

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

August 14, 2017 MINUTES

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, August 14, 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 Collander
Council Member James Lonergan
Council President Victoria Fife
Council Member Gerald J. Helfrich
Council Member Leonard Resto
Stephen W. Williams, Acting Borough Administrator
James L. Lott, Jr., Borough Attorney
Robin R. Kline, Borough Clerk

Council Member Hoffman was absent.

Mayor Harris proceeded with Resolution # 17-245. Mayor Harris read Resolution #17-245.

PROCLAMATIONS

RESOLUTION #17-245

**RESOLUTION SUPPORTING THE 11TH ANNUAL TURN THE TOWNS TEAL[®] CAMPAIGN,
A NATIONAL CAMPAIGN PROMOTING AWARENESS OF OVARIAN CANCER AND ITS
SYMPTOMS**

WHEREAS, ovarian cancer is the fifth leading cause of cancer-related death among women in the United States; and

WHEREAS, the American Cancer Society estimates that in 2016, about 22,280 new cases of ovarian cancer will be diagnosed in the United States and that 14,240 women will die of ovarian cancer; and

WHEREAS, ovarian cancer is called the “silent disease” because its symptoms are often vague or subtle; and

WHEREAS, if detected in its early stages, the survival rate from ovarian cancer is 90-95 percent, yet the relative five-year survival rate for ovarian cancer is 46 percent because it is so difficult to detect early. Survival rates vary greatly depending on the stage of diagnosis; and

WHEREAS, the Turn The Towns Teal[®], a national campaign to promote awareness of ovarian cancer and its symptoms, was the inspiration of Gail MacNeil of Chatham, New Jersey during her 10-year battle with ovarian cancer. This campaign continues to go forward in her name and in her honor; and

WHEREAS, Turn The Towns Teal[®] and the Ovarian Cancer Research Fund Alliance (OCRFA) are partnering to promote awareness of ovarian cancer through the Turn The Towns Teal[®] campaign; and

WHEREAS, the month of September is dedicated to raising awareness of ovarian cancer.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby support the Turn The Towns Teal[®] campaign, a national campaign to promote awareness of ovarian cancer and its symptoms, and authorize the placement of teal colored ribbons around Borough trees during the month of September; and

BE IT FURTHER RESOLVED, that the placement of any banners or signage must be reviewed and approved in advance of their posting on Borough property by the Borough's Zoning Officer and that all ribbons shall be removed from Borough trees on or before September 30, 2017.

Council Member Helfrich made a motion to approve Resolution #17-245. Council Member Collander seconded the motion. A vote was taken and Resolution #17-245 was approved unanimously.

Council President Fife accepted the resolution on behalf of the Turn The Towns Teal[®] organization and thanked Mayor Harris and the Borough Council for their continued support.

Mayor Harris asked Council Member Resto to proceed with Resolution #17-246.

Council Member Resto read Resolution #17-246.

RESOLUTION #17-246

RESOLUTION ENCOURAGING SUPPORT FOR THE "AMERICAN FOUNDATION FOR SUICIDE PREVENTION'S "OUT OF THE DARKNESS" WALK ON SEPTEMBER 23, 2017

WHEREAS, the Borough of Chatham is committed to increasing awareness of suicide prevention and wishes to recognize the importance of suicide awareness in our community; and

WHEREAS, suicide claimed more than 42,000 lives last year alone in the United States, with someone dying by suicide every 12.8 minutes; and

WHEREAS, a suicide attempt is made every minute of every day, resulting in nearly one million attempts made annually, with an increasing number of teens and pre-teens, members of the military and the protective services of Police, Fire and Emergency Management Technicians being most at risk; and

WHEREAS, the scourge and stigma of mental illness causes many to keep suicide and attempted suicides unspoken of in the community, even in Chatham; and

WHEREAS, the American Foundation for Suicide Prevention is a multi-faceted organization made up of esteemed scientists, dedicated survivors of suicide loss, people with mental disorders and their families, those who wish to bring suicide and mental illness out of the shadows, and an expansive network of business and community leaders; and

WHEREAS, the American Foundation for Suicide Prevention is at once a grassroots movement, a support network, an educator, a professional research organization and a grant-making foundation that organizes hundreds of events in communities across the country, raising millions of dollars each year to support its work, both locally and nationally; and

WHEREAS, the Borough of Chatham supports the American Foundation for Suicide Prevention to host “Talk Saves Lives” community-based presentations on suicide prevention, and the “Out of the Darkness” walk to raise funds for same; and

WHEREAS, last year’s “Out of the Darkness” walk far exceeded its original \$15,000 fundraising goal by raising \$70,001; and

WHEREAS, the second annual “Out of The Darkness Walk” will take place on September 23, 2017 at 5:30 P.M. at Cougar Field to increase awareness of suicide prevention and raise funds for the American Foundation for Suicide Prevention, an endeavor which the Borough of Chatham fully supports with Council Member Resto co-chairing the effort and participating in the walk; and

WHEREAS, the American Foundation for Suicide Prevention remains an advocate for social change, supporting policies that contribute to reducing and preventing suicides nationwide and encouraging all individuals who may be in crisis to call the National Suicide Prevention Lifeline at 1-800-273-TALK (8255).

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Chatham encourage as many of our residents as possible to show their support of this important cause by either registering to walk, raise funds, or attend the “Out of the Darkness” event on September 23rd.

Council Member Resto made a motion to approve Resolution #17-246. Council Member Lonergan seconded the motion. A vote was taken and Resolution #17-246 was approved unanimously.

Council Member Resto reported that he is co-chairing this year’s “Out of The Darkness Walk,” which will take place on September 23, 2017 at 5:30 P.M. at Cougar Field and encouraged the public to participate. He mentioned that given the increase in the number of suicides, especially among pre-teens, teenagers and individuals in the military, it is becoming more important to bring awareness to suicides and its prevention in our communities.

Mayor Harris asked Council Member Collander to proceed with Resolution #17-247.

Before reading Resolution #17-247, Council Member Collander mentioned Colin Kidd is the third generation of his family to join the fire department and that other family members serve on the Chatham Emergency Squad.

Council Member Collander read Resolution #17-247.

APPOINTMENT

RESOLUTION #17-247

RESOLUTION APPOINTING COLIN KIDD AS A MEMBER OF THE JUNIOR FIREMEN’S AUXILIARY COMPANY OF THE CHATHAM BOROUGH VOLUNTEER FIRE DEPARTMENT

WHEREAS, Chapter 15, Section 15-24 of the Code of the Borough of Chatham 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, established the rules and regulations governing the operations of the Junior Firemen’s Auxiliary Company; and

WHEREAS, Colin Kidd 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 Colin Kidd be appointed as a member of the Junior Firemen's Auxiliary Company; 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

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Colin Kidd 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 Resolution #17-247. Council Member Resto seconded the motion. A vote was taken and Resolution #17-247 was approved unanimously.

ADMINISTRATION OF THE OATH OF OFFICE

The Borough Clerk administered the oath of office to Mr. Kidd who was accompanied by his family.

Mayor Harris and the Borough Council thanked Colin for volunteering his service as a member of the Junior Firemen's Auxiliary Company of the Chatham Borough Volunteer Fire Department and wished him well.

Mayor Harris asked Council President Fife to proceed with Resolution #17-248.

Council President Fife read Resolution #17-248.

PERSONNEL

RESOLUTION #17-248

RESOLUTION TO ACCEPT THE RETIREMENT OF PUBLIC WORKS EQUIPMENT OPERATOR JOSEPH M. ZBESKO

WHEREAS, Joseph "Joe" M. Zbesko has submitted written notification to the Borough of Chatham that he will be retiring from the Department of Public Works effective August 31, 2017; and

WHEREAS, Joe Zbesko began his employment as a Serviceman in the Chatham Borough Department of Public Works on March 21, 1988 and, as a result of his demonstrated ability and diligent work, was promoted to the position of Equipment Operator in 2006; and

WHEREAS, throughout his 29 years of service to the Borough, Joe has been called upon many, many times in the middle of the night, and in all weather conditions, whether to respond to water main breaks, plow snow-covered streets and sidewalks to ensure safe passage for early morning commuters and motorists, or to clear storm-damaged areas or respond to other emergencies; and

WHEREAS, Joe has demonstrated himself to be well-qualified and skilled in his performance of public works projects and as a conscientious public employee, and will truly be missed for his exemplary work and dedicated service.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Joe Zbesko's retirement is hereby accepted with an effective date of August 31, 2017; and

BE IT FURTHER RESOLVED, that the Mayor and Council do hereby extend their sincere and grateful appreciation to Joe Zbesko for his 29 years of outstanding service to the Borough of Chatham and congratulate him on his well-earned retirement and wish him happiness and good health in the years to come.

Council President Fife made a motion to approve Resolution #17-248. Council Member Resto seconded the motion. A vote was taken and Resolution #17-248 was approved unanimously.

Council President Fife thanked Joe for his 29 years of service to the Borough and complimented him for his positive attitude and friendly manner throughout the years. Mayor Harris and the Borough Council further thanked Joe for his years of service and wished him well in his retirement, and Mayor Harris presented him with the framed resolution.

PRESENTATION

Chatham Rotary Club Lending Library Project – Mr. Matthew Wagner, President of the Rotary Club of the Chathams, and Mr. Peter Duffy, Eagle Scout of Troop #8, provided a brief explanation of the Lending Library Project. Mr. Wagner commented that the Rotary Club of the Chathams was interested in sponsoring a Lending Library Project and reached out to Boy Scout Troop #8 to see if the scouts would be interested in the project. Mr. Peter Duffy, an Eagle Scout candidate, expressed his interest in the project for his Eagle Scout service project, which he said stemmed from his early love of books.

The proposed project would consist of building and installing two curbside lending library boxes, one for adult books and the other for children books. Several locations within the Borough were proposed, including Bicentennial Rotary Park, Reasoner Park, the commuter oasis at the train station, Memorial Park, Liberty Park and Shepard Kollock Park. Upon further discussion of the proposed locations, Mayor Harris and the Borough Council agreed that the most favorable locations to install the lending library boxes would be at the commuter oasis, Memorial Park, and Shepard Kollock Park. An authorizing resolution will be included on the September 11th agenda for Council action.

Mayor Harris asked Council Member Helfrich to proceed with Resolution #17-249.

Council Member Helfrich read Resolution #17-249.

RESOLUTION TO RECESS INTO CLOSED SESSION

RESOLUTION #17-249

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that it shall recess into closed session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of R.S. 10:4-12b:

Attorney-Client Privilege 1. Property Tax Appeal Settlements – Scott Collins, Esq.

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 reconvene in public session after this closed session.

Council Member Helfrich made a motion to approve Resolution #17-249. Council Member Resto seconded the motion. A vote was taken and Resolution #17-249 was approved unanimously.

Mayor Harris and the Borough Council recessed into Closed Session at 8:10 p.m.

RETURN TO PUBLIC SESSION

Mayor Harris asked for a motion to reconvene into Public Session.

Council President Fife made a motion to reconvene into Public Session. Council Member Resto seconded the motion. A vote was taken with all present in favor.

Mayor Harris and the Borough Council reconvened into Public Session at 8:25 p.m.

Mayor Harris proceeded with Resolution #17-250.

RESOLUTION #17-250

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:

July 24, 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:

July 24, 2017

Council Member Resto made a motion to approve Resolution #17-250. Council Member Collander seconded the motion. A vote was taken and Resolution #17-250 was approved unanimously.

DISCUSSION ITEMS

Capital Projects and Historic Riverside Trail – Mr. Vince DeNave, Borough Engineer, provided an update on the following 2017 capital projects:

1. Intern Projects - Mr. DeNave reported that the summer interns have updated the street tree inventory for the GIS mapping project and also added the locations of water lines and valves to the Borough's GIS mapping data.
2. Weston Avenue Road Improvement Project - The Borough received a \$200,000.00 grant from the New Jersey Department of Transportation for road improvements to Weston Avenue. Bid specifications are being finalized for the project and will be reviewed by the Borough Attorney. It is anticipated that a resolution to award a contract for the Weston Avenue Road Improvement Project will be placed on the September 11th agenda and that the road project would be completed in the fall.
3. Road Resurfacing Projects - Mr. DeNave advised that Orchard Road, between Fairmount Avenue and Washington Avenue, has been removed from the list because four new homes are scheduled to be constructed on Orchard Road and will require underground gas lines to be dug up by the utility company for connection purposes.

Council Member Hoffman had previously inquired about the status of the micro-surfacing project on Elmwood Avenue. Mr. DeNave reported that the Department of Public Works is currently making repairs to the road base, where needed, before the micro-surfacing is applied. He further reported that he will be obtaining cost estimates for micro-surfacing versus cost estimates to mill and pave a roadway to determine which approach is a better value. Depending on the condition of the roadway, Mr. DeNave mentioned that micro-surfacing is the more cost-effective method to extend the life of the street pavement.

4. 2017 Curb & Sidewalk Program - Mr. DeNave confirmed that the contractor has been working throughout the Borough replacing curbs and sidewalks that have been scheduled this year. At the end of the program, the contractor will complete the final grading, seeding and restoration work. Council President Fife inquired if the sidewalk repairs between Kings Road and Main Street will be completed before the schools open. Mr. DeNave confirmed that the 2017 Curb and Sidewalk Program would be completed before the schools open.
5. Drainage Improvements - The Department of Public Works will be completing the drainage improvements on Red Road.
6. Kelley's Pond Improvements – JCP&L will be installing new electric service to Kelley's Pond. Once the new electric service is in place, the Department of Public Works will install the pond bubblers.
7. Inflow and Infiltration Project – Mr. DeNave mentioned that he will present an update at a future meeting.

Mayor Harris inquired about the status of the painting of the water utility's water tanks. Mr. DeNave responded that initially only the exterior of the water tank was to be painted; however, upon further review, he determined it would be prudent and cost-effective to also examine the interior of the tank. He reported that he will be scheduling the interior investigation work in two weeks.

Mr. DeNave then provided an update on the Historic Riverside Trail Project. He reported that the Department of Public Works is completing the paving of the 1/3 mile loop trail at Shepard Kollock Park and will finish with spreading topsoil and seeding. Phase II of the project includes the creation of a woodchip trail along the Passaic River, which will begin at the end of the fall season when vegetation and overgrowth dies back.

PSE&G Wildflower Project - Mayor Harris reported that he met with Karen D'Souza, PSE&G's Government Affairs liaison to the Borough, to discuss the idea of planting native pollinator-friendly wildflowers within PSE&G's right of way between Kings Road and Woodland Road. Mayor Harris presented a PowerPoint presentation showing similar wildflower planting projects that have been completed along the Garden State Parkway, adding a colorful landscape. Specific details, including timing and funding, need to be determined. A follow up meeting will be held to further explore this proposed project.

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.

Ed Barmakian, 6 Dunbar Street and reporter for The Alternative Press, commented that the Mayor and Borough Council should coordinate their meeting schedule with the Board of Education so that meetings are not held on the same evening.

Mayor Harris responded that the Borough's meeting schedule is directed by Ordinance. Meetings of the Mayor and Borough Council have been held on the second and forth Monday of each month for many decades. He further responded that Borough officials have discussed this matter with the Borough's

representatives on the Board of Education, but they have not shown interest in changing their meeting dates.

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

ORDINANCES FOR SECOND READING

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

Council President Fife read Ordinance #17-08 entitled:

ORDINANCE #17-08

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING ARTICLE XIII OF CHAPTER 165 RELATED TO SIGNS

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on July 10, 2017.

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

The Borough Clerk stated that a legal notice was published indicating that Ordinance #17-08 was introduced and passed on first reading at the July 10, 2017 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on August 14, 2017 for consideration of final adoption. A copy of this Ordinance was forwarded to the Planning Board for review and comment in accordance with the Municipal Land Use Law and was sent to the Morris County Planning Board and adjacent municipalities. Copies of this Ordinance were also made available to the general public and posted in accordance with the law.

Mayor Harris declared the meeting open for a public hearing on the Ordinance. Seeing no one wishing to be heard, Mayor Harris closed the public hearing.

Council President Fife offered the following Ordinance and moved its adoption:

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

Council Member Helfrich seconded the motion.

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

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

Council Member Resto asked for clarification regarding the posting of political signage in the Borough and inquired whether permits are required for the posting of political signs. Mr. Lott advised that permits are not required for political signs and further clarified that the Ordinance prohibits the placement of commercial signage on the Borough's rights-of-ways and properties, which includes the train station and Borough parks. Mr. Lott further advised that a technical correction was made in §165-06 to allow holiday lights in residential zone districts without needing a permit.

Mayor Harris declared Ordinance #17-08 adopted and passed and requested the Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

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

Council Member Resto read Ordinance #17-09 entitled:

ORDINANCE #17-09

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

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on July 10, 2017.

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

The Borough Clerk stated that a legal notice was published indicating that Ordinance #17-09 was introduced and passed on first reading at the July 10, 2017 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on August 14, 2017 for consideration of final adoption. A copy of this Ordinance was forwarded to the Planning Board for review and comment in accordance with the Municipal Land Use Law and was sent to the Morris County Planning Board and adjacent municipalities. Copies of this Ordinance were also made available to the general public and posted in accordance with the law.

Mayor Harris declared the meeting open for a public hearing on the Ordinance. Seeing no one else wishing to comment, Mayor Harris closed the meeting to the public.

Council Member Resto offered the following Ordinance and moved its adoption:

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

Council Member Collander seconded the motion.

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

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

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

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 had nothing new to report.

Shade Tree Commission - Council Member Collander reported that the next meeting is scheduled for August 15th and meets once a month. He further reported that the Commission is currently focusing on the fall tree planting schedule.

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

Joint Recreation Advisory Committee - Council Member James Lonergan reported that the fall recreation programs have kicked off.

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

Farmers' Market Advisory Committee - Council President Victoria Fife had nothing new to report.

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

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

Planning Board - Council President Victoria Fife reported that the Post Office Redevelopment Planning Subcommittee recently met with the planners and is reviewing the feedback received from residents from the Community Visioning Session held in June. She further reported that this week the subcommittee has scheduled meetings with property owners and business owners. A report will be presented at the September 25th Mayor and Council meeting.

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

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

9/11 Memorial Advisory Committee - Council Member Gerald J. Helfrich reported that the annual 9/11 Ceremony is scheduled to take place on Monday, September 11th at 7:00 p.m. Mayor Harris advised that the Mayor and Council meeting will be rescheduled to begin at 7:45 p.m. to accommodate the annual 9/11 Ceremony.

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

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

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

Environmental Commission - Council Member Leonard Resto reported that the Environmental Commission did not meet in August, but reported that over 500 pounds of plastic bags have been collected. He further reported that the Trex Company has provided the Borough with a bench, which will be dedicated in memory of Paul Suszczynski, one of the founders of the Joint Community Garden of the Chathams. At its next meeting, the Environmental Commission will discuss locations where the bench can be installed. The collection of plastic bags will continue until August 30th.

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

Madison-Chatham Joint Meeting - Council Member Leonard Resto had nothing new to report.

Pilgrim Pipeline Advisory Committee - Council Member Leonard Resto had nothing new to report.

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

Board of Health - Council Member Peter Hoffman was absent.

Historic Preservation Commission - Council Member Peter Hoffman was absent.

MAYOR'S REPORT

Mayor Harris reported that Chatham Borough has achieved the Tree City USA designation for 2016 and has forwarded the notification to the Shade Tree Commission.

Mayor Harris further reported that on July 26th, he and Mr. Williams, Mr. DeNave and Council Member Resto met with representatives of the Morris County Planning Department and the North Jersey Transportation Planning Authority (NJTPA) to discuss the proposal to build a new train station off River Road. NJTPA is a federal-funded agency that prioritizes transportation projects in North Jersey. Mayor Harris mentioned that the proposed train station is a long-range project; however, the focus is to initiate the planning stages with the different agencies.

The Borough's website has been updated to include new webpages for the Post Office Plaza Redevelopment Planning Project. The webpages provide much information about the proposed redevelopment of Post Office Plaza and includes links to online surveys.

Lastly, Mayor Harris reported that the Board of Education is moving forward with its capital improvement projects to the Milton Avenue School and to the Chatham Middle School. He mentioned that under the state's Municipal Land Use Law, school districts are not required to give public notice of their appearance before a Planning Board for the required "courtesy review." He further mentioned that the Board of Education may appear before the Planning Board in September.

ADMINISTRATOR'S REPORT

Mr. Williams, Acting Borough Administrator, reported that Fairmount Avenue will be closed to traffic on Tuesday, August 15th at 60 Fairmount Avenue from 9:00 a.m. to 4:00 p.m. for water line repair work. He further reported that roadway micro-resurfacing work will begin on August 16th, on Myrtle Avenue, Hedges Avenue, Vine Street, Milton Avenue, Elmwood Avenue (from Main Street to Weston Avenue), North Hillside Avenue (from Main Street to Weston Avenue), and Walnut Street. AlertChathamBorough messages will be dispatched regarding the road closures.

Mr. Williams reminded residents that payment of 3rd quarter property taxes has been extended to September 6th and reported that the Chatham Borough Board of Health and Westfield Regional Health Department have proposed scheduling the Borough's Flu Clinic on October 28th at the St. Patrick's School Parish Center. Additional information will be posted on the website.

Mr. Williams further reported that acts of vandalism have been occurring at Kelley's Pond in recent months and mentioned that surveillance cameras have been installed and the Police Department is actively investigating the incidents. In addition, he reported that over the next couple of weeks the Madison Chatham Joint Meeting will be slip-lining the sewer trunk that runs under the Weston Avenue footbridge. Residents impacted by the project will be notified in advance.

Mayor Harris made the following appointment to the Environmental Commission:

MAYORAL APPOINTMENT

APPOINTING KEVIN MURPHY AS A REGULAR MEMBER OF THE CHATHAM BOROUGH ENVIRONMENTAL COMMISSION

WHEREAS, due to the recent resignation of Carl Cappabianca, there exists a Regular Member vacancy on the Chatham Borough Environmental Commission with such position and term set to expire on December 31, 2019; and

WHEREAS, N.J.S.A. 40:56-1 sets forth that the appointment of Regular Members to an Environmental Commission shall be made by the Mayor; and

WHEREAS, Kevin Murphy is a 2nd Alternate Member to the Environmental Commission, having been appointed on January 1, 2016, and is willing to serve as a Regular Member, filling the unexpired vacant Regular Member position.

NOW, THEREFORE, as Mayor, I, Bruce A. Harris do hereby appoint Kevin Murphy as a Regular Member to the Environmental Commission to fill the vacant unexpired Regular Member 3-year term, with such term expiring December 31, 2019 and direct the Borough Clerk to update the register of Appointed Municipal Positions to reflect said appointment in accordance with N.J.S.A. 40A:9 -9.2a and Chapter 3, §3.3 of the Code of the Borough of Chatham.

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 #17-251 through Resolution #17-259 have been placed on the Consent Agenda.

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

FINANCE

RESOLUTION #17-251

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 #17-252

**RESOLUTION EXTENDING THE PAYMENT OF THIRD QUARTER PROPERTY TAX
BILLS FROM AUGUST 1, 2017 TO SEPTEMBER 6, 2017**

WHEREAS, N.J.S.A. 54:4-64 requires municipal property tax bills to be mailed at least 47 days prior to August 1st of each year; and

WHEREAS, because the state legislation made last-minute changes in state aid to local school districts for the 2017-2018 fiscal year that began July 1, the School District of the Chathams had to change its proposed budget to reflect those changes, which caused the delay in the certification of the Borough's tax rate by the Morris County Tax Board and the delay in the mailing of the 2017 tax bills by the Chatham Borough Tax Collector; and

WHEREAS, N.J.S.A. 54:4-64 further mandates that property taxpayers shall be given adequate notice of the date when taxes are due before interest is charged on delinquent tax payments; and

WHEREAS, by law the taxpayer has 25 days from the date of mailing of the tax bill to pay property taxes due without interest or penalty; and

WHEREAS, the taxpayer would have less than the required 25-day period from the date of mailing of the tax bill to the third quarter August 1, 2017 due date to pay property taxes due without interest or penalty; and

WHEREAS, the Tax Collector has recommended that payments for the third quarter property taxes should be extended from August 1, 2017 to September 6, 2017.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby concur with the Tax Collector's recommendation and authorize to extend the payment of the third quarter property taxes from August 1, 2017 to September 6, 2017; and

BE IT FURTHER RESOLVED, that the payment of property taxes shall be considered delinquent after September 6, 2017 and after which date interest will be charged from August 1, 2017 to the date of payment.

RESOLUTION #17-253

RESOLUTION APPROVING TAX APPEAL SETTLEMENT WITH 383 MAIN STREET COMPANY FOR THE PROPERTY LOCATED AT 383 MAIN STREET (BLOCK 84, LOT 8)

WHEREAS, appeals of the real property tax assessment for tax years 2015, 2016 and 2017 for the property located at 383 Main Street (Block 84, Lot 8) have been filed by the taxpayer, 383 Main Street Company, and are pending in the Tax Court of New Jersey; and

WHEREAS, a settlement has been negotiated with the taxpayer resolving the tax appeals for the subject property for all of the pending tax years; and

WHEREAS, as a result of the settlement, tax appeals for tax years 2015 and 2016 are withdrawn and the 2017 assessment is reduced as follows:

<u>Original Assessment</u>	<u>Revised Assessment</u>	<u>Credit/Refund Amount</u>
\$1,734,700.00	\$1,500,000.00	\$4,577.00

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 Appraisal Consultant; and

WHEREAS, upon the recommendation of the Borough Tax Assessor and Borough Appraisal Consultant, the Council believes that this tax appeal settlement is in the best interest of the Borough and secures fairness and uniformity in the assessment process.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Chatham that the Council hereby approves of the above tax appeal settlement with 383 Main Street Company.

BE IT FURTHER RESOLVED, by the Council that the Borough Tax Counsel is hereby authorized and directed to enter into the Stipulation of Settlement, which is attached and made a part of this Resolution, and to file the Stipulation and such other documents as required to implement this settlement with the Tax Court of New Jersey; 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 #17-254

RESOLUTION APPROVING TAX APPEAL SETTLEMENT WITH STANISLAW & GRACE BABIAK FOR THE PROPERTY LOCATED AT 74 NORTH PASSAIC AVENUE (BLOCK 56, LOT 8.02)

WHEREAS, appeals of the real property tax assessment for tax years 2012, 2013, 2014, 2015 and 2016 for the property located at 74 North Passaic Avenue (Block 56, Lot 8.02) have been filed by the taxpayer, Stanislaw and Grace Babiak, and are pending in the Tax Court of New Jersey; and

WHEREAS, a settlement has been negotiated with the taxpayer resolving the tax appeals for the subject property for all of the pending tax years; and

WHEREAS, as a result of the proposed settlement, the tax appeals for 2012, 2013 and 2016 are withdrawn and the assessment for 2014 and 2015 are reduced as follows:

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>	<u>Credit/Refund Amount</u>
2014	\$1,021,400.00	\$907,100.00	\$2,168.27
2015	\$1,021,400.00	\$907,100.00	\$2,184.27

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 Appraisal Consultant; and

WHEREAS, upon the recommendation of the Borough Tax Assessor and Borough Appraisal Consultant, the Council believes that this tax appeal settlement is in the best interest of the Borough and secures fairness and uniformity in the assessment process.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Chatham that the Council hereby approves of the above tax appeal settlement with Stanislaw and Grace Babiak.

BE IT FURTHER RESOLVED, by the Council that the Borough Tax Counsel is hereby authorized and directed to enter into the Stipulation of Settlement, which is attached and made a part of this Resolution, and to file the Stipulation and such other documents as required to implement this settlement with the Tax Court of New Jersey; 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 #17-255

RESOLUTION APPROVING TAX APPEAL SETTLEMENT WITH PEEL ASSOCIATES, LLC FOR THE PROPERTY LOCATED AT 16 CENTER PLACE (BLOCK 58, LOT 1)

WHEREAS, appeals of the real property tax assessment for tax years 2014, 2015, 2016 and 2017 for the property located at 16 Center Place (Block 58, Lot 1) have been filed by the taxpayer, Peel Associates, LLC, and are pending in the Tax Court of New Jersey; and

WHEREAS, a settlement has been negotiated with the taxpayer resolving the tax appeals for the subject property for all of the pending tax years; and

WHEREAS, the settlement was put on the record before the Tax Court; and

WHEREAS, as a result of the proposed settlement, the tax appeal for 2017 is withdrawn and the assessment for prior years is reduced as follows:

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>	<u>Credit/Refund Amount</u>
2014	\$525,800.00	\$500,000.00	\$ 94.43
2015	\$525,800.00	\$407,700.00	\$2,241.60
2016	\$525,800.00	\$407,700.00	\$2,268.58

WHEREAS, upon the recommendation of the Borough Tax Assessor and Borough Appraisal Consultant, the Council believes that this tax appeal settlement is in the best interest of the Borough and secures fairness and uniformity in the assessment process.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Chatham that the Council hereby approves of the above tax appeal settlement with Peel Associates, LLC.

BE IT FURTHER RESOLVED, by the Council that the Borough Tax Counsel is hereby authorized and directed to take such actions as necessary to implement this settlement with the Tax Court of New Jersey; 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.

BOARDS, COMMISSIONS & COMMITTEES

RESOLUTION #17-256

APPOINTING PATRICIA SOTEROPOULOS AS THE 2ND ALTERNATE MEMBER ON THE CHATHAM BOROUGH ENVIRONMENTAL COMMISSION

WHEREAS, there exists a 2nd Alternate Member vacancy on the Chatham Borough Environmental Commission with the unexpired term to expire on December 31, 2017; and

WHEREAS, Patricia Soteropoulos has expressed interest in being appointed to the Environmental Commission and has submitted a volunteer application for consideration; and

WHEREAS, N.J.S.A. 40:56-1 sets forth that the appointment of Alternate Members to an Environmental Commission shall be made by the Council; and

WHEREAS, the Council of the Borough of Chatham wishes to appoint Patricia Soteropoulos to the vacant 2nd Alternate Member position on the Chatham Borough Environmental Commission.

BE IT RESOLVED, by the Council of the Borough of Chatham that Patricia Soteropoulos is hereby appointed as the 2nd Alternate Member on the Environmental Commission to fill the vacant unexpired 2-year term, with such term expiring December 31, 2017; and

BE IT FURTHER RESOLVED, that in accordance with N.J.S.A. 40A:9 -9.2a and Chapter 3, §3.3 of the Code of the Borough of Chatham, the Borough Clerk shall update the register of Appointed Municipal Positions to reflect said appointment.

RECREATION

RESOLUTION #17-257

RESOLUTION APPOINTING SUMMER POOL STAFF FOR THE 2017 SEASON

WHEREAS, the Chatham Borough Recreation Program has a need to hire summer pool staff for the 2017 season; and

WHEREAS, the Recreation Coordinator recommends hiring the following individuals pending completion of all paperwork requirements prior to any employment:

Duffy, Kevin	Substitute	\$8.38
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BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Recreation Coordinator and hereby approve the hiring of the individuals referenced herein as pool staff for the 2017 season at the respective positions and rates of pay, contingent upon the Recreation Coordinator verifying that all paperwork requirements have been completed 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 #17-258

RESOLUTION APPROVING THE SUNSHINE STRIDERS FUN RUN AND AUTHORIZING STREET CLOSURES

WHEREAS, the Sunshine Striders will host a children's 1-mile Sunshine Striders Fun Run in the Borough on Saturday, September 30, 2017 from 3:00 p.m. to 6:00 p.m.; and

WHEREAS, the course for the run will be a 1-mile loop including Dellwood Avenue, Fairview Avenue, Washington Avenue and Longwood Avenue; and

WHEREAS, following the run, participants will enjoy face painting and other activities on a section of Dellwood Avenue; and

WHEREAS, proceeds of the event will be donated to Cycle for Survival, a 501c(3) charity that raises funds for rare cancer research at the Memorial Sloan Kettering Cancer Center; and

WHEREAS, the event will require the temporary closure of certain portions of Dellwood Avenue, Fairview Avenue, Washington Avenue and Longwood Avenue for public safety; and

WHEREAS, the Mayor and Borough Council wish to authorize the closure of certain portions of those streets for the safety and protection of participants and those who are to use those roadways during the event.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that approval is hereby given for the Sunshine Striders Fun Run scheduled for Saturday September 30, 2017 from 3:00 p.m. to 6:00 p.m. and for the Chatham Borough Police Department to close certain portions of Dellwood Avenue, Fairview Avenue, Washington Avenue and Longwood Avenue during the event as necessary for public safety; and

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

RESOLUTION #17-259

RESOLUTION AUTHORIZING THE DISPOSAL OF CERTAIN PROPERTY NO LONGER NEEDED FOR PUBLIC USE

WHEREAS, the Borough of Chatham is the owner of certain surplus property, which is no longer needed for public use; and

WHEREAS, in accordance with N.J.S.A. 40A:11-36, the Borough has attempted to sell the following surplus property at public auction in “as is” condition:

Netgear MR 314 wireless modem
Linksys-G wireless access point
Tru-Spec black parka 3XL
2 computer monitors
Baby Jogger
Blackberry (no battery)

And,

WHEREAS, the referenced property was not sold at public auction and needs to be scrapped and disposed of.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby authorize the disposal of the herein referenced Borough property; 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 Lonergan made a motion to approve Resolutions #17-251 through #17-259 listed on the Consent Agenda. Motion seconded by Council Member Collander. A vote was taken and Resolutions #17-251 through #17-259 were approved unanimously.

ADD-ON RESOLUTIONS

None.

Mayor Harris asked Council Member Helfrich to proceed with Resolution #17-260.

Council Member Helfrich read Resolution #17-260.

RESOLUTION #17-260

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:

Contracts:	1. PBA Collective Bargaining – Mr. Williams 2. ECLC – Mr. Lott
Litigation:	1. Joseph Kearney, Jr. v. Borough of Chatham, et al. – Mr. Lott 2. 4 Watchung Avenue LLC v. Borough of Chatham – Mr. Williams and Mr. Lott

And,

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 #17-260. Council Member Collander seconded the motion. A vote was taken and Resolution #17-260 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 9:21 p.m.

Respectfully Submitted:

Robin R. Kline

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