

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

June 27, 2016 MINUTES

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, June 27, 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
Diane Hickey, Esq., attending for Borough Attorney James Lott
Robin R. Kline, Borough Clerk

Mayor Harris asked Council Member Collander to proceed with Resolutions #16-227 and #16-228.

Council Member Collander read Resolution #16-227 and Resolution #16-228.

RESOLUTIONS (APPOINTMENTS)

RESOLUTION #16-227

**RESOLUTION APPOINTING SEAN SMILEY AS A MEMBER OF THE JUNIOR FIREMEN'S
AUXILIARY COMPANY OF THE CHATHAM BOROUGH VOLUNTEER FIRE
DEPARTMENT**

WHEREAS, Section 15-24 of the Borough Code established a Junior Firemen's Auxiliary Company to the Chatham Fire Department; and

WHEREAS, by Resolution #15-162 adopted by the Borough Council on April 13, 2015, the rules and regulations governing the operations of the Junior Firemen's Auxiliary Company were adopted; and

WHEREAS, the Mayor and Council of the Borough of Chatham recognize the valuable contributions volunteer firefighters make to our community every day of every year; and

WHEREAS, Sean Smiley has expressed interest in becoming a member of the Junior Firemen's Auxiliary Company of the Chatham Borough Volunteer Fire Department; and

WHEREAS, the Fire Chief has recommended that Sean Smiley be appointed as a member of the Junior Firemen's Auxiliary Company.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Sean Smiley is hereby appointed as a member of the Junior Firemen's Auxiliary Company of the Chatham Borough Volunteer Fire Department.

RESOLUTION #16-228

RESOLUTION APPOINTING DREW SARDINI AS A MEMBER OF THE JUNIOR FIREMEN'S AUXILIARY COMPANY OF THE CHATHAM BOROUGH VOLUNTEER FIRE DEPARTMENT

WHEREAS, Section 15-24 of the Borough Code established a Junior Firemen's Auxiliary Company to the Chatham Fire Department; and

WHEREAS, by Resolution #15-162 adopted by the Borough Council on April 13, 2015, the rules and regulations governing the operations of the Junior Firemen's Auxiliary Company were adopted; and

WHEREAS, the Mayor and Council of the Borough of Chatham recognize the valuable contributions volunteer firefighters make to our community every day of every year; and

WHEREAS, Drew Sardini has expressed interest in becoming a member of the Junior Firemen's Auxiliary Company of the Chatham Borough Volunteer Fire Department; and

WHEREAS, the Fire Chief has recommended that Drew Sardini be appointed as a member of the Junior Firemen's Auxiliary Company.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Drew Sardini is hereby appointed as a member of the Junior Firemen's Auxiliary Company of the Chatham Borough Volunteer Fire Department.

Council Member Collander made a motion to approve Resolutions #16-227 and #16-228. The motion was seconded by Council Member Resto. A vote was taken and Resolutions #16-227 and #16-228 were approved unanimously.

ADMINISTRATION OF THE OATH OF OFFICE

The Borough Clerk administered the oaths of office to Sean Smiley and Drew Sardini, who were accompanied by their families, as well as Fire Chief, Douglas Allen, and Fire Battalion Chief, Donald Almgren.

Mayor Harris and the Borough Council thanked both young men for joining the Junior Firemen's Auxiliary Company and wished them well.

Mayor Bruce Harris proceeded with Resolution #16-229.

RESOLUTION #16-229

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:

June 13, 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:

June 13, 2016

Council Member Helfrich made a motion to approve Resolution #16-229. Council Member Resto seconded the motion. A vote was taken and Resolution #16-229 was approved unanimously.

DISCUSSION ITEM

JCP&L Update – Mr. Rob Walton, Jersey Central Power & Light Company (JCP&L) Area Manager for the Summit District, reported that JCP&L has submitted an application to the Board of Public Utilities seeking a 5.5% rate increase. If approved, he reported that the rate increase would go into effect in January 2017 and would generate approximately \$147 million in revenue. The proposed rate increase would cost JCP&L's average customer about \$6 per month. Mr. Walton further reported that the added revenue would be used for upgrading and expanding its infrastructure to meet customer demand throughout the state. He reported that JCP&L's last utility rate increase was in 2003.

Council Member Collander, liaison to the Shade Tree Commission, inquired about JCP&L's new "ground-to-sky" tree-trimming rules and questioned how JCP&L oversees its contractors in the performance of tree-trimming operations. Mr. Walton responded that the utility has a regulatory obligation to trim "ground-to-sky" along power lines running from a sub-station to the first protected device on a circuit. He stated that a JCP&L forester, who is a certified arborist, supervises all work being performed by tree-trimming contractors and has the authority to exercise some discretion as to the manner and extent a tree is trimmed. He also mentioned that JCP&L provides a two-month notification to a municipality in advance of scheduled tree-trimming work and a second two-week notification is then given before the commencement of tree-trimming operations. This notification allows municipal officials to contact JCP&L to address any concerns before the work is performed.

Council President Lonergan noted that some improvements have been made in electrical service delivery over the past few years and inquired whether JCP&L has plans to improve all of its lines and circuits in Chatham Borough. Mr. Walton responded that much of the transmission service work had been done in the Borough and circuit maps have been updated in GIS to help work crews identify where failures occur.

Council Member Resto inquired if JCP&L has a 5-year or 10-year capital plan that addresses overall infrastructure improvement projects. Mr. Walton answered that JCP&L has both a long-term and short-term capital project improvement plan for scheduling infrastructure maintenance and improvements.

Mayor Harris and the Borough Council thanked Mr. Walton for his informative presentation and confirmed that he or Council Member Collander will help to coordinate his attendance at an upcoming Shade Tree Commission meeting.

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.

Kenneth Chmura, 6 Bartow Lane, thanked JCP&L representative Rob Walton for his presentation and commented that in some communities power lines are installed underground to avoid power outages caused by downed trees on power lines.

Seeing no one else wishing to comment, Mayor Harris closed the meeting to the public and proceeded with Council Committee, Mayor's and Administrator's Reports.

REPORTS

COUNCIL COMMITTEE REPORTS

Budget and Finance – Council President Lonergan reported that the Borough received an interest rate of .72% on the \$5.2 Million BAN sale.

Long Range Traffic & Pedestrian Safety Planning - Council Member Collander reported that the Committee is working on a draft ordinance to regulate parking on Dellwood Avenue, which will be presented for first reading at the next meeting. The committee is also looking at overnight on-street parking.

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

Personnel - Council Member Resto reported that the Committee met on June 17th and discussed revisions to the Personnel Policies and Procedures Manual. He further reported that interviews would be scheduled later in July for the Police Lieutenant position.

Public Works Planning/Community Services - Council Member Fife reported that the Committee would be meeting with the Director of the Department of Public Works, Tony Torello, and the Director of Community Services, Janice Piccolo, to discuss the planning and coordination of projects and resources between the two departments.

Shared Services & 3rd Party Agreements - Council Member Helfrich had nothing new to report.

MAYOR'S REPORT

Mayor Harris reported that the State of New Jersey has issued a drought warning and reminded residents that restrictions regarding lawn watering are in place in the Borough. Mayor Harris further reported that he has been working with Steve Williams in efforts to contact Google so that street addresses in Chatham Borough versus Chatham Township are correctly distinguished on Google Maps. Lastly, Mayor Harris reminded everyone of the upcoming Fourth of July celebration activities in the Borough and invited everyone to attend.

ADMINISTRATOR’S REPORT

Mr. Falzarano reported that the annual Fourth of July Firehouse inspection is scheduled for Monday, July 4th. Fire Chief Allan has requested that the Mayor and Council attend at 9:00 a.m. Mr. Falzarano further reported that the Director of the New Jersey Department of Transportation (DOT) has confirmed that it would be addressing the timing of the traffic lights on Route 124 (Main Street). Lastly, Mr. Falzarano reported that Morris County has launched a website to inform and assist municipal officials and property owners in their review of the new flood hazard maps provided by the Federal Emergency Management Agency (FEMA). The information will be posted on the Borough webpage.

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 #16-230 through Resolution #16-235 have been placed on the Consent Agenda.

Council Member Fife requested that the title for Resolution #16-230 be amended to clarify that the service agreement with the Madison Area YMCA is for the Project Community Pride program, which the Council was in agreement with.

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

None.

CONTRACTS

RESOLUTION #16-230 [Title amended to add “Project Community Pride”]

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A 2016 SERVICE AGREEMENT WITH THE MADISON AREA YMCA FOR PROJECT COMMUNITY PRIDE, IN THE AMOUNT NOT TO EXCEED \$28,122.36

WHEREAS, the Borough of Chatham desires to engage the Madison Area YMCA (“YMCA”) to provide certain cognitive behavioral counseling services to children and teens attending Chatham schools and/or living in Chatham Borough and their families (“Borough residents”) for calendar year 2016; and

WHEREAS, the YMCA desires to render said cognitive behavioral counseling services to Borough residents as set forth in the Service Agreement; and

WHEREAS, the maximum contract amount shall not exceed \$28,122.36; and

WHEREAS, the Chief Financial Officer has confirmed that sufficient funds are available in the Project Community Pride Current Fund Account #6-01-25-240-298 for the award of this contract.

BE IT RESOLVED, by the Council of the Borough of Chatham that the Mayor is hereby authorized to execute the 2016 Service Agreement with the Madison Area YMCA to provide cognitive behavioral counseling services to Borough residents as set forth in the Agreement, and in the amount not to exceed \$28,122.36; 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 #16-231

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL ALLIANCE GRANT APPLICATION FOR GRANT YEAR JULY 2016 – JUNE 2017

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government, schools, law enforcement, non-profit organizations and the faith community in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Borough of Chatham, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem across all communities in our society and amongst people of all ages; and

WHEREAS, the Borough of Chatham and the Township of Chatham have combined efforts and established the Municipal Alliance Committee of the Chathams; and

WHEREAS, the Municipal Alliance Committee of the Chathams was approved for Municipal Alliance grant funding for Grant Year July 2016 – June 2017; and

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse has agreed to make a \$20,073.00 grant funding allocation available to the Municipal Alliance Committee of the Chathams for Grant Year July 2016 – June 2017, contingent upon the Municipal Alliance Committee of the Chathams contributing a 25% Cash Match (\$5,018.25) and a 75% In-Kind Match (\$15,054.75) for a Total Alliance Budget of \$40,146.00; and

WHEREAS, the Borough of Chatham and Township of Chatham will equally contribute the Cash Match and In-Kind Match required for the grant funding.

BE IT RESOLVED, by the Council of the Borough of Chatham that it does hereby authorize the Mayor to execute the Municipal Alliance Grant Application for Grant Year July 2016 – June 2017; and

BE IT FURTHER RESOLVED, that the Mayor is permitted to execute any supplement or amendment to the Municipal Alliance Grant Application that increases the grant funding allocation; 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 #16-232

RESOLUTION TO APPROVE PAYMENT OF VOUCHERS

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

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

LAW AND PUBLIC SAFETY

RESOLUTION #16-233

RESOLUTION COMMENDING CAPTAIN GEORGE R. TRAVER FOR HIS 35 YEARS OF DEDICATED SERVICE TO THE CHATHAM BOROUGH FIRE DEPARTMENT

WHEREAS, George R. Traver joined the Chatham Borough Fire Department in May 1981, serving on Engine Company #1; and

WHEREAS, George has announced his well-earned retirement and has submitted his resignation from the Fire Department; and

WHEREAS, during his 35 years of volunteer service, George R. Traver rose through the ranks of the Fire Department, holding the offices of Lieutenant for Engine Company No. 1, Captain for Engine Company No. 1 and served as Deputy Chief 3, Deputy Chief 2 and Deputy Chief 1 for the Chatham Borough Fire Department; and

WHEREAS, George R. Traver also served as a member of the Chatham Borough Fire Department Association's Fishing Derby Committee and Venison Dinner Committee, furthering long-standing established community-based traditions sponsored by the Fire Department Association; and

WHEREAS, the Mayor and Council wish to commend George R. Traver for his many years of faithful and distinguished public service to the Fire Department and to the Borough of Chatham.

BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham hereby commend and express their sincere gratitude to George R. Traver for his 35 years of dedicated service to, and exemplary leadership of, the Chatham Borough Fire Department and congratulate him on his well-earned retirement and wish him and his wife, Robin, happiness and good health in the years to come.

RECREATION

RESOLUTION #16-234

RESOLUTION APPOINTING SUBSTITUTE SUMMER POOL STAFF

WHEREAS, the Chatham Borough Recreation Program has a need to hire substitute summer pool staff for the 2016 summer season; and

WHEREAS, the Department of Community Services recommends the hiring of the following individuals pending completion of all paperwork requirements prior to any employment:

<u>NAME</u>	<u>PAY RATE</u>	<u>POSITION</u>
O'Reilly, Brendan	\$8.38	Substitute
Stuart, Elizabeth	\$8.38	Substitute
Plunkett, Julia	\$8.38	Substitute

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby approves the appointment of the herein referenced individuals as substitute summer pool staff for the 2016 summer season at the respective position and rate of pay, pending completion of all paperwork requirements prior to employment; and

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

OTHER

RESOLUTION #16-235

RESOLUTION GRANTING PERMISSION TO MELICKS TOWN FARM INC. TO PROVIDE SAMPLES OF ITS WINE PRODUCTS AND TO SELL THOSE PRODUCTS AT THE CHATHAM BOROUGH FARMERS' MARKET

WHEREAS, Melicks Town Farm Inc. wishes to provide free samples of its wine products and to sell those products at the Chatham Borough Farmers' Market; and

WHEREAS, Melicks Town Farm Inc. is a registered vendor at the Chatham Borough Farmers' Market for the remaining 2016 season; 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 License or Plenary Winery License may provide gratuitous samples of their products to the public and to sell those products in original containers for off-premises consumption, provided a valid Special Wine Festival Permit is issued to the licensee from the Division of Alcoholic Beverage Control.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Melicks Town Farm Inc. is hereby granted permission to provide free samples of its wine products to the public at the Chatham Borough Farmers' Market and to sell those products in original containers for off-premises consumption on the herein referenced date and time and as provided on the Special Wine Festival Permit issued by the New Jersey Division of Alcoholic Beverage Control contingent upon the Borough Clerk verifying that a Special Wine Festival Permit has been issued for those dates and times; and

BE IT FURTHER RESOLVED, that the Special Wine Festival Permit must be conspicuously displayed on the permitted premises in accordance with law; 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 Resto moved to approve Resolution #16-230 through Resolution #16-235, amending the title for Resolution #16-230 to include "Project Community Pride." Council Member Collander seconded the motion. A vote was taken and Resolution #16-230 through Resolution #16-235 listed on the Consent Agenda were approved unanimously.

ADD-ON RESOLUTIONS

None.

Mayor Harris asked Council Member Helfrich to proceed with Resolution #16-236.

Council Member Helfrich read Resolution #16-236:

RESOLUTION #16-236

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:

- | | |
|----------------------------|---|
| Litigation Matter: | 1. Affordable Housing Declaratory Action – Ms. Hickey |
| Attorney-Client Privilege: | 1. Hillside Avenue Property – Ms. Hickey
2. Zoning Violations – Mayor Harris |
| Personnel Matters: | 1. Lead Foreman – Mr. Resto
2. Administrative Personnel – Mr. Resto |

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 #16-236. Council Member Fife seconded the motion. A vote was taken and Resolution #16-236 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 8:23 p.m.

Respectfully Submitted:

Robin R. Kline

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