

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

November 27, 2017 MINUTES

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, November 27, 2017 at 7:30 p.m. in the Council Chambers in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

SALUTE TO FLAG

Mayor Harris and the 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 Lonergan [arrived at 8:17 p.m]
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

Council Member James J. Collander and Council President Victoria Fife were absent.

Mayor Harris proceeded with Resolution #17-315.

RESOLUTION #17-315

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:

November 13, 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:

November 13, 2017

Council Member Helfrich made a motion to approve Resolution #17-315. Council Member Resto seconded the motion. A vote was taken and Resolution #17- 315 was approved unanimously.

RECUSALS

Mayor Harris asked if there are any recusals or abstentions to be submitted for the record with respect to any item listed on the agenda.

There were no recusals presented on the record.

DISCUSSION ITEMS

Stanley Park Sign - Mr. Williams reported that a resolution to approve the restoration of the Stanley Park sign was on tonight's Consent Agenda for Council action. Mr. Williams mentioned that the Shade Tree Commission reviewed, and unanimously approved, the request to remove and replace the overgrown shrubs with maintenance-free perennials.

Conflict of Interest Costs - Mr. Williams reported that the Borough paid \$16,240.00 in legal fees to the Greenbaum, Rowe, Smith and Davis LLP law firm for Mr. Goldsmith's review, investigation and report concerning the Post Office Plaza redevelopment planning conflict of interest arising from Council President Fife's husband's representation of an owner of property in the redevelopment area.

Fishawack Costs - Mr. Williams provided a follow up report detailing the Borough's workforce-related costs associated with the planning and running of the 2017 Fishawack Festival. He reported that the general expenses for Fishawack, including marketing, signage, and entertainment, among other things, totaled \$31,698.41 and Borough workforce-related costs totaled \$42,750.27. Total Fishawack expenses were \$74,448.68, while revenue generated by the event totaled \$51,511.00.

Council Member Helfrich mentioned that when the Borough initially agreed to run Fishawack, Borough workforce costs were not anticipated to be as significant as they are.

Council Member Resto and Council Member Hoffman both questioned whether it was appropriate for taxpayers to fund these type of events and street fairs.

Mayor Harris further added that at the time when the Borough agreed to host Fishawack in 2015, Borough officials asked that all costs associated with the planning and running of Fishawack be tracked so that a review and determination could be made concerning the feasibility for the Borough to continue to organize and run the event.

Upon reviewing the 2017 Fishwack expenses and revenues, Mayor Harris and the Borough Council agreed that a determination would need to be made as to whether the Borough should continue to organize and run Fishwack, or if another organization, such as a 501 (c)(3) should be created to run the event.

Mr. Williams informed the Mayor and Council that because of the lead time required to begin planning Fishwack, the governing body would need to make a decision regarding the extent of the Borough's involvement in organizing and running Fishwack in January of 2018.

Budget Transfers/Capital Ordinances – Mayor Harris invited Mr. Day to provide a brief explanation of the budget transfer resolution and the resolution cancelling unexpended capital appropriation balances listed on the Consent Agenda.

Mr. Day explained that the state allows municipalities to transfer funds from and to certain budget accounts during the last two months of the fiscal year so that budget monies can be appropriated to where there is an anticipated need. Mr. Day indicated that many of the budget account transfers listed on Resolution #17-320 were related to expenses associated with the Post Office Plaza redevelopment planning.

Mr. Day further explained that Resolution #17-321 would authorize the cancelation of unexpended capital appropriation balances. These capital appropriation balances remain dedicated to projects that have been completed. It is necessary to formally cancel these balances so that the unexpended balances may be returned to the Fund Balance and unused debt authorizations may be cancelled. Mr. Day reported that \$790,117.29 will be cancelled for general capital funding and \$1,983.64 will be cancelled for water utility capital. He further reported that \$100,458.58 of the cancelled general capital funding can be used as a cash reserve to pay related debt service costs.

Dixiedale Farm Property Update - Mayor Harris reported that the Chatham Township Committee will be holding its public hearing on the rezoning of the Dixiedale Farm property on December 14th. He further reported that Borough officials received the notice of the public hearing, together with a copy of the proposed zoning ordinance.

Mayor Harris further commented that he read the ordinance and noted that it does not address ingress and egress for the rezoned property, which he said may leave very little room for negotiation between Chatham Township and the developer.

Mayor Harris then reported that at the November 13th meeting, several Borough residents commented that they would like to close Hillside Avenue near or at the municipal boundary with a cul-de-sac. He stated that the closure of Hillside Avenue requires approval from the New Jersey Department of Transportation (“DOT”) and consent of both Chatham Township and Chatham Borough governing bodies. He mentioned that the matter was referred to the Borough attorney and asked Mr. Lott to provide a brief report.

Mr. Lott advised that the New Jersey Department of Transportation (“DOT”) does not have a defined procedure or application process for road closure requests. He further advised that the Mayor and Council would need to submit a written request to the DOT Commissioner requesting approval to close Hillside Avenue. A notice would also be required to be provided to adjoining municipalities. He also recommended that the Borough provide a courtesy notification to Morris County. He briefly noted that the DOT approves road closure requests infrequently; however, should the DOT approve the road closure request, the Borough must adopt an ordinance to close the roadway.

Council Member Hoffman mentioned that he and Mayor Harris conveyed the Borough’s concerns to Chatham Township’s Mayor Curt Ritter. He further encouraged residents to attend the Township’s December 14th public hearing.

Mayor Harris also informed the public that Mr. Williams and Mr. DeNave have spoken with the developer about the proposed development on Dixiedale Farm property and asked Mr. DeNave to provide a brief report.

Mr. DeNave reported that the developer was receptive to the Borough’s concerns, as well as the residents’ concerns, and indicated willingness to meet with resident representatives before the Township’s December 14th public hearing. Mr. Denave further reported that the developer cautioned that such a meeting would not be productive if residents only expressed opposition to the development of the

property or insisted on the exclusive development of single-family homes. Mr. DeNave also reported that the developer agreed to conduct an engineering feasibility study with respect to constructing an interior roadway on River Road, which would alleviate some traffic concerns on Hillside Avenue.

Lastly, Mr. DeNave expressed his reservation in closing Hillside Avenue stating that it would divert traffic to other neighborhood roads. He also cautioned that there could be significant costs associated with constructing the cul-de-sac.

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.

Alex Tyo, 288 Hillside Avenue, supported the closing of Hillside Avenue into a cul-de-sac and inquired if the developers were favorable to the Borough closing of Hillside Avenue. He also inquired if a traffic study was being conducted on Hillside Avenue. Mr. Tyo expressed concerns regarding truck traffic on Hillside Avenue and noted that because the Watchung Avenue train trestle has clearance restrictions, larger trucks must use alternative routes to bypass the train trestle.

Mayor Harris responded that he was not aware that a formal traffic study was being conducted but confirmed that the Borough's Police Department was conducting traffic counts on Hillside Avenue.

Hugh Aimes, 13 Girard Avenue, supported the closing of Hillside Avenue into a cul-de-sac and further suggested that another alternative would be to install a gate on Hillside Avenue, which could be opened for emergency services when needed, offering greater versatility.

Regina Degnan, 11 Woods Lane, commented that she attended the November 8th Chatham Township Committee meeting at which time the zoning ordinance passed with a 7-0 vote. She further commented that she opposes the rezoning of the Dixiedale Farm property, which she said is listed on Chatham Township's Master Plan as a historic property and stated that the land should be preserved.

Council Member Hoffman and Council Member Lonergan both clarified that the Chatham Township Committee has the authority to enact zoning laws and further assured Ms. Degnan and the audience that Borough officials will continue to reach out to Township officials in ongoing efforts to protect the Borough's interest.

Peter Druhot, 15 Willow Street, expressed his concern that closing Hillside Avenue would increase traffic on Girard Avenue, Willow Street, Chestnut Street and Maple Street.

Laura Jones, 177 Hillside Avenue, expressed her support for the Fishawack festival and offered to volunteer and take on some responsibilities in the planning and running of next year's Fishawack.

Council Member Resto responded that members of the MyChathamNJ advisory committee are currently looking into creating a 501(c)(3) nonprofit organization to run Fishawack and thanked Ms. Jones for her interest in helping.

John Soriano, 210 Hillside Avenue, inquired if Hillside Avenue could be made into a one-way street, like the upper portion of Washington Avenue, and voiced his concerns that the development of the Dixiedale Farm property will increase construction truck traffic and noise on local roads.

Paula Novello, 173 Hillside Avenue, supported the closing of Hillside Avenue into a cul-de-sac.

Robert Bowker, 214 Hillside Avenue, commented on the difficulty of motorists making a left hand turn onto Hillside Avenue and voiced his concerns that traffic will increase due to the development and suggested the installation of a traffic light on Mount Vernon Street, which runs right into the Dixiedale Farm property.

Steve Palmisano, 306 Hillside Avenue, supported the closing of Hillside Avenue into a cul-de-sac and the proposal to make Hillside Avenue into a one-way street. He expressed his concerns that there will be an increase in the back up of traffic at the Hillside Avenue/Watchung Avenue traffic light once the development has been completed.

John Strelkoff, 544 Green Village Road, Chatham Township, encouraged residents to attend the Chatham Township Committee's December 14th public hearing meeting and to voice their opposition to the rezoning ordinance. He thanked Mayor Harris and the Borough Council for listening to the residents' concerns and efforts in speaking with Township officials.

Matt Wagner, 129 Fairmount Avenue, supported making Hillside Avenue a one-way street and inquired about the process required to close Hillside Avenue into a cul-de-sac.

Mr. Lott briefly responded that the Borough would have to submit a written request to the New Jersey Department of Transportation with notification to adjoining municipalities.

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

Mayor Harris thanked the residents for attending tonight's meeting and making their concerns known with respect to the rezoning and proposed development of the Dixiedale Farm property. He asked that the resident group should designate two or three individuals who would be available should attend a meeting with the developer and Borough officials next week.

ORDINANCES FOR SECOND READING

Mayor Harris asked Council Member Resto to proceed with Ordinance #17-10.

Council Member Resto read Ordinance #17-10 entitled:

ORDINANCE #17-10

AN ORDINANCE TO AMEND THE SALARIES AND WAGES FOR CERTAIN MUNICIPAL POSITIONS OF THE BOROUGH OF CHATHAM FOR THE YEAR 2018

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on November 13, 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 #17-10 was introduced and passed on first reading at the November 13, 2017 meeting and indicated that the second reading and public hearing would be held at 7:30 p.m. on November 27, 2017 for consideration of final adoption. Copies of this Ordinance were 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 Member Resto offered Ordinance #17-10 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 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
Helfrich			X			
Resto	X		X			
Hoffman			X			

Mayor Harris declared Ordinance #17-10 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 Lonergan to proceed with Ordinance #17-11.

Council Member Lonergan read Ordinance #17-11 entitled:

ORDINANCE #17-11

BOND ORDINANCE TO AUTHORIZE THE REPLACEMENT OF THE ARTIFICIAL TURF AT LUM AVENUE FIELD IN, BY AND FOR THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, TO APPROPRIATE THE SUM OF \$385,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE A PRIVATE CONTRIBUTION, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on November 13, 2017.

Council Member Lonergan reported that this bond ordinance provides funding for the replacement of the Lum Field artificial turf. He further reported that although the bond ordinance is in the amount of \$385,000.00, the Borough will fund \$175,000.00 in notes towards the project with the remaining funding coming from the \$100,000.00 donation given to the Borough by the Chatham Athletic Foundation and \$110,000.00 from the Joint Recreation Trust Fund.

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 #17-11 was introduced and passed on first reading at the November 13, 2017 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on November 27, 2017 for consideration of final adoption. Copies of this Ordinance were 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 Member Lonergan offered the 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
Loneragan	X		X			
Fife						X
Helfrich		X	X			
Resto			X			
Hoffman			X			

Mayor Harris declared Ordinance #17-11 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 was absent.

Shade Tree Commission - Council Member Collander was absent.

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

Joint Recreation Advisory Committee - Council Member Lonergan reported that the Committee is reviewing the current funding protocols used for all athletic sport programs in efforts of creating greater efficiencies.

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

Farmers' Market Advisory Committee - Council President Fife was absent.

Mayors' Wellness Committee - Council President Fife was absent.

MyChathamNJ Advisory Committee - Council President Fife was absent.

Planning Board - Council President Fife was absent.

Project Community Pride - Council President Fife was absent.

Senior Center of the Chathams - Council President Fife was absent.

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 reported that a resolution to approve participation in the Joint Municipal Court was on the Consent Agenda for Council action.

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

Environmental Commission - Council Member Resto applauded the organizers of this year's Trot the Manor 5K held on Thanksgiving Day. He then reported that he attended the New Jersey State League of Municipalities Conference and that Mayor Harris was honored with being awarded Sustainable Jersey's Mayor Art Ondish Award for Environmental Leadership. He also reported that the Green Team will meet again on November 28th to discuss a new initiative, "Quiet Communities," which is a program aimed at eliminating noise caused using gas-powered leaf blowers.

Joint Community Gardens Advisory Committee - Council Member Resto reported that the registration period for the community garden will end on November 30th.

Madison-Chatham Joint Meeting - Council Member Resto reported that the 2018 budget is being prepared and the capacity study being reviewed to develop a capital improvement plan.

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

Public Arts Council Advisory Committee - Council Member Resto reported that Seward Johnson Atelier, Inc. has agreed to allow the Borough to continue displaying the two sculptures within the Borough for another year.

Board of Health - Council Member Hoffman had nothing new to report.

Historic Preservation Commission - Council Member Hoffman reported that Colleen Foley, the chair of the Historic Preservation Commission is stepping down and further reported that two other vacancies on the Commission will be available as of January 1st.

MAYOR'S REPORT

Mayor Harris announced that there will be three vacancies on the Historic Preservation Commission; one vacancy on the Board of Health; one vacancy on the Planning Board; two vacancies on the Shade Tree Commission; one vacancy on the Zoning Board of Adjustment; one vacancy on the Community Garden Advisory Committee. He also announced that there are volunteer opportunities on the Green Team and the Mayors' Wellness Committee and encouraged residents to submit a Volunteer Application should they have an interest in an appointment.

Mayor Harris provided Mr. Heap, member of the Chatham Jaycees, an opportunity to make an announcement on the Chatham Jaycees' 50th annual Tree Sale.

Mr. Heap announced that the Chatham Jaycees' 50th annual Tree Sale will begin on November 25th and will continue until the trees are all sold out or on December 23rd. Weekday hours are from 6:00 p.m. to 9:00 p.m. and weekend hours are 9:00 a.m. to 7:00 p.m. Proceeds from the sale benefit local organizations. Mr. Heap further announced that the Chatham Jaycees will be collaborating with the Shade Tree Commission on a grant project with more details to follow.

ADMINISTRATOR'S REPORT

Mr. Williams reported that the Morris County Strategic Planning meeting will be held on Wednesday, November 29th from 6:00 pm to 8:00 pm. at the Morris County Library and encouraged residents to attend. He further reported that the PBA contract has been finalized and thanked the PBA delegates for their cooperation throughout the collective bargaining process.

RESOLUTION REQUIRING SEPARATE ACTION

None.

Mayor Harris proceeded with the Consent Agenda.

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 #17-317 through Resolution #17-327 have been placed on the Consent Agenda.

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

None.

CONTRACTS

RESOLUTION #17-317

RESOLUTION AUTHORIZING THE PURCHASE OF ONE DUMP BODY WITH HOOK LIFT CONTAINER UNDER STATE CONTRACT #T-2108, VENDOR #73528, AND THE RETROFITTING AND INSTALLATION OF SAME ON THE DEPARTMENT OF PUBLIC WORKS PACKER TRUCK BODY UNDER MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTACT #15-D

WHEREAS, the Department of Public Works has a need to purchase one 17-foot dump body with a 17 foot 27-yard hook container (the “Dump Body with Hook Lift Container”); and

WHEREAS, the Dump Body with Hook Lift Container will be retrofitted and installed on the Department of Public Works Packer truck body; and

WHEREAS, in accordance with N.J.S.A 40A:11-12 of the Local Public Contracts Law, public bids are not required when the purchase of goods or services is made through a New Jersey state contract vendor or through a cooperative pricing council contract; and

WHEREAS, the purchase of the Dump Body with Hook Lift Container is available through New Jersey State Contract #T-2108, Vendor #73528, Tony Sanchez Ltd., 1685 Route 46, Ledgewood, NJ 07857, in the amount of \$14,895.00; and

WHEREAS, the service to retrofit and install the Dump Body with Hook Lift Container will be contracted through the Morris County Cooperative Pricing Council, Contract #15-D, vendor Tony Sanchez Ltd., 1685 Route 46, Ledgewood, NJ 07857, in the amount of \$57,000.00; and

WHEREAS, the Chief Financial Officer has provided a certification of availability of funds in the amount not to exceed \$71,895.00 from General Capital Fund Accounts C-04-55-917-506, C-04-55-917-505 and C-04-55-917-501 for the purchase, retrofitting and installation costs.

BE IT RESOLVED, by the Council of the Borough of Chatham that it hereby authorizes the purchase one 17-foot dump body with a 17 foot 27-yard hook lift container through New Jersey State Contract #T-2108, and

BE IT FURTHER RESOLVED, that the retrofitting and installation of same on the Department of Public Works Packer truck body is hereby authorized through the Morris County Cooperative Pricing Council, Contract #15-D; 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 #17-318

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 #17-319

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised that an overpayment of property taxes was made by the property owner resulting in an overpayment of property taxes; and

WHEREAS, the Tax Collector has further advised that a refund for the duplicate property tax overpayment is to be made as follows:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
54/58	Sheldon, John 59 Hedges Avenue	\$2,394.00	2Qtr. 2012
	<u>Please make check payable & mail to:</u> Sheldon, John & Elia 8 Girard Avenue Chatham, NJ 07928		

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough Tax Collector to process a refund for the duplicate overpayment of property taxes as herein referenced.

RESOLUTION #17-320

RESOLUTION AUTHORIZING TRANSFERS BETWEEN CERTAIN BUDGET RESERVE APPROPRIATIONS IN THE 2017 CURRENT FUND BUDGET PURSUANT TO N.J.S.A. 40A:4-58

WHEREAS, N.J.S.A. 40A:4-58 provides that transfers may be made between appropriation accounts in the General Budget in the last two months of the fiscal year; and

WHEREAS, such transfers are made to cover expenses in accounts in excess of that anticipated and from accounts having expenses in lesser amounts than anticipated: and

WHEREAS, these transfers do not affect the total of the operations budget as originally approved in the 2017 Current Fund Budget.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, in the County of Morris, State of New Jersey, that the Chief Financial Officer is hereby authorized to make the following line-item transfers in the 2017 Current Fund Budget with an effective date of November 27, 2017 in accordance with N.J.S.A. 40A:4-58:

Account Name	Account Number	Transfer To	Transfer From
TO			
Tax Assessor OE	7-01-20-150-200	\$6,000.00	
Legal OE	7-01-20-155-200	\$15,000.00	
Finance OE (Redevelopment)	7-01-20-130-200	\$5,800.00	
Administration OE (Redevelopment)	7-01-20-100-200	\$35,000.00	
Human Resources OE - Legal	7-01-20-105-200	\$8,000.00	
FROM			
Police S&W	7-01-25-240-010		\$23,000.00
Police OE	7-01-25-240-200		\$30,000.00
Liability Insurance OE	7-01-23-210-000		\$16,800.00
Totals		\$69,800.00	\$69,800.00

And,

BE IT FURTHER RESOLVED, the Borough Clerk shall forward a certified copy of this resolution adopted by not less than a two-thirds (2/3) vote of the full membership of the governing body to the Chief Finance Officer.

RESOLUTION #17-321

RESOLUTION AUTHORIZING THE CANCELLATION OF CERTAIN UNEXPENDED CAPITAL APPROPRIATION BALANCES

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects that have been completed; and

WHEREAS, N.J.S.A. 40A:4-60 provides for the cancellation of part, or all, of the unexpended balances for budgeted appropriations; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to the Fund Balance and unused debt authorizations may be cancelled; now

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that in accordance with the N.J.S.A. 40A:4-60, the following appropriations are hereby cancelled:

Ordinance <u>Number</u>	Date <u>Authorized</u>	GENERAL CAPITAL <u>Purpose</u>	<u>Amount</u>
02-06	5/2/2002	Road Resurfacing Program	\$ 15,680.00
06-10	5/3/2006	Chandler Road Construction Design	\$ 81,334.58
07-25	6/11/2007	Van Doren Avenue	\$ 390.39
08-03	3/23/2008	Park Improvements	\$ 1,076.84
08-07	4/8/2008	Various Equipment & Improvements	\$14,136.97
09-04	5/10/2009	Panasonic Tough Book	\$ 306.18
09-09	9/21/2009	Garden Park Swing Set	\$ 200.00
09-06	6/17/2009	SUV Patrol Vehicle	\$ 2,224.00
09-10	10/26/2009	Wilson Roosevelt Sanitary Sewer Lining Project	\$672,968.71
10-14	5/31/2010	Miscellaneous Improvements	\$ 908.75

11-12	7/3/2011	Various DPW & Police Equipment	\$ 810.62
11-19	11/14/2011	Telephone Equipment	\$ 79.66
12-06	4/20/2012	Pool Equipment	<u>\$.59</u>
Total Cancelled			\$790,117.29

Ordinance <u>Number</u>	Date <u>Authorized</u>	WATER UTILITY CAPITAL <u>Purpose</u>	<u>Amount</u>
08-06	4/8/2008	Water Line Equipment	\$ 230.00
08-08	5/7/2008	Fire Hydrants & Valves	\$ 2.78
09-05	5/10/2009	Water Department Materials	\$1,562.29
09-07	6/17/2009	Water Meters, Fire Hydrants & Valves	\$ 121.36
10-13	5/31/2010	Water Meters & Transmitters	\$ 65.46
11-13	7/3/2011	Water Meters	<u>\$ 1.75</u>
Total Cancelled			\$1,983.64

And,

BE IT FURTHER RESOLVED, that the Borough Clerk shall forward a certified copy of this resolution to the Chief Financial Officer.

LAW AND PUBLIC SAFETY

RESOLUTION #17-322

RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BY AND BETWEEN THE BOROUGH OF CHATHAM AND PBA LOCAL NO. 226

WHEREAS, negotiations were entered into between the Borough of Chatham and PBA Local No. 226 for purposes of collective bargaining with respect to rates of pay, hours of employment and other terms and conditions of employment for all full-time police officers who are members of the Chatham PBA Local No. 226; and

WHEREAS, as a result of these negotiations an agreement was reached by the parties.

BE IT RESOLVED by the Council of the Borough of Chatham that the agreement between the Borough of Chatham and PBA Local No. 226 for the period January 1, 2018 through December 31, 2020 is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the collective bargaining agreement with PBA Local No. 226 on behalf of the Borough; 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.

PERSONNEL

RESOLUTION #17-323

RESOLUTION TO ACCEPT THE RETIREMENT OF PUBLIC WORKS MECHANIC MICHAEL RENZULLI

WHEREAS, Michael Renzulli has submitted written notification to the Borough of Chatham that he will be retiring from the Department of Public Works effective January 1, 2018; and

WHEREAS, Michael “Mike” Renzulli began his employment as a mechanic in the Chatham Borough Department of Public Works on January 22, 1990; and

WHEREAS, throughout his 28 years of service to the Borough, Mike has been called upon many, many times regardless of the time of day or night, and in all weather conditions, to keep the Borough’s fleet of vehicles and trucks moving and all equipment running so that the Borough’s workforce can ensure the public safety of our community at all times; and

WHEREAS, Mike has demonstrated himself to be well-qualified and skilled in the performance of his job, and as a conscientious public employee he 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 Mike Renzulli’s retirement is hereby accepted with an effective date of January 1, 2018; and

BE IT FURTHER RESOLVED, that the Mayor and Council do hereby extend their sincere and grateful appreciation to Mike for his 28 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.

RESOLUTION #17-324

RESOLUTION TO HIRE JEFFREY FRICKE AS A PARKING ENFORCEMENT OFFICER IN THE CHATHAM BOROUGH POLICE DEPARTMENT

WHEREAS, the Borough of Chatham publicly advertised the job opening for the position of a parking enforcement officer and solicited resumes and applications from interested candidates; and

WHEREAS, the selection committee (the “Committee”) conducted interviews of interested and qualified candidates; and

WHEREAS, after considering all interested and qualified candidates, the Committee found that Jeffrey Fricke is the best-qualified candidate and has recommended that he be hired for the position.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Committee and hereby authorize that Jeffrey Fricke be hired as a parking enforcement officer in the Chatham Borough Police Department with an effective starting date of December 4, 2017 at the annual rate of \$40,000.00, pro-rated for the remainder of the calendar year.

SHARED SERVICES

RESOLUTION #17-325

RESOLUTION OF THE BOROUGH OF CHATHAM AUTHORIZING PARTICIPATION IN THE OPERATION OF A JOINT MUNICIPAL COURT [Replacing Resolution #17-314]

WHEREAS, the Borough of Chatham, the Township of Chatham, the Township of Harding, the Borough of Madison, and the Township of Morris have indicated a desire to renew their participation to operate a Joint Municipal Court, known as “The Joint Municipal Court of Madison, the Chathams, Harding and Morris Township” and to utilize the court facilities at the Hartley Dodge Memorial (Madison Borough Hall) at Kings Road in Madison in accordance with the Uniform Shared Services and Consolidation Act; and

WHEREAS, the Joint Municipal Court Agreement shall expire on December 31, 2017; and

WHEREAS, participation in the Joint Municipal Court will result in financial savings to the Borough and will provide for the efficient administration of justice; and

WHEREAS, the Borough Council deems it appropriate to authorize renewal into an agreement for a Joint Municipal Court with the Borough of Madison, the Township of Chatham, the Township of Harding and the Township of Morris for a four (4) year period, beginning January 1, 2018 and ending December 31, 2021, subject to the concurrence and approval of the Assignment Judge, Superior Court of New Jersey, Morris County.

BE IT RESOLVED, by the Council of the Borough of Chatham, in the County of Morris and State of New Jersey, that the Mayor is hereby authorized to execute an agreement for participation in the operation of said Joint Municipal Court; and

BE IT FURTHER RESOLVED, that upon the execution of the Joint Municipal Court Agreement, the Borough Clerk shall forward a copy of the signed agreement, together with a certified copy of the authorizing Resolution to the Township of Chatham, the Township of Harding, the Borough of Madison, and the Township of Morris; 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.

OTHER

RESOLUTION #17-326

RESOLUTION AUTHORIZING NEWLY-ELECTED COUNCIL MEMBERS TO ATTEND CLOSED SESSION MEETINGS OF THE MAYOR AND COUNCIL

WHEREAS, municipal government is responsible for a variety of important services, which taxpayers expect to be delivered in a cost-effective manner; and

WHEREAS, there are many legal, financial and administrative considerations elected officials must be keenly aware of in order to effectively govern as legislators and policymakers; and

WHEREAS, it is vitally important for newly elected Council Members Robert Weber, Sr. and Thaddeus Kobylarz to become acquainted and knowledgeable on a myriad of municipal government matters to better prepare themselves in undertaking the responsibility of governing and setting policy in those matters, which may include matters that are discussed in Closed Session meetings, subject to the exemptions under the Open Public Meetings Act.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby authorize the newly elected Council Members Robert Weber, Sr. and Thaddeus Kobylarz to attend Closed Session meetings of the Mayor and Borough Council, subject to each of them signing a Confidentiality Agreement prepared by the Borough Attorney so that they may become acquainted and knowledgeable on matters that are discussed in Closed Session meetings.

RESOLUTION #17-327

RESOLUTION GRANTING PERMISSION TO SARAH W. STANLEY TO RESTORE THE STANLEY PARK SIGN AND LANDSCAPING AROUND THE BASE OF THE SIGN

WHEREAS, the Mayor and Borough Council have received a proposal from Sarah W. Stanley to restore the weathered sign at Stanley Park and to remove the overgrown shrubs around the base of the sign with the replanting of low maintenance perennials; and

WHEREAS, Sarah W. Stanley is a descendant of Francis Edgar Page, who was a first cousin to George Shepard Page, a successful businessman who acquired several hundred acres in Chatham in 1867 and named his extensive holdings "Stanley;" and

WHEREAS, the Kiwanis Club of Chatham & Madison initially sponsored the construction and installation of the Stanley Park sign a number of years ago and has agreed to the restoration of the sign proposed by Sarah W, Stanley; and

WHEREAS, Ms. Stanley will fund and manage the restoration of the Stanley Park sign in honor of George Shepard Page; and

WHEREAS, the Chatham Borough Shade Tree Commission has approved the request remove the overgrown shrubs and to replace them with low maintenance perennials; and

WHEREAS, the Mayor and Council wish to approve this request.

BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham hereby approves Sarah W. Stanley's proposal and grants her permission to restore the weathered sign at Stanley Park and to remove the overgrown shrubs around the base of the sign with the replanting of low maintenance perennials; 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.

CONSENT AGENDA VOTE:

Council Member Resto made a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Council. The motion was seconded by Council Member Helfrich. A vote was taken and Resolutions #17-317 through #17-327 were approved unanimously.

ADD-ON RESOLUTIONS

None.

ORDINANCE FOR FIRST READING

Mayor Harris introduced Ordinance #17-12 by title as follows:

ORDINANCE #17-12

ORDINANCE OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 165 OF THE CODE OF THE BOROUGH OF CHATHAM ENTITLED "LAND DEVELOPMENT REGULATIONS" RELATED TO THE BULK STANDARDS OF THE BOROUGH'S RESIDENTIAL DISTRICTS

Mayor Harris explained that the Ordinance establishes new bulk setback standards for front and curbside yards in residential districts and defines how lot width is to be measured for odd shaped lots. The new bulk setback standards would require a slight setback for a second story building on smaller lots and would require front facing garages be set back behind the front line of the house. The ordinance further establishes that detached garages shall not exceed 16 feet in height and all other accessory structures shall not exceed 10 feet in height.

Mayor Harris asked Council Member Hoffman to move the Ordinance 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 November 27, 2017.

BE IT RESOLVED, that at the Council meeting to be held on December 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 #17-12 and moved 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			
Fife						X
Helfrich			X			
Resto		X	X			
Hoffman	X		X			

Mayor Harris declared this Ordinance adopted and finally 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 Helfrich to proceed with Resolution #17-328.

Council Member Helfrich read Resolution #17-328.

RESOLUTION #17-328

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. Professional Service Providers – Mr. Williams
 2. Madison Uniform Construction Code Services Agreement – Mr. Williams
- Personnel: 1. 2018 Employee Salaries – Mr. Williams
 2. Borough Administrator – Mr. Resto
- Attorney-Client: 1. Closure of Hillside Avenue – Mr. Lott
 2. 205 Main Street Property Tax Settlement – Mr. Lott

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 made a motion to approve Resolution #17-328. Council Member Resto seconded the motion. A vote was taken and the motion to approve Resolution #17-328 was approved unanimously.

ADJOURNMENT

Having no other business to be conducted, Mayor Harris adjourned the public session. The Mayor and Council convened into closed session.

Meeting adjourned at 9:14 p.m.

Respectfully Submitted:

Robin R. Kline

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