

AGENDA

Monday, January 28, 2013

Regular Meeting
Mayor and Borough Council

Borough of Chatham
54 Fairmount Avenue
Chatham, NJ 07928

CALL MEETING TO ORDER The meeting will be called to order

SALUTE TO THE FLAG

ADEQUATE NOTICE

Statement re: Adequate Notice of Meeting

Pursuant to the requirements of R.S. 10:4-10, 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 the Municipal Building, e-mailed to the Independent Press, the Morris County Daily Record, the Star Ledger, the Chatham Courier, the Chatham Patch, and the Alternative Press and filed with the Borough Clerk, all on January 4, 2013.

ROLL CALL

On a call of the roll the following officials should be present:

Mayor Bruce A. Harris
Council Member James J. Collander
Council Member James Lonergan
Council Member John Holman
Council President Leonard Resto
Council Member Victoria Fife
Council Member Gerald J. Helfrich
Robert J. Falzarano, Borough Administrator
James L. Lott, Jr., Borough Attorney
Susan Caljean, Municipal Clerk

RESOLUTION #13-97

RESOLUTION RECOGNIZING MICKI CHAPUT FOR HER YEARS OF DEDICATED SERVICE TO CHATHAM BOROUGH

WHEREAS, Micki Chaput is a graduate of Seton Hall University with a Bachelor of Science degree in nursing; and

WHEREAS, Micki Chaput has been the director of the Senior Services Center of the Chathams, Inc. for the past 22 years; and

WHEREAS, her duties included overseeing the operation of the senior center and the senior bus service, the provision of information and referral services for senior citizens and their families; and

WHEREAS, she is the mother of three and the grandmother of three, yet she finds time to volunteer as a member of the Chatham Borough Board of Health for over 15 years, including a term as president; and

WHEREAS, she has served as an advisor representing senior citizens for the local meals on wheels program, for an assisted living facility, the local recreation board and the local school district; and

WHEREAS, she serves as Eucharistic Minister at her parish, St. Patrick's Church in Chatham Borough; and

WHEREAS, her professional affiliations include membership in the National Council on the Aging, the New Jersey Association of Senior Center Directors and the Committee on Aging Network of Morris County; and

WHEREAS, Micki Chaput carries out her responsibilities in a conscientious and humanitarian manner;

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that we recognize and thank Micki Chaput for her years of service to the community: you made Chatham Borough a better place to live!

RESOLUTION #13-98

RESOLUTION TO ADOPT COUNCIL MEETING MINUTES

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the minutes from the following meetings are approved as typed and filed in the Borough Clerk's office:

Reorganization Meeting, January 7, 2013
Regular Council Meeting, January 7, 2013

DISCUSSION ITEMS

1. Long Range Traffic and Pedestrian Safety Planning Committee Report-Mr. Collander
2. Preliminary 2013 Budget- Mr. Loneragan
3. 2013 Sewer Rate Fee- Mr. Loneragan

MEETING OPEN TO THE PUBLIC

**NOTICE
OF PUBLIC COMMENT**

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.

SECOND READING ORDINANCE PROCEDURE

Mayor Harris asks **Council President Resto** to proceed with Ordinance #13-01

Council President Resto reads Ordinance #13-01 entitled:

**AN ORDINANCE OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY AMENDING CHAPTER 3, SECTION 6
OF THE BOROUGH CODE**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on January 7, 2013.

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

The Clerk states: A legal notice was published indicating that Ordinance #13-01 was introduced and passed on first reading at the January 7, 2013 Regular Council meeting and indicating that the second reading and public hearing would be held at 7:30 p.m. on January 28, 2013 for consideration of final adoption. Copies were made available to the general public and posted in accordance with the law.

Mayor Harris: The meeting is now open for a public hearing on the Ordinance and any member of the public may be heard.

Mayor Harris: I will now close the meeting to the public.

Council President Resto: I offer the following Ordinance and move its adoption:

Resolved, that this Ordinance as read by title on second reading, at this regular meeting, be adopted and finally passed, and I so move.

Council Member _____ seconds the motion.

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

Mayor Harris: I declare this Ordinance adopted and finally passed. I hereby request the Clerk to publish the proper notice of this adoption in the newspaper and to record the Ordinance in the proper places.

Board & Commission Members & Liaison Appointments

Parking Task Force Advisory Committee	James J. Collander
Traffic & Pedestrian Safety Advisory Committee	James J. Collander
Local Assistance Advisory Committee	James Lonergan
Recreation Committee	James Lonergan
Shade Tree Commission	James Lonergan
Board of Health	John Holman
Farmers' Market Advisory Committee	John Holman
Madison Chatham Joint Meeting	John Holman
Environmental Commission	Leonard Resto
Public Arts Council	Leonard Resto
Community Gardens	Leonard Resto
Open Space & Historic Trust Conservancy	Leonard Resto
Communications Technology	Bruce A. Harris
Mayors' Wellness Committee	Victoria Fife
Project Community Pride	Victoria Fife
Chamber of Commerce	Victoria Fife
Planning Board	Victoria Fife
9/11 Memorial Advisory Committee	Gerald J. Helfrich
Historic Preservation Commission	Gerald J. Helfrich
Board of Education	Gerald J. Helfrich
Sidewalk Task Force Advisory Committee	James Collander/Victoria Fife
Overnight Parking Advisory Committee	Leonard Resto

MAYOR'S REPORT

Mayor Bruce A. Harris

ADMINISTRATOR'S REPORT

Robert J. Falzarano

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 #13-99 through Resolution #13-109 have been placed on the Consent Agenda.

APPOINTMENTS

RESOLUTION #13-99

**RESOLUTION TO APPOINT STACEY MCEVOY TO THE CARES & SHARES
ADVISORY COMMITTEE WITH A TERM TO EXPIRE ON DECEMBER 31, 2013**

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Stacey McEvoy be appointed to the Shares & Cares Advisory Committee with a term to expire on December 31, 2013.

RESOLUTION #13-100

**RESOLUTION TO APPOINT PATRICK CARROLL FROM 1ST ALTERNATE TO A
REGULAR MEMBER OF THE SHADE TREE COMMISSION WITH A TERM TO
EXPIRE ON DECEMBER 31, 2017**

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham to appoint Patrick Carroll as a Regular Member of the Shade Tree Commission with a term to expire on December 31, 2017.

FINANCE

RESOLUTION #13-101

RESOLUTION TO REFUND PROPERTY TAXES

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that a refund of property taxes be issued to the individuals listed below as follows:

BLOCK/LOT	OWNERS & PROPERTY ADDRESS	AMOUNT	YEAR/QTR
87/10	Boyd/Carey from Passalaris 23 Lincoln Avenue	\$3,169.13 Overpayment	2012/4 Qtr.

I-1/25/13

***Please make check payable & send to:
Carlotta Budd, Attorney Trust Account
300 Madison Avenue-Suite 200
Madison, NJ 07940**

RESOLUTION #13-102

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 Borough 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 Director of Finance.

RESOLUTION #13-103

SECTION 125 FLEXIBLE BENEFITS PLAN AUTHORIZING IMPLEMENTATION OF A SECTION 125 FLEXIBLE BENEFITS PLAN FOR THE PURPOSE OF OFFERING PRE-TAX EMPLOYEE PREMIUM CONTRIBUTIONS AND FLEXIBLE SPENDING ACCOUNTS AT NO FINAL COST TO THE MUNICIPALITY OF THE BOROUGH OF CHATHAM.

WHEREAS, the Borough of Chatham has employees rendering valuable services; and

WHEREAS, providing an opportunity for employees to have employer sponsored benefit plan premium contributions, as well as, voluntary plan premiums, deducted pre-tax through payroll hereby saving immediate Federal and FICA taxes; and

WHEREAS, providing an opportunity for employees to elect to participate in Flexible Spending Accounts for Medical Expense Reimbursement and Dependent Care Expense Reimbursement and have their contributions deducted pre-tax through payroll hereby saving immediate Federal and FICA taxes; and

WHEREAS, Aflac Benefit Services provides a discounted fee schedule for Section 125 Premium Only Plan and Flexible Spending Account services at no final employer cost after employer matching FICA payroll tax savings with sufficient employee participation as a value added benefit to offering Aflac supplemental insurance benefits and education services to employees on a voluntary basis at no employer cost; and

WHEREAS, providing an opportunity for the Borough of Chatham to save matching FICA payroll taxes on all employee elective pre-tax plan contributions, premiums and premium contributions which are payroll deducted on a pre-tax basis through the Section 125 Flexible Benefits Plan hereby saving the Borough of Chatham 7.65% of all pre-tax plan contributions, premiums and premium contributions for F.I.C.A. eligible employees.

BE IT RESOLVED, that the municipality of the Borough of Chatham hereby recognizes and authorizes Aflac to provide a Section 125 Flexible Benefits Plan for its employees with employee voluntary contributory Flexible Spending Accounts with the following specifications:

- Medical Expense Reimbursement: \$2,500.00 Annual Maximum.
- Dependent Care Expense Reimbursement: \$5,000.00 Annual Maximum.

BE IT FURTHER RESOLVED, that the Borough of Chatham hereby recognizes and authorizes payment of discounted administrative fees to Aflac in the following amounts: 1) Initial Account Setup Fee – Waived 2) Annual Renewal Fee – Waived; and

BE IT FURTHER RESOLVED, that the Borough of Chatham hereby recognizes and authorizes Aflac to enroll its employees in their pre-tax elections; and

BE IT FURTHER RESOLVED, that the Section 125 Plan shall be effective on January 1, 2013 until such time the Borough terminates the plan; and

BE IT FURTHER RESOLVED, that such payroll deductions for participation in the Section 125 pre-tax premiums shall take effect with the first payroll period after January 1, 2013.

RESOLUTION #13-104

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM AUTHORIZING THE SETTLEMENT OF 2011 TAX APPEAL ENTITLED CYNTHIA K. DOHERTY V. BOROUGH OF CHATHAM FILED IN THE TAX COURT OF NEW JERSEY UNDER DOCKET NO.: 013928-2011 CONTESTING THE REAL PROPERTY ASSESSMENT OF BLOCK 4, LOT 8, KNOWN AS 290 WASHINGTON AVENUE, IN THE BOROUGH OF CHATHAM, MORRIS COUNTY, NEW JERSEY

WHEREAS, an appeal of the real property tax assessment for tax year 2011, involving Block 4, Lot 8, has been filed by the Taxpayer, Cynthia K. Doherty; and

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

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

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

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

290 Washington Avenue

Year: 2011

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$748,000	N/A	\$748,800
Imprvts:	\$1,243,000	N/A	\$1,001,200
Total:	\$1,991,800	N/A	\$1,750,000

2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

RESOLUTION #13-105

**RESOLUTION TO TRANSFER MONIES IN THE APPROPRIATION RESERVES
BUDGET 2012 CURRENT FUND**

WHEREAS, N.J.S.A. 40A: 4-59 provides that during the first three months of any fiscal year, when the amount of the prior fiscal year is insufficient to pay the claims authorized or incurred during said prior year which were chargeable to said appropriation.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham in the County of Morris and state of New Jersey that the Director of Finance is hereby authorized to make the following Line-item transfers in the 2012 RESERVE Current Fund Budget:

<u>Departments</u>	<u>Account #</u>	
<u>From</u>		
Police O/E	25-240-200	<u>\$21,500.00</u>
TOTAL		<u>\$21,500.00</u>
<u>To</u>		
Borough Clerk O/E	20-120-200	\$1,000.00

		COUNCIL MEETING January 28, 2013
Assessment O/E	20-150-200	6,000.00
Legal O/E	20-155-200	10,000.00
Board of Adjustment O/E	21-185-200	1,000.00
Parking O/E	25-245-200	1,000.00
Fire Safety O/E	25-266-201	500.00
Shade Tree Commission O/E	26-290-250	1,500.00
Farmer's Market O/E	30-430-200	<u>500.00</u>
TOTAL		\$21,500.00

CONTRACTS

RESOLUTION #13-106 RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, AUTHORIZING AGREEMENT WITH NJIT'S CENTER FOR INFORMATION AGE TECHNOLOGY

WHEREAS, NJIT's Center for Information Age Technology ("CIAT") offers technology services to municipalities throughout New Jersey; and

WHEREAS, CIAT submitted a proposal for technology services to the Borough of Chatham dated December 10, 2012, which proposal is attached hereto and made a part hereof; and

WHEREAS, upon the recommendation of the Borough's Communications and Technology Advisory Committee, the Mayor and Borough Council wish to authorize the execution of an agreement with CIAT for the scope of services outlined in CIAT's proposal; and

WHEREAS, the Mayor and Borough Council find that CIAT's proposal will provide for the effective implementation of technology to address the needs of the Borough; and

WHEREAS, the cost of this agreement shall not exceed \$4,500.00; and

WHEREAS, the Borough's Director of Finance has certified that there are sufficient funds for this contract.

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

1. The Mayor and Borough Council of the Borough of Chatham hereby authorize the execution of an agreement with CIAT in accordance with the terms of this Resolution and in a form of agreement acceptable to the Borough Attorney.

2. All Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

RESOLUTION #13-107

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, AUTHORIZING THE SALE OF THE CHATHAM COMMUNITY GARDEN PLANTING CALENDAR

WHEREAS, the Community Gardens Committee of the Borough of Chatham has produced a Chatham Community Garden Planting Calendar for calendar year 2013; and

WHEREAS, the Community Gardens Committee wishes to make the calendar available for sale to the general public for \$25.00 each; and

WHEREAS, all profits will go to support the community garden, specifically towards soil amendments and fertilizers; and

WHEREAS, the Mayor and Borough Council approve of the Community Gardens Group fundraiser and authorize the sale of the Chatham Community Garden Planting Calendar.

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

1. The Mayor and Borough Council of the Borough of Chatham hereby approve of the Community Gardens Committee fundraiser and authorize the sale of the Chatham Community Garden Planting Calendar for \$25.00 each.

2. All Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

RESOLUTION #13-108

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, AUTHORIZING EXECUTION OF AMENDMENT TO LEASE AGREEMENT

WHEREAS, the Borough of Chatham and New Cingular Wireless PCS, LLC (“New Cingular”) entered into a Lease Agreement dated April 22, 2002, whereby the Borough leased certain premises being a portion of the property located at 54 Fairmount Avenue, Chatham, New Jersey to New Cingular Wireless PCS, LLC a Delaware Limited Liability Company (the “Lease Agreement”); and

WHEREAS, the Borough and New Cingular Wireless PCS, LLC wish to amend the Lease Agreement to allow for the installation of additional antennas, associated cables and other communications instruments; and

WHEREAS, the amendment to the Lease Agreement shall be memorialized in substantially the same form of agreement attached hereto and made a part hereof.

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

1. The Mayor and Borough Clerk of the Borough of Chatham be and hereby are authorized to execute an amendment to the Lease Agreement with New Cingular Wireless PCS, LLC in substantially the same form of agreement attached hereto and made a part hereof.
2. All Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

THE ARTS

RESOLUTION #13-109

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, AUTHORIZING THE CHATHAM AREA ARTISAN GUILD (CAAG) TO HOLD A FINE ARTS AND CRAFTS FAIR ON SEPTEMBER 15, 2013

WHEREAS, the Chatham Area Artisan Guild (CAAG) has requested permission to host a Fine Arts and Crafts Fair on the south side of the Chatham train station parking lot on Sunday, September 15, 2013 in order to raise awareness of its individual member artists and their businesses and to reach out to Chatham area residents with art education and exhibits; and

WHEREAS, the Mayor and Borough Council of the Borough of Chatham wish to authorize the use of the Chatham train station parking lot for the CAAG Fine Arts and Crafts Fair; and

WHEREAS, all or a portion of the Chatham train station parking lot will be closed from 6:00 am through 7:00 pm on September 15, 2013 to accommodate the CAAG Fine Arts and Crafts Fair.

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

1. The Mayor and Borough Council of the Borough of Chatham hereby authorize the use of the Chatham train station parking lot for the CAAG Fine Arts and Crafts Fair.
2. The Chatham Area Artisan's Guild must submit a certificate of insurance with the Borough shown as an additional insured with a minimum coverage limit of \$1,000,000.

3. Police services will be paid by the Chatham Area Artisan's Guild.

4. 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:

Mayor Harris asks Council Member _____ to proceed with the Resolutions listed on the Consent Agenda. Resolutions #13-99 through #13-109.

Council Member _____: I would like to make a motion to allow the resolution on this evening's agenda to be approved by consent of the Council; and so I move.

Seconded by: _____

RESOLUTION #13-110

RESOLUTION TO RECESS INTO CLOSED SESSION

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that it adjourn into executive 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:

LITIGATION: 1. JCP&L Litigation (Marlboro Twp. Petition)- Mr. Lott

CONTRACTS: 1. Project Pride- Council Member Fife
2. Vacant Land Appraisals- Mr. DeNave
3. Enforcement of Industrial Districts- Mr. DeNave

PERSONNEL: 1. DPW Deputy Director Position- Council President Resto

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.