

AGENDA
March 27, 2017

Regular Meeting
Mayor and Borough Council

Borough of Chatham
54 Fairmount Avenue
Chatham, NJ 07928

CALL MEETING TO ORDER The meeting will be called to order at 7:30 p.m.

SALUTE TO FLAG

MOMENT OF SILENCE

STATEMENT OF ADEQUATE NOTICE Pursuant to the requirements of the Open Public Meetings Act, adequate notice of this meeting has been provided by including same in the Annual Notice, copies of which were posted on the official bulletin board on the main floor of Borough Hall, emailed to the Daily Record, the Star Ledger, the Chatham Courier, the Chatham Patch, and The Alternative Press and was filed with the Borough Clerk, all on January 5, 2017.

ROLL CALL Mayor Bruce A. Harris
 Council Member James J. Collander
 Council Member James Lonergan
 Council President 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

PROCLAMATIONS

RESOLUTION #17-145

RESOLUTION CELEBRATING APRIL 2017 AS NATIONAL AUTISM AWARENESS, ACCEPTANCE AND INCLUSION MONTH

WHEREAS, autism is a pervasive developmental disorder affecting the social, communication and behavioral skills of those affected by it; and

WHEREAS, as more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autism spectrum, resulting in rates as high as 1 in 68 children nationally and 1 in 45 in New Jersey; and

WHEREAS, while there is no cure for autism, it is well-documented that if individuals with autism receive early and intensive treatment throughout their lives, they lead significantly improved lives; and

WHEREAS, individuals with autism often require a lifetime of specialized and community support services to ensure their health and safety and to support families' resilience as they manage the psychological and financial burdens autism can present; and

WHEREAS, Autism New Jersey is spearheading an awareness effort in order to educate parents, professionals and the general public about autism and its effects.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they do hereby celebrate the month of April 2017 as National Autism Awareness, Acceptance and Inclusion Month in the Borough of Chatham, and urge all citizens to become better educated about autism and participate in efforts to create a better community for individuals with autism.

RESOLUTION #17-146

RESOLUTION OBSERVING NATIONAL PUBLIC HEALTH WEEK APRIL 3-9, 2017

WHEREAS, since 1995, the American Public Health Association, through its sponsorship of National Public Health Week, has been educating the public, policymakers, and public health professionals on issues important to improving the public's health; and

WHEREAS, during the first full week of April each year, communities across the United States observe National Public Health Week as a time to recognize the contributions of public health professionals and to highlight issues that are important to improving the health of our communities and nation; and

WHEREAS, some of the greatest achievements of public health include immunizing residents against diseases, identifying and controlling infectious diseases, preparing residents for public health emergencies, improving health for women and children, providing safer and healthier foods, implementing occupational health safety measures, and promoting healthy behaviors, including increased physical activity, good nutrition, and tobacco prevention and cessation; and

WHEREAS, public health is the foundation for a brighter tomorrow. When we invest in the safety and well-being of all people, we enrich our communities, bolster our economy, and strengthen our Nation.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they do hereby thank all public health professionals and volunteers who are dedicated to improving the health and well-being of residents in our communities and nation to live healthier and longer lives and encourage all residents to observe the week of April 3 - 9, 2017 as National Public Health Week.

RESOLUTION #17-147

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:

March 13, 2017

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:

March 13, 2017

DISCUSSION ITEMS

1. JCP&L Tree Trimming and Circuit Updates – Mr. Rob Walton

MEETING OPEN TO THE PUBLIC

NOTICE OF PUBLIC COMMENT TIME LIMIT

Hearing of citizens during the Public Comment section of the Agenda is an opportunity for any member of the public to be heard about issues which are/are not topics scheduled for Public Hearing tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to a reasonable length of time.

REPORTS

Council Committees

Budget and Finance	Council Member James Lonergan
Long Range Traffic & Pedestrian Safety Planning	Council Member James J. Collander
Public Safety & Emergency Services	Council Member James J. Collander
Personnel	Council Member Leonard Resto
Public Works Planning/Community Services	Council President Victoria Fife
Shared Services & 3 rd Party Agreements	Council Member Gerald Helfrich

MAYOR'S REPORT

ADMINISTRATOR'S REPORT

RESOLUTION (NON-ROUTINE REQUIRING SEPARATE ACTION)

RESOLUTION #17-148

RESOLUTION TO INTRODUCE THE 2017 MUNICIPAL BUDGET

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the municipal budget for the year 2017:

Municipal Budget

Revenues

General Revenues	\$ 5,907,679.70
Local Tax for Muni Purposes	\$ 7,857,326.34
Minimum Library Tax	<u>\$ 816,372.16</u>
	\$14,581,378.20

Appropriations

Municipal Purposes	\$12,836,378.20
Reserve for Uncollected Taxes	<u>\$ 1,745,000.00</u>
Total General Appropriations	\$14,581,378.20

Water Operating Budget

Revenues

Rents and Fees \$ 1,412,780.00

Appropriations

Expenses \$ 1,412,780.00

Solid Waste Budget

Revenues

Rents and Fees \$ 597,750.00

Appropriations

Expenses \$ 597,750.00

And,

BE IT FURTHER RESOLVED, that said Budget shall be published in the official newspapers of the Borough together with a public notice that the public hearing will be held in Borough Hall on April 24th at 7:30 p.m., or as soon thereafter as the matter can be reached by the Borough Council.

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 #17-149 through Resolution #17-151 have been placed on the Consent Agenda.

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

RESOLUTION #17-

FINANCE

RESOLUTION #17-149

RESOLUTION TO APPROVE PAYMENT OF VOUCHERS

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

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

RESOLUTION #17-150

RESOLUTION OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, AUTHORIZING SETTLEMENT OF THE 2009, 2010, 2011, 2012, 2013 AND 2014 TAX APPEALS ENTITLED NORMANDY CHATHAM, LLC, ET AL V. BOROUGH OF CHATHAM, DOCKET NOS.: 010553-2009; 002711-2010; 004037-2011; 005079-2012; 005802- 2013; 006611-2014 OF THE TAX ASSESSMENT OF BLOCK 49, LOT 2, KNOWN AS 26 MAIN STREET IN THE BOROUGH OF CHATHAM, MORRIS COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessment for tax years 2009, 2010, 2011, 2012, 2013 and 2014 on Block 49, Lot 2 have been filed by the Taxpayer, Normandy Chatham, LLC; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Borough Tax Assessor and Borough Tax Expert; and

WHEREAS, the settlement of said matter as more fully set forth below is in the best interest of the Borough of Chatham.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, New Jersey, as follows:

1. Settlement of the 2009 tax appeal is hereby authorized as follows:

26 Main Street
Block 49, Lot 2

Year: 2009

<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land: \$ 3,827,900	N/A	\$3,827,900
Imprvts: \$10,197,800	N/A	\$5,567,800
Total: \$14,025,700	N/A	\$9,395,700

2. Settlement of the 2010 tax appeal is hereby authorized as follows:

26 Main Street
Block 49, Lot 2

Year: 2010

<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land: \$ 3,827,900	N/A	\$3,827,900
Imprvts: \$10,197,800	N/A	\$5,862,200
Total: \$14,025,700	N/A	\$9,690,100

3. Settlement of the 2011 tax appeal is hereby authorized as follows:

26 Main Street
Block 49, Lot 2

Year: 2011

<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land: \$ 3,827,900	N/A	\$ 3,827,900
Imprvts: \$10,197,800	N/A	\$ 6,258,800
Total: \$14,025,700	N/A	\$10,086,700

4. Settlement of the 2012 tax appeal is hereby authorized as follows:

26 Main Street
Block 49, Lot 2

Year: 2012

<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land: \$ 3,827,900	N/A	\$ 3,827,900
Imprvts: \$10,197,800	N/A	\$ 7,077,100
Total: \$14,025,700	N/A	\$10,905,000

5. Settlement of the 2013 tax appeal is hereby authorized as follows:

26 Main Street
Block 49, Lot 2

Year: 2013

<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land: \$ 3,827,900	N/A	\$ 3,827,900
Imprvts: \$ 8,914,200	N/A	\$ 8,914,200
Total: \$12,742,100	N/A	\$12,742,100

6. Settlement of the 2014 tax appeal is hereby authorized as follows:

26 Main Street
Block 49, Lot 2

Year: 2014

<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land: \$ 3,827,900	N/A	\$ 3,827,900
Imprvts: \$ 7,677,900	N/A	\$ 7,677,900
Total: \$11,505,800	N/A	\$11,505,800

And,

BE IT FURTHER RESOLVED, that O'Donnell and McCord P.C. is hereby authorized to enter into the Stipulation of Settlement as provided by Taxpayer and which is attached and made a part of this Resolution; 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 #17-151

RESOLUTION GRANTING PERMISSION FOR THE CHATHAM BOROUGH FIRE DEPARTMENT ASSOCIATION TO HOLD ITS ANNUAL FISHING DERBY AT KELLEY'S POND

WHEREAS, the Chatham Borough Fire Department Association desires to hold its annual fishing derby at Kelley's Pond on April 29, 2017 from 8:00 a.m. to 5:00 p.m.; and

WHEREAS, the Mayor and Borough Council wish to authorize this event.

BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham does hereby grant permission for the Chatham Borough Fire Department Association to hold its annual fishing derby at Kelley's Pond on April 29, 2017 from 8:00 a.m. to 5:00 p.m.; and

BE IT FURTHER RESOLVED, that the Chatham Borough Fire Department Association shall be required to submit a Facilities Use Application and required documentation to the Department of Community Services and that a certificate of insurance listing the Borough of Chatham as an additional insured and providing proof of general liability insurance in excess of \$1,000,000.00 shall be submitted for this event; and

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

CONSENT AGENDA VOTE:

Mayor Harris asks Council Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions #17-149 through #17-151.

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 RESOLUTIONS

ORDINANCES FOR FIRST READING

Mayor Harris asks Council Member Lonergan to introduce Ordinance #17-04.

Council Member Lonergan introduces Ordinance #17-04 by title as follows:

ORDINANCE #17-04

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

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

Council Member Lonergan reads:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on March 27, 2017.

BE IT RESOLVED, that at the Council meeting to be held on April 24, 2017 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 Borough Hall and make copies available to members of the general public.

Council Member Lonergan: I offer Ordinance #17-04 and move its adoption on first reading.

Council Member _____ seconds the motion.

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

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

Mayor Harris asks Council Member Hoffman to introduce Ordinance #17-05.

Council Member Hoffman introduces Ordinance #17-05 by title as follows:

ORDINANCE #17-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 204 OF THE BOROUGH CODE ENTITLED "PROPERTY MAINTENANCE" TO REQUIRE CREDITORS IN FORECLOSURE ACTIONS TO MAINTAIN AND REPAIR THE EXTERIOR OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES ON WHICH A FORECLOSURE ACTION HAS BEEN FILED.

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

Council Member Hoffman reads:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on March 27, 2017.

BE IT RESOLVED, that at the Council meeting to be held on April 11, 2017 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 Borough Hall and make copies available to members of the general public.

Council Member Hoffman: I offer Ordinance #17-05 and move its adoption on first reading.

Council Member _____ seconds the motion.

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

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

RESOLUTION #17-152

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:

- | | |
|----------------------------|---|
| Contract Negotiations: | 1. PBA Collective Bargaining – Mr. Falzarano |
| Attorney-Client Privilege: | 1. Tax Appeals – Mr. Lott and Mr. Collins |
| Personnel: | 1. Employee Appointments – Council Member 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.

ADJOURNMENT