

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

**July 10, 2017 MINUTES**

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, July 10, 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  
Stephen W. Williams, Acting Borough Administrator  
James L. Lott, Jr., Borough Attorney  
Robin R. Kline, Borough Clerk

Mayor Harris proceeded with Resolution #17-228.

**RESOLUTION #17-228**

**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 26, 2017

And,

**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 26, 2017

Council Member Collander made a motion to approve Resolution #17-228. Council Member Resto seconded the motion. A vote was taken and Resolution #17-228 was unanimously approved.

## DISCUSSION ITEMS

**Morris County Budget** – Freeholder Christine Myers and John Bonanni, Morris County Administrator, presented an overview of the 2017 Morris County Budget. Freeholder Myers reported that the 2017 county budget provides funding to maintain all current county services and, in some cases expands certain county services. She specifically pointed out that the budget includes the continuation of many cost-effective shared services in place with other counties and municipalities, and supports the County of Morris, the Morris County School of Technology, the Morris County Park System and all county infrastructure, including roads, bridges, railroads and buildings.

Freeholder Myers reported that the county's 2017 operating budget is \$332 million. She further reported that the county's ratable base increased \$1.5 billion, which helped to minimize the 2017 county tax rate of 1.79%, reflecting a \$14 per average household increase in the county tax. Freeholder Myers explained that the largest increase in costs in the 2017 operating budget were outside the county's control and included costs associated with health insurance benefit increases (a reported 12% increase over the prior year), anticipated salary adjustments (Mr. Bonanni reported that 90% of the county workforce are members of one of the county's 22 collective bargaining units), transition costs for the privatization of the county's Morris View Nursing facility, mandated criminal justice reform costs, pension increases, the county-wide EMS program (which currently serves 2/3 of the 39 municipalities in Morris County), state human services/mental health needs, and strategic planning initiatives.

Freeholder Myers and Mr. Bonanni reported that the county's 2017 capital budget authorizes \$27.1M in debt for county road projects, design and replacement of bridges, building improvements for criminal justice reform mandates, needed law and public safety equipment, educational facilities and information technology equipment.

Freeholder Myers advised that Morris County received Moody's AAA rating and is one of only six counties in the state to receive Moody's AAA rating. She concluded the budget presentation by reporting that the Morris County Board of Chosen Freeholders have adopted a report entitled, *Vision, Mission and Guiding Principles for the County* that highlights the county's core values and memorializes key priorities to be achieved by the Freeholder Board for the county. Freehold Myers further mentioned that in addition to the county's guiding principles, the Freeholder Board has adopted a resolution for the county to move forward with developing a county-wide strategic plan.

During the budget presentation, Mayor Harris and members of the Borough Council voiced their concerns that several matters communicated to county officials over the past year have gone unanswered and unaddressed.

Council Member Lonergan and Mayor Harris further mentioned that although Chatham Borough contributes \$6 million a year in taxes to the county, the Borough is not receiving anything close to that in return with road projects or other services.

Mayor Harris specifically mentioned that he has yet to hear back from anyone in the county regarding the Borough's draft proposal for a new train station that he submitted to the county earlier in the year. He asked Freeholder Myers and Mr. Bonanni if they would follow up with county officials to help put some pressure on the North Jersey Transportation Planning Authority ["NJTPA"] to move the Borough's new train station proposal forward since Borough officials have done as much as they can at this time. Freeholder Myers and Mr. Bonanni advised they would follow through and bring this to Freeholder DeFillippo's attention, who is the county representative on the NJTPA.

Council Member Resto raised the issue of his appointment to the Morris County Board of Transportation and how it has only met three times in the past two years. He indicated that the Board had not met or taken a position on the current diversion of Midtown Direct service to Hoboken and was largely absent from significant transportation issues. Freeholder Myers and Administrator Bonanni agreed to look into this.

Mayor Harris thanked Freeholder Myers and Mr. Bonanni for providing an informative budget presentation and stated he looks forward to a continued dialogue with county officials.

**Project Community Pride** – Council President Fife and Mr. Williams provided an update on Project Community Pride. Mr. Williams reported that he attended a recent Project Community Pride meeting and advised that 46 Borough residents are currently utilizing services provided by the program, representing 24% of the total participants in the program. Mr. Williams mentioned that the services offered through Project Community Pride help young individuals with behavioral health issues, including substance abuse, family conflict, trauma, grief, depression and anxiety. He noted that Madison Borough, Florham Park Borough, Chatham Borough and the School District of the Chathams currently participate and fund the program, which is administered by the Madison Area YMCA, and confirmed that Chatham Township does not participate in the program.

Council President Fife further reported that the New Jersey State League of Municipalities has invited elected officials in Madison Borough and Chatham Borough to participate in a panel discussion at this year's November conference so that officials in other municipalities can learn more about the Project Community Pride program and replicate similar programs in their communities.

**Capital Projects Update** – Mr. Vince DeNave, Borough Engineer, provided an update on the following 2017 capital projects:

1. Phase I of the Historic Riverside Trail will begin soon with construction of a 1/3 mile stone walkway path around the ballfields at Shepard Kollock Park followed by construction of a woodchip trail along the Passaic River.
2. Road resurfacing projects will be awarded to Tilcon through the Morris County Cooperative Pricing Council. Roads scheduled this year include Center Street, from Yale Street to its Northern terminus, Duchamp Place, Inwood Road, Second Street and Orchard Circle.
3. The 2017 Curb and Sidewalk Program will begin next week in Zone 5. Additional funds have been retained for sidewalk improvements at the Fairmount Avenue trestle and Borough Hall.
4. Bid specifications are being finalized for the Weston Avenue Road Reconstruction Project and, once finalized, will be issued for bid.
5. The Department of Public Works completed drainage projects along Lincoln Avenue, Clark Street and North Summit Avenue. Drainage projects on Myrtle Avenue and Red Road are scheduled for completion this summer.
6. The Department of Public Works will be completing the electric work and installation of the bubblers at Kelly's Pond.
7. Mr. DeNave reported electrical upgrades to Well #3 have been completed. Quotes are being obtained from contractors for the repainting of the water tank.
8. Water main breaks continue to occur on Watchung Avenue from the school entrance to Lafayette Avenue. Mr. DeNave reported that he is looking into whether the water main line can be relined.

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

Mayor Harris proceeded with the Board and Commission Members and Liaison Reports.

## **REPORTS**

### **BOARD & COMMISSION MEMBERS & LIAISON REPORTS**

**Affordable Housing Advisory Committee** - Mayor Harris had nothing new to report.

**Open Space & Historic Preservation Trust Advisory Committee** - Mayor Harris had nothing new to report.

**Historic Riverside Trail Advisory Committee** – Mayor Harris had nothing new to report.

**Traffic & Pedestrian Safety Advisory Committee** - Council Member Collander reported that the next meeting is scheduled for Wednesday, July 12<sup>th</sup> but mentioned that the meeting may be cancelled for lack of agenda items.

**Shade Tree Commission** - Council Member Collander reported that the Shade Tree Commission is reviewing its fall tree planting schedule and will be conducting a “windshield study” of street trees with the Commission’s certified tree expert later in the fall. He reported that the July meeting has been cancelled and that the next meeting is scheduled for August 15<sup>th</sup>.

**Communications & Technology Advisory Committee** - Council Member Lonergan had nothing new to report.

**Joint Recreation Advisory Committee** - Council Member Lonergan had nothing new to report.

**Municipal Pool Advisory Committee** - Council Member Lonergan had nothing new to report.

**Farmers’ Market Advisory Committee** - Council President Fife had nothing new to report.

**Mayors' Wellness Advisory Committee** - Council President Fife had nothing new to report.

**MyChathamNJ Advisory Committee** - Council President Fife had nothing new to report.

**Planning Board** - Council President Fife reported that representatives of Topology LLC will be at the Farmer’s Market on Saturday, July 15<sup>th</sup> from 9:00 a.m. to 1:00 p.m. to provide information to residents about the proposed Post Office Plaza Redevelopment Project and obtain public feedback through the completion and submission of surveys.

**Project Community Pride** - Council President Fife had nothing new to report.

**Senior Center of the Chathams** - Council President Fife had nothing new to report.

**9/11 Memorial Advisory Committee** - Council Member Helfrich had nothing new to report.

**Board of Education** - Council Member Helfrich had nothing new to report.

**Joint Municipal Court** - Council Member Helfrich had nothing new to report.

**Municipal Alliance of the Chathams** - Council Member Helfrich had nothing new to report.

**Environmental Commission** - Council Member Resto reported that the plastic bag recycling initiative has collected over 557 pounds of plastic bags to date and has qualified to receive a bench from Trex. The Environmental Commission will be looking into implementing a permanent plastic bag recycling program.

**Joint Community Gardens Advisory Committee** - Council Member Resto had nothing new to report.

**Madison-Chatham Joint Meeting** - Council Member Resto reported that Borough officials are awaiting the findings of Madison Borough's capacity study.

**Pilgrim Pipeline Advisory Committee** - Council Member Resto reported that the proposed oil and hazardous pipeline ordinance is on tonight's agenda for first reading.

**Public Arts Council Advisory Committee** - Council Member Resto had nothing new to report.

**Board of Health** - Council Member Hoffman reported that the Westfield Regional Health Department began public health services for Chatham Borough today. He thanked the Madison Department of Health, Westfield Regional Health Department, Chatham Board of Health and Borough officials for the seamless transition. Megan Avallone, Westfield's Health Officer, will attend a future meeting to introduce herself and provide an overview of public health services to Chatham Borough.

**Historic Preservation Commission** - Council Member Hoffman had nothing new to report.

## **MAYOR'S REPORT**

Mayor Harris thanked the Chatham Fire Department Association for hosting and conducting a great Fourth of July parade and display of fireworks.

## **ADMINISTRATOR'S REPORT**

Administrator Williams reported that the first Boxcar bus departed Chatham today with 25 Borough residents on board. The reported travel time to the Penn Station in New York City was approximately 51 minutes. He confirmed that the Department of Public Works installed the commuter bus parking signs at the Railroad Plaza North parking lot.

Mr. Williams reported that Megan Avallone, Health Officer for the Westfield Regional Department of Health, will attend a future meeting of the Mayor and Council to introduce herself and will present an overview of the array of public health services provided to Chatham Borough. He commended the Clerk's Office in their efforts in facilitating the transition from the Madison Department of Health and for updating the Chatham Borough Board of Health webpage.

He mentioned that the Morris County Sheriff's Office mobile outreach vehicle, "Hope One," will be at Kings Supermarket on July 24<sup>th</sup> from 10:00 a.m. to 2:00 p.m. and will provide free Narcan training, information and resources to individuals seeking assistance with substance addiction.

Lastly, Mr. Williams reported that the Borough submitted a grant application to the Morris County Park Commission seeking \$86,000.00 in grant funding for the Historic Riverside Trail Project. The grant request seeks funding to construct an observation deck over the Passaic River on the former trolley abutments.

## **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 #17-229 through Resolution #17-237 have been placed on the Consent Agenda.

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

Council Member Helfrich requested that Resolution #17-236 be removed from the Consent agenda for separate action.

## **RESOLUTION #17-236**

### **THANKING ROBERT J. (“BOB”) FALZARANO FOR HIS 16 YEARS OF DEDICATED AND PROFESSIONAL SERVICE AND FOR HIS LEADERSHIP**

**WHEREAS**, Robert J. (“Bob”) Falzarano was appointed Borough Administrator on October 1, 2001, after serving 16 years as police chief in Long Hill Township; and

**WHEREAS**, by letter dated April 28, 2017 he tendered his resignation, effective June 10, 2017, to pursue a new opportunity in a nearby community; and

**WHEREAS**, the Mayor and Council have thoroughly enjoyed working with Mr. Falzarano over the years and deeply regret his decision to leave Chatham Borough; and

**WHEREAS**, during the 16 years he served as Borough Administrator, Mr. Falzarano brought a degree of professionalism to municipal government that has made Borough government responsive to the needs of its residents and ensured that all residents receive high quality municipal services; and

**WHEREAS**, Mr. Falzarano has been instrumental in securing the Borough’s establishment of and participation in shared service arrangements that have saved taxpayers hundreds of thousands of dollars while still ensuring that they receive high quality services; and

**WHEREAS**, Mr. Falzarano’s many accomplishments include making financial management and budgeting the cornerstone of municipal administration and not just a task that was paid attention to at the beginning and end of each year; and

**WHEREAS**, Mr. Falzarano’s financial management also resulted in 10-year capital plans and identification of funding for needed municipal assets, and in combination with his budgeting practices allowed Moody’s Investors Service to raise the Borough’s bond rating to AAA; and

**WHEREAS**, under his leadership the Borough made much needed improvements to its infrastructure, and especially to its roads, sewer and water infrastructure; and

**WHEREAS**, Mr. Falzarano also oversaw the implementation of initiatives that helped make municipal government more open, including the introduction of the website and ensuring that a wide range of materials are posted and made readily available to residents, the installation of video equipment that allows meetings to be televised, the introduction of AlertChathamBorough, our emergency notification service, and the publication of an annual report covering the Borough’s accomplishments.

**BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham that Robert J. (“Bob”) Falzarano’s resignation as Borough Administrator is accepted with much regret; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Chatham that they join all residents in thanking Robert J. (“Bob”) Falzarano for his 16 years of dedicated and professional service and for his leadership.

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Chatham that they wish the best for Robert J. Falzarano in his future endeavors and hope that his efforts continue to be successful! Bob, you will be missed.

Council Member Helfrich made a motion to approve Resolution #17-236. Council Member Collander seconded the motion. A vote was taken and Resolution #17-236 was approved unanimously.

Mayor Harris proceeded with the following Resolutions listed on the Consent agenda:

**CONTRACTS**

**RESOLUTION #17-229**

**RESOLUTION AUTHORIZING A 60-MONTH LEASE FOR A PITNEY BOWES SENDPRO P SERIES MAIL SYSTEM WITH PITNEY BOWES, INC. IN THE AMOUNT NOT TO EXCEED \$15,960.00**

**WHEREAS**, the Borough's existing rental agreement with Pitney Bowes, Inc. ("Pitney Bowes") for the Borough's mail machine is scheduled to expire on July 31, 2017; and

**WHEREAS**, the Borough has received a proposal from Pitney Bowes for a SendPro P Series Mail System to replace the Borough's present mail machine, which includes yearly maintenance for all parts and labor; and

**WHEREAS**, the proposed new mail system is not available through the State of New Jersey Cooperative Purchasing Program; however, the Borough is able to achieve cost-savings and avoid the cost and time of a separate procurement process by using a National Governmental Purchasing Cooperative; and

**WHEREAS**, P.L. 2011, c.139 allows local contracting units to utilize national cooperative contracts as a method of procurement; and

**WHEREAS**, the Borough is a member in the National Joint Powers Alliance (NJPA), a National Governmental Purchasing Cooperative, which has publicly bid for postage meters and related mailing equipment, software, accessories and supplies, including Pitney Bowes mailing systems; and

**WHEREAS**, the Chief Financial Officer has recommended that the Borough enter into 60-month NJPA State and Local Term Rental Agreement with Pitney Bowes for a SendPro P Series Mail System once the present agreement expires; and

**WHEREAS**, the Chief Financial Officer has certified that the maximum dollar amount of the 60-month rental agreement shall not exceed \$15,960.00 and that funds are currently available for the purpose of awarding this contract and shall be encumbered in quarterly payments not to exceed \$796.26 over the term of the rental agreement from the Current Fund account #7-01-20-100-212, and will be subject to appropriations in the 2018, 2019, 2020, 2021 and 2022 Municipal Budgets; and

**WHEREAS**, Pitney Bowes has completed and submitted a Non-Collusion Affidavit and Stockholder Disclosure Certification, along with a Business Registration Certificate and Certificate of Employee Information Report demonstrating AA/EEO compliance as required by P.L. 2011, c.139.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that the Mayor is hereby authorized to sign the 60-month Pitney Bowes/NJPA State and Local Term Rental Agreement for a SendPro P Series Mail System at a cost not to exceed \$15,960.00; and

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

**RESOLUTION #17-230**

**RESOLUTION AUTHORIZING A CONTRACT WITH ANIMAL CONTROL SOLUTIONS, LLC FOR ANIMAL CONTROL SERVICES IN THE AMOUNT NOT TO EXCEED \$6,000.00**

**WHEREAS**, there exists a need to contract for animal control services for the Borough; and

**WHEREAS**, by Resolution #17-52 adopted by the Borough Council on January 3, 2017, a temporary contract was awarded to Animal Control Solutions LLC for animal control services on a month-to-month basis for the period of January 1, 2017 through April 1, 2017; and

**WHEREAS**, upon the recommendation of the Acting Borough Administrator, the Mayor and Borough Council wish to authorize the extension of the contract with Animal Control Solutions, LLC, 2 Marshall Drive, Flemington, NJ 08822 for animal control services retroactively for the period April 1, 2017 and ending December 31, 2017, and which shall include a monthly retainer of \$150.00, call out fee of \$220.00, and kenneling and veterinary fees and costs that may be necessary under N.J.S.A. Title 4 as outlined in Schedule B of the contract; and

**WHEREAS**, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$6,000.00 and that funds are currently available for the purpose of awarding the contract to Animal Control Solutions, LLC from the trust fund account #T-20-56-501-010.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that the Mayor is hereby authorized to execute a contract with Animal Control Solutions, LLC for animal control services in accordance with the terms and conditions set forth in the proposal; 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 #17-231**

#### **RESOLUTION AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH TOPOLOGY, INC. FOR SPECIAL PLANNING SERVICES IN THE AMOUNT NOT TO EXCEED \$33,000.00**

**WHEREAS**, by Resolution #16-316 adopted by the Borough Council on November 14, 2016, a professional services contract was awarded to Topology, Inc. for special planning services based upon Topology's proposal for professional planning services dated November 2, 2016; and

**WHEREAS**, such services constitute a professional service as defined by the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-2, which are specifically exempt from the public bidding process in accordance with N.J.S.A. 40A:11-5; and

**WHEREAS**, the Local Finance Board of the State of New Jersey has adopted amendments to N.J.A.C. 5:30-5.3 through 5.5, which became effective as of June 5, 2017; and

**WHEREAS**, it is necessary to amend the professional services contract with Topology, Inc. to authorize the maximum dollar amount of the contract in the amount not to exceed \$33,000.00, which includes Phase I and Phase II as set forth in the proposal's scope of services; and

**WHEREAS**, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$33,000.00 and that funds are currently available for the purpose of awarding the contract to Topology, Inc. from Current Fund Accounts #6-01-21-180-225, #6-01-20-100-300 and #7-01-20-100-200 for the award of this contract.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that the professional service contract with Topology, Inc. for special planning services is hereby amended to authorize a maximum contract amount not to exceed \$33,000.00; and

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

## **RESOLUTION #17-232**

### **RESOLUTION AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH GREENBAUM, ROWE, SMITH & DAVIS LLP FOR SPECIAL LEGAL PLANNING SERVICES IN THE AMOUNT NOT TO EXCEED \$10,000.00**

**WHEREAS**, by Resolution #17-116 adopted by the Borough Council on February 27, 2017, a professional services contract was awarded to Greenbaum, Rowe, Smith & Davis LLP for special legal planning services based upon a proposal submitted by Robert Goldsmith, Esq.; and

**WHEREAS**, such services constitute a professional service as defined by the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-2, which are specifically exempt from the public bidding process in accordance with N.J.S.A. 40A:11-5; and

**WHEREAS**, the Local Finance Board of the State of New Jersey has adopted amendments to N.J.A.C. 5:30-5.3 through 5.5, which became effective as of June 5, 2017; and

**WHEREAS**, it is necessary to amend the professional services contract with Greenbaum, Rowe, Smith & Davis LLP to authorize the maximum dollar value of the contract in the amount not to exceed \$10,000.00; and

**WHEREAS**, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$10,000.00 and that funds are currently available for the purpose of awarding the contract to Greenbaum, Rowe, Smith & Davis LLP from Current Fund Accounts #7-01-20-100-300, #7-01-20-130-233 and #7-01-35-470-201 for the award of this contract.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that the professional service contract with Greenbaum, Rowe, Smith & Davis LLP for special legal planning services is hereby amended to authorize a maximum contract amount not to exceed \$10,000.00; and

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

## **FINANCE**

## **RESOLUTION #17-233**

### **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 #17-234**

### **RESOLUTION CERTIFYING RECEIPT AND REVIEW OF THE ANNUAL AUDIT REPORT FOR THE YEAR 2016**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, N.J.S.A. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall, by resolution, certify to the Local

Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations;” and

**WHEREAS**, the Annual Report of Audit for the year 2016 has been filed by the Borough’s Registered Municipal Accountant with the Borough Clerk pursuant to N.J.S.A. 40A:5-6 and copies have been distributed and received by each member of the Governing Body; and

**WHEREAS**, the members of the Governing Body have personally reviewed the Annual Report of Audit, and specifically, as a minimum, the sections of the Annual Audit entitled “Comments and Recommendations,” as evidenced by the group affidavit form of the governing body attached hereto and made part of this Resolution; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they have complied with N.J.S.A. 40A:5-4 and N.J.A.C. 5:30-6.5 and do hereby submit a certified copy of this Resolution and the required affidavit, attached hereto and made a part of this Resolution, to the Local Finance Board to show evidence of said compliance.

#### **RESOLUTION #17-235**

#### **RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN FOR THE ANNUAL AUDIT REPORT FOR THE YEAR 2016**

**WHEREAS**, the Division of Local Government Services has promulgated a regulation that each municipality shall prepare and submit a Corrective Action Plan that “shall cover all findings and recommendations in the audit report, including state, federal, and general findings, as well as the status of all prior year findings and recommendations” and that the governing body shall approve the Corrective Action Plan, and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

“R.S. 52:27BB-52 - A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provision of the Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

And,

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

**WHEREAS**, the Mayor and Borough Council have reviewed and approved the Corrective Action Plan submitted by the Chief Financial Officer, a copy of which is attached and made a part of this resolution.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Corrective Action Plan submitted by the Chief Financial Officer is hereby approved; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk shall file a certified copy of this resolution and the required affidavit to the Local Finance Board to show evidence of said compliance with the promulgation of the Local Finance Board of the State of New Jersey.

## **PERSONNEL**

### **RESOLUTION #17-236**

Was removed for separate discussion and vote.

## **SHARED SERVICES**

### **RESOLUTION #17-237**

#### **RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE BOROUGH OF CHATHAM AND THE COUNTY OF MORRIS ESTABLISHING A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT AND HOME ACTIVITIES PROGRAMS**

**WHEREAS**, Title I of the Housing and Community Development Act of 1974, as amended, and Title II of the Cranston-Gonzales National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership Program under the Community Development Block Grant Program, provides for the allocation of substantial federal funds to eligible urban counties for use therein; and

**WHEREAS**, the Emergency Shelter Grant Program (“ESG”), provided through Subtitle B of the McKinney-Vento Homeless Assistance Act, provides for the allocation of substantial federal funds to eligible urban counties for use therein to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

**WHEREAS**, the County of Morris (the “County”) is eligible to receive federal funds available through the Department of Housing and Urban Development; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) provides a mechanism through which counties and municipalities may enter into agreements for the provision of joint services; and

**WHEREAS**, the Mayor and Council of the Borough of Chatham wish to enter into an agreement with the County of Morris for Federal Fiscal Years 2018, 2019 and 2020, to address housing and homeless problems in accordance with the housing goals and strategies outlined in the Morris County Consolidated Plan within Morris County, New Jersey.

**BE IT RESOLVED**, by the Council of the Borough of Chatham, in the County of Morris, State of New Jersey that the Mayor is hereby authorized to sign the agreement entitled, “Agreement Between the County of Morris and the Borough of Chatham Establishing a Cooperative Means of Conducting Certain Community Development and HOME Activities Programs” with the County of Morris for Federal Fiscal Years 2018, 2019 and 2020; 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 made a motion to approve Resolutions #17-229 through #17-235 and #17-237 listed on the Consent Agenda. Motion seconded by Council Member Hoffman. A vote was taken and Resolutions #17-229 through #17-235 and #17-237 were approved unanimously.

## ADD-ON RESOLUTION

None.

## ORDINANCES FOR FIRST READING

Mayor Harris asked Council President Fife to introduce Ordinance #17-08.

Council President Fife introduced Ordinance #17-08 by title as follows:

### ORDINANCE #17-08

#### ORDINANCE OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 165, ARTICLE XIII, OF THE CODE OF THE BOROUGH OF CHATHAM REGULATING SIGNS

Council President Fife advised that Ordinance #17-08 revises the Borough's sign ordinance so that it is consistent with the U.S. Supreme Court decision in Reed v. Town of Gilbert, Arizona and asked Mr. Lott to provide further detail on the amendments to the ordinance.

Mr. Lott further advised that Ordinance #17-08 regulates the type, size, style and placement of commercial and non-commercial signage within the Borough. All non-commercial signs may be placed in the public right-of-way for not more than 30 days prior to an event date and must be removed within 5 days following the event date. Placement of non-commercial signs must be approved by the Zoning Officer prior to placement. He clarified that political signs are defined as non-commercial signs and are allowed in the public rights-of-way; however, they are not allowed on Borough property.

Council President Fife moved for introduction on First Reading.

Council President Fife read:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on July 10, 2017.

**BE IT RESOLVED**, that at the Council meeting to be held on August 14, 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 President Fife: I offer Ordinance #17-08 and move its adoption on first reading.

Council Member Lonergan 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		X			
Helfrich			X			
Resto			X			
Hoffman			X			

Mayor Harris declared Ordinance #07-08 passed on first reading. Mr. Lott advised that Ordinance #17-08 will be referred to the Planning Board for review.

Mayor Harris asked Council Member Resto to introduce Ordinance #17-09.

Council Member Resto introduced Ordinance #17-09 by title as follows:

**ORDINANCE #07-09**

**ORDINANCE OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF  
NEW JERSEY, ADOPTING NEW CHAPTER 189 AND AMENDING CHAPTER 165 OF THE  
CODE OF THE BOROUGH OF CHATHAM AND PROVIDING REGULATIONS  
APPLICABLE TO OIL AND HAZARDOUS SUBSTANCE PIPELINES**

Council Member Resto explained that the purpose of this ordinance is to regulate oil and hazardous pipelines and to specifically provide that those pipelines that are not public utilities and are not regulated by the New Jersey Board of Public Utilities (“BPU”) are specifically prohibited within the residential and affordable housing zone districts. He mentioned that the attorney retained by the Municipal Pipeline Group recommends the adoption of this ordinance as a pre-emptive measure should the Pilgrim Pipeline, or any other pipeline not regulated by the BPU, move through the approval process and threaten to construct a pipeline through the Borough, which may impact the health of welfare of our residents.

Council Member Resto moved for introduction on First Reading.

Council Member Resto read:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on July 10, 2017.

**BE IT RESOLVED**, that at the Council meeting to be held on August 14, 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 Resto: I offer Ordinance #17-09 and move its adoption on first reading.

Council President Fife 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			
Fife		X	X			
Helfrich			X			
Resto	X		X			
Hoffman			X			

Mayor Harris declared Ordinance #07-09 passed on first reading. Mr. Lott advised that Ordinance #17-09 will be referred to the Planning Board for review.

Mayor Harris asked Council Member Helfrich to proceed with Resolution #17-238.

Council Member Helfrich read Resolution #17-238.

## **RESOLUTION #17-238**

**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:

- |             |  |
|-------------|--|
| Contracts:  | 1. PBA Collective Bargaining<br>2. Madison Chatham Joint Meeting – Mr. DeNave  |
| Litigation: | 1. Joseph Kearney, Jr. v. Borough of Chatham, et al. – Mr. Lott<br>2. 4 Watchung Avenue LLC v. Borough of Chatham<br>– Mr. Williams and Mr. Lott |
| Personnel:  | 1. Police Department Matters – Mr. Williams and Chief Crosson  |

**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 #17-238. Council Member Hoffman seconded the motion. A vote was taken and Resolution #17-238 was approved unanimously.

## **ADJOURNMENT**

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

Meeting adjourned at 9:06 p.m.

Respectfully Submitted:

*Robin R. Kline*

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