolution #16-182 was removed from the Consent Agenda for separate discussion and vote. Council President Lonergan seconded the motion. A vote was taken and Resolution #16-176 through Resolution #16-187 listed on the Consent Agenda were approved unanimously. Resolution #16-182 had been voted on earlier.

RESOLUTION REQUIRING SEPARATE ACTION

Mayor Harris proceeded with Resolution #16-188.

RESOLUTION #16-188

RESOLUTION APPROVING RESOLUTION #16-33 OF THE MADISON-CHATHAM JOINT MEETING APPROVING THE 2016 ANNUAL BUDGET AND ALLOCATIONS BETWEEN THE BOROUGH OF MADISON AND THE BOROUGH OF CHATHAM

WHEREAS, the approval of Resolution #16-33 of the Madison-Chatham Joint Meeting was presented on the April 18, 2016 agenda of the Madison-Chatham Joint Meeting for approval; and

WHEREAS, the Borough of Chatham did not have a quorum present at the April 18, 2016 meeting of the Madison-Chatham Joint Meeting; and

WHEREAS, it is necessary for the Borough of Chatham to approve Resolution #16-33 of the Madison-Chatham Joint Meeting as follows:

RESOLUTION #16-33

RESOLUTION OF THE MADISON-CHATHAM JOINT MEETING APPROVING 2016 ANNUAL BUDGET AND ALLOCATIONS BETWEEN THE BOROUGH OF MADISON AND THE BOROUGH OF CHATHAM

WHEREAS, the Madison-Chatham Joint Meeting (the "Joint Meeting") wishes to approve an annual budget that divides the operating costs of the Joint Meeting between the Borough of Madison and the Borough of Chatham; and

WHEREAS, the Borough of Madison and the Borough of Chatham have agreed to divide the annual budget operating costs between each municipality as follows: Borough of Madison (70%) and Borough of Chatham (30%); and

WHEREAS, the Joint Meeting Operating Budget for 2016 is \$1,757,865.00; and

NOW THEREFORE, BE IT RESOLVED, by the Madison-Chatham Joint Meeting as follows:

1. The Madison Chatham Joint Meeting hereby approves of an annual budget allocation based on the agreed division of operating costs between the Borough of Madison and the Borough of Chatham as set forth below:

Total Budget:	\$1,757,865.00
Less Unappropriated Funds	-\$ 190,000.00
Less Revenue from Chatham Township	-\$ 14,398.90
Less Revenue from Center Court	-\$ 3,400.00
Less Interest on Investments	<u>-\$ 1,000.00</u>

Budget Allocation: \$ 1,549,066.10

Annual Budget Allocation based on the percentage of the agreed division of operating costs between the Borough of Madison and the Borough of Chatham as follows:

Borough of Madison	\$ 1,084,346.27	70.00%
Borough of Chatham	\$ 464,719.83	30.00%

2. This annual budget allocation shall be subject to adjustment (“trued up”) should the actual annual percentage of metered flows as reported between the Borough of Madison and the Borough of Chatham be greater than two percentage points of the operating costs of the Joint Meeting as set forth in this Resolution.
3. The true-up for the 2015 sewage flows shall be based upon first six (6) consecutive acceptable, reviewed and evaluated monthly sewage flow measurements after the retention of the flow calibration service contractor. Should the actual percentage of metered flows as reported for this six (6) month period between the Borough of Madison and the Borough of Chatham be greater than two percentage points of the operating cost allocation of the Joint Meeting as set forth in the 2015 Annual Budget Resolution then any amounts due and owing from the true-up shall be credited as appropriate between the Borough of Madison and the Borough of Chatham as part of the annual budget allocation resolution for a period not to exceed the next two succeeding budget years.
4. The true up for the 2016 sewage flows shall be based upon all the acceptable, reviewed and evaluated sewage flow measurements in 2016, but not less than six (6) consecutive months of sewage flow measurement. Should the actual annual percentage of metered flows as reported between the Borough of Madison and the Borough of Chatham be greater than two percentage points of the operating cost allocation of the Joint Meeting as set forth in this Resolution then any amounts due and owing from the true-up shall be credited as appropriate between the Borough of Madison and the Borough of Chatham as part of the annual budget allocation resolution for a period not to exceed the next two succeeding budget years.
5. All Madison-Chatham Joint Meeting officers and employees are hereby authorized and directed to take all action necessary to effectuate the terms of this Resolution.

Council Member Helfrich made a motion to approve Resolution #16-188. Council Member Collander seconded the motion. A vote was taken and Resolution #16-188 was approved unanimously.

ADD-ON RESOLUTIONS

None.

Mayor Harris asked Council Member Helfrich to proceed with Resolution #16-189.

Council Member Helfrich read Resolution #16-189:

RESOLUTION #16-189

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 Matter: | 1. Property Easement – Mr. Lott and Mr. DeNave
2. Tax Abatements – Mr. Lott and Council Member Fife |
| Litigation Matter: | 1. Affordable Housing Declaratory Action – Mr. Lott |

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.

Council Member Helfrich moved to approve Resolution #16-189. Council Member Collander seconded the motion. A vote was taken and Resolution #16-189 was approved unanimously.

ADJOURNMENT

Having no other business to be conducted, Mayor Harris adjourned the meeting.

The Mayor and Borough Council convened into Closed Session.

Meeting adjourned 9:02 p.m.

Respectfully Submitted:

Robin R. Kline

Robin R. Kline, MAS, RMC, CMR
Borough Clerk
BOROUGH OF CHATHAM