

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

March 27, 2017 MINUTES

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, March 27, 2017 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 5, 2017.

ROLL CALL

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

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

Mayor Harris asked Council Member Collander to proceed with Resolution #17-145.

Council Member Collander read Resolution #17-145.

PROCLAMATION

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.

Council Member Collander made a motion to approve Resolution #17-145. Council Member Lonergan seconded the motion. A vote was taken and Resolution #17-145 was unanimously approved.

Mayor Harris asked Council Member Hoffman to proceed with Resolution #17-146.

Council Member Hoffman read Resolution #17-146.

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.

Council Member Hoffman made a motion to approve Resolution #17-146. Council Member Resto seconded the motion. A vote was taken and Resolution #17-146 was unanimously approved.

Mayor Harris presented the Proclamation to Lisa DeRosa, President of the Board of Health, and Board of Health members, Maryann McCabe and Rita Marts.

Ms. DeRosa provided a brief description of the role of the Chatham Board of Health, highlighted the accomplishments of Board of Health member, Dr. Norman Schaefer and Public Health Nurse, Marlene Dolan and thanked the Mayor and Council for the Proclamation and their continued support of the Board of Health and its public health programs.

Mayor Harris proceeded with Resolution #17-147.

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

Council Member Collander made a motion to approve Resolution #17-147. Council Member Resto seconded the motion. A vote was taken and Resolution #17-147 was approved unanimously.

DISCUSSION ITEMS

JCP&L Tree Trimming and Circuit Updates – Mr. Rob Walton, representing Jersey Central Power & Light ("JCP&L"), reported that JCP&L's 2017 Capital Budget is \$358,000,000. He added that \$11,000,000 is being dedicated for communication equipment in order to remotely restore and/or redirect circuits to restore power sooner. Mr. Walton further reported that tree trimming along the Academy Substation circuit is scheduled for the beginning of May. Tree trimming will take place along the 34,500 kilovolt line from Traynor Substation to the substation at the old Merck site in Summit. Mr. Walton stated that he had met with the Chair of the Chatham Borough Shade Tree Commission who approved the tree trimming path. Lastly, Mr. Walton reported that tree trimming at the Traynor Substation will be in 2019.

Council President Fife commented on the Post Office Plaza Planning Study. She stated that the Planning Board hired a planner to conduct the Post Office Planning Study. A draft of the study will be presented to the Planning Board on Wednesday, April 5th at 7:30 p.m. She encouraged residents to attend the meeting, to familiarize themselves with the study, ask questions and provide input. She stated that the purpose of the initial study will determine if Post Office Plaza is an area in need of redevelopment. She added that the Borough has reached out to the business and property owners for their input.

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.

Fran Drew, 32 Inwood Road, encouraged the Mayor and Council to inquire with JCP&L, the ability and cost to move Borough powerlines underground or to create solar camps. She also commented on a

sidewalk project pending in Chatham Township and requested that the Mayor and Council research the project to confirm that Chatham Borough trees will not be removed without the permission of the Borough.

Seeing no one else wishing to comment, Mayor Harris closed the meeting to the public.

REPORTS

COUNCIL COMMITTEE REPORTS

Budget and Finance – Council Member Lonergan reported that the 2017 budget is scheduled for introduction tonight. He reported that Moody's has given the Borough a Aaa rating. Chatham Borough is one of 16 towns in New Jersey to have achieved Moody's Aaa rating.

Long Range Traffic & Pedestrian Safety Planning - Council Member Collander has nothing new to report.

Public Safety & Emergency Services - Council Member Collander reported on Police Department statistics, comparing 2017 data to 2016 data.

Personnel - Council Member Resto had nothing new to report.

Public Works Planning/Community Services - Council President Fife reported that the Department of Public Works has been able to save costs by completing projects without the need to hire contractors. The Department of Public Works has been working on the Weston Avenue footbridge, Kelley's Pond, and the Shepard Kollock footpath. She further reported that the Department of Community Services continues to work on the Liberty Park project with the Department of Public Works. Lastly, she reported that the 2017 Spring Clean is scheduled for Saturday, May 6th.

Shared Services & 3rd Party Agreements - Council Member Helfrich reported the committee is presently working with the Board of Health on a public health service agreement that is scheduled for Council consideration at the April 11th meeting of the Mayor and Council.

MAYOR'S REPORT

Mayor Harris reported that a conference call with the New Jersey Department of Transportation ("NJDOT") is scheduled for next week to discuss traffic management ideas for Routes 124 and 124 (Main Street). Mayor Harris further reported that a letter was sent to NJ Transit requesting an update on NJ Transit's investigation into train overpass maintenance. Lastly, Mayor Harris stated that a formal hearing on the 2017 budget is scheduled for the April 24th meeting of the Mayor and Council and that the Board of Education will present the District Budget at the April 24th meeting. He added that he will not be in attendance at the next meeting and that Council President Fife will preside over the meeting in his absence.

Council President Fife commented that the clock in Reasoner Park will soon be removed for refurbishment by Jeff Davis of Specialized Auto Craft. She stated the clock will be reinstalled before the Fishawack Festival.

ADMINISTRATOR'S REPORT

Mr. Falzarano reiterated that Chatham Borough received a Aaa bond rating from Moody's and that the Borough received praise for following its 10-year Strategic Plan, measuring the actual numbers against what was predicted and for the focus on building reserves.

Mayor Harris asked Council Member Lonergan to proceed with Resolution #17-148.

Council Member Lonergan read Resolution #17-148.

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	\$ 816,372.16
	<u>\$14,581,378.20</u>

Appropriations

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

Water Operating Budget

Revenues

Rents and Fees	\$ 1,412,780.00
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Appropriations

Expenses	\$ 1,412,780.00
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Solid Waste Budget

Revenues

Rents and Fees	\$ 597,750.00
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Appropriations

Expenses	\$ 597,750.00
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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.

Council Member Lonergan made a motion to approve Resolution #17-148. Council Member Collander seconded the motion. A vote was taken and Resolution #17-148 was approved unanimously.

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

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

None.

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

Council Member Collander moved to approve Resolution #17-149 through Resolution #17-151. Council Member Hoffman seconded the motion. A vote was taken and Resolutions #17-149 through Resolution #17-151 were unanimously approved.

ADD-ON RESOLUTION(S)

None.

ORDINANCES FOR FIRST READING

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

Council Member Lonergan introduced 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 explained that the Ordinance will allow the Borough to bank funds that fall outside of the 2% CAP and moved for introduction on First Reading.

Council Member Lonergan read:

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 offered Ordinance #17-04 and move its adoption on first reading.

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		

Ordinance #17-04 passed on first reading.

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

Council Member Hoffman introduced 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 explained that the purpose of the Ordinance is to require creditors and lien holders to maintain residential foreclosure properties and moved for introduction on First Reading.

Council Member Hoffman read:

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 offered Ordinance #17-05 and moved its adoption on first reading.

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			
Fife			X			
Helfrich		X	X			
Resto			X			
Hoffman	X		X			

Ordinance #17-05 passed on first reading.

Mayor Harris commented that since Passover falls on April 10th the next meeting of the Mayor and Council is scheduled for Tuesday, April 11th.

Mayor Harris asked Council Member Helfrich to proceed with Resolution #17-152.

Council Member Helfrich read Resolution #17-152.

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.

Council Member Helfrich moved to approve Resolution #17-152. Council Member Collander seconded the motion. A vote was taken and Resolution #17-152 was approved unanimously.

ADJOURNMENT

Having no other business to be conducted, Mayor Harris adjourned the public meeting. The Mayor and Borough Council convened into Closed Session.

Meeting adjourned at 8:32 p.m.

Respectfully Submitted:

Robin R. Kline

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