

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

March 12, 2018

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, March 12, 2018 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, Borough 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 TapInto Chatham and filed with the Borough Clerk, all on January 11, 2018.

ROLL CALL

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

Mayor Bruce A. Harris
Council Member James J. Collander
Council Member Victoria Fife
Council President Leonard Resto
Council Member Peter J. Hoffman
Council Member Robert A. Weber, Sr.
Council Member Thaddeus J. Kobylarz
Stephen W. Williams, Borough Administrator
James L. Lott, Jr., Borough Attorney
Robin R. Kline, Borough Clerk

Mayor Harris opened the meeting by thanking all employees and volunteers who devoted a lot of their time responding to the recent winter storm and power outages and mentioned that the community was very grateful for their efforts. He personally thanked the Director of Public Works Tony Torello and the Department of Public Works, Command Officer Brian Gibbons and the Police Department, Chief Doug Allan and the Fire Department, Captain Joe Korkuch and the Chatham Emergency Squad, OEM Coordinator Bill Nauta, and Deputy OEM Coordinator Steve Davenport.

Mayor Harris also thanked Madison's Mayor Robert Conley and Borough Administrator Ray Codey for offering to send Madison's electric company workers to help restore electric service to Borough residents and gave a special thanks to Assemblyman Jon Bramnick for his help in cutting through the bureaucratic "red tape" between the Board of Public Utilities and JCP&L that allowed Madison's Electric Utility to help the Borough.

Mayor Harris then recognized Steve Williams for his efforts during the winter storm. He mentioned that Mr. Williams coordinated communications with JCP&L President Jim Fakult, Borough officials, and first responders throughout the week and weekend. Mr. Williams was further recognized for sending out AlertChathamBorough emergency messages to residents to keep them well-informed. He also thanked Council President Resto, Council Member Collander, Council Member Hoffman, and Council Member Kobylarz for their efforts ensuring that residents' concerns were communicated to JCP&L.

Council Member Weber inquired whether the Borough would be able to begin to pick up the tree limbs and brush downed by the storm and not wait for the Borough's scheduled brush pickup during the week of March 19th.

Mr. Williams informed the governing body that the Department of Public Works began picking up tree limbs and would continue throughout the week and the week of March 19th. He further informed everyone that the mulch area will be open for residents Monday through Friday between the hours of 8:30 a.m. to 3:30 p.m. and Saturdays between the hours of 12:00 p.m. to 4:00 p.m. Contractors will not be allowed access to the mulch area.

Lastly, Mayor Harris reminded residents that the Borough's Emergency Management Guide is a valuable resource to help prepare for an emergency. The guide is available on the Borough website.

Mayor Harris then proceeded with Resolution #18-130.

PROCLAMATION

RESOLUTION #18-130

CELEBRATING AMERICAN RED CROSS MONTH

WHEREAS, across the country and around the world, the American Red Cross responds to disasters big and small. The American Red Cross collects about 40 percent of the nation's blood supply; provides 24-hour support to military members, veterans and their families; teaches lifesaving skills such as lifeguarding and CPR; and through its Restoring Family Links program, connects family members separated by crisis, conflict or migration; and

WHEREAS, in a period of just 45 days last year and through the support of its dedicated volunteers, the American Red Cross responded to six of the largest and most complex disasters, including back-to-back hurricanes, the deadliest wildfires in California history, and the horrific mass shooting in Las Vegas; and

WHEREAS, in addition to responding to large-scale disasters, the American Red Cross responded to nearly 50,000 home fires in 2017, providing essential casework assistance to help approximately 76,000 displaced families recover; and

WHEREAS, the American Red Cross New Jersey Region has a long history of helping our neighbors in need. Last year the organization responded to more than 820 local disasters and assisted nearly 1,900 New Jersey families who were displaced by home fires; and

WHEREAS, each year the American Red Cross New Jersey Region also provides, on average, 4,000 military family case services and collects an average of 90,000 units of blood from our generous blood donors; and

WHEREAS, the month of March is American Red Cross Month, a special time to recognize and thank the Red Cross volunteers and donors who give of their time and resources to help others in need in our communities. The Red Cross depends on local volunteers to deliver help and hope during a disaster and to assist their neighbors when they need a helping hand.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby celebrate the month of March as American Red Cross Month and encourage all citizens to support the American Red Cross organization and its mission to help those in need due to disasters and emergencies by volunteering, making monetary donations or by giving life-saving blood.

Council Member Hoffman made a motion to approve Resolution #18-130. Council Member Collander seconded the motion. A vote was taken and Resolution #18-130 was approved unanimously.

Mayor Harris asked Council President Resto to proceed with Resolution #18-131.

Council President Resto read Resolution #18-131.

RESOLUTION #18-131

RESOLUTION URGING THE U.S. CONGRESS AND THE LEGISLATURE OF THE STATE OF NEW JERSEY TO ENACT COMMON SENSE, MULTI-FACETED REFORMS TO PREVENT GUN VIOLENCE IN OUR SCHOOL COMMUNITIES, AND ENSURE THAT STUDENTS, TEACHERS, AND STAFF HAVE A SAFE AND SECURE LEARNING ENVIRONMENT

WHEREAS, the Second Amendment to the U.S. Constitution guarantees an individual's right to keep and bear arms, as affirmed by the U.S. Supreme Court in *District of Columbia, et. als, v. Heller*, 554 U.S. 570 (2008); and,

WHEREAS, while the framers of the Constitution intended the Second Amendment to protect the citizenry from national tyranny; they could not have foreseen the advancement of the lethality of certain weaponry, including modern-day assault-type weapons and related accessories typically utilized by military and law enforcement personnel in combat or similar situations; and,

WHEREAS, these assault-type weapons have been used by some to injure and/or kill scores of individuals in a single incident; and,

WHEREAS, according to statistics by *Education Week*, more than 438 students and teachers have been shot in 239 school shootings since the Sandy Hook shootings in 2012 with 63 of those coming in the first two months of 2018; and,

WHEREAS, some perpetrators of school and gun violence suffer from undiagnosed, untreated and/or under-treated mental illness; and,

WHEREAS, school administrators are faced with having to decide whether to allocate scarce financial resources away from the classroom learning experience and towards improving security at school district facilities; and,

WHEREAS, municipal police forces lack the resources to provide enhanced school security; and,

WHEREAS, we believe that a safe learning environment is a fundamental right of all children; and,

WHEREAS, we believe current circumstances require the enactment and enforcement of the reasonable regulation of assault-type firearms and their accessories to ensure their possession and use is limited to military and law enforcement purposes similar to the regulation that was recently upheld in Kolbe v. Hogan, 138 S. Ct. 469 (2017) would be appropriate and constitutionally permissible; and,

WHEREAS, we believe that a reasoned, rational approach for the access to certain weaponry is an essential first step in addressing the scourge of gun violence.

BE IT RESOLVED that it is the sense of the Mayor and Council of the Borough of Chatham in the State of New Jersey that the United States Congress and the New Jersey State Legislature should urgently support the following measures:

- Enactment of a ban on the sale, importation, transfer, and ownership of assault firearms and accessories, such as large capacity magazines and bump stocks
- Adoption of requirements for more stringent background checks for all gun purchases, including private transactions and gun show sales.
- Appropriations of funding for additional research into “smart gun” technology.
- Appropriations to provide grants and low interest loans to school districts for the design and implementation of improved physical security systems and procedures at schools nationwide in accordance with “best practice” standards.
- Reversal of the “Dickey Amendment” (1996) so as to allow the Centers for Disease Control and other federal agencies tasked with the protection and promotion of public health to fund gun-related research for the purpose of providing policymakers with up-to-date data about the causes of gun violence and how it can be prevented or reduced.
- An increase in the minimum age for purchase of ANY type of firearm in the United States to twenty-one years.
- Implementation of an extensive buy-back program focused specifically on reducing the excessive number of military style semi-automatic weaponry currently in circulation across the country.

And,

BE IT FURTHER RESOLVED that the Borough Clerk is directed to send copies of this Resolution to President Donald J. Trump, U.S. Senate Majority Leader Sen. Mitch McConnell, U.S. Senate Minority Leader Sen. Chuck Schumer, the Speaker of the U.S. House of Representatives, Paul Ryan, Members of the New Jersey Congressional Delegation as well as, New Jersey Governor Phil Murphy, New Jersey Senate President, Stephen Sweeney, New Jersey Senate Minority Leader, Thomas Kean, Jr., New Jersey Assembly Speaker Craig Coughlin, New Jersey Assembly Minority Leader Jon Bramnick, Assemblywoman Nancy Munoz and Jill Critchley Weber, President of the Board of Education for the School District of the Chathams.

Council President Resto made a motion to approve Resolution #18-131. Council Member Kobylarz seconded the motion. A vote was taken and Resolution #18-131 was approved unanimously.

Mayor Harris proceeded with Resolution #18-132.

RESOLUTION #18-132

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:

February 26, 2018

Council President Resto made a motion to approve Resolution #18-132. Council Member Collander seconded the motion. A vote was taken and Resolution #18-132 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

Mayor's Wellness Advisory Committee's AARP Grant/Urban Track Project – Council Member Fife introduced Mr. Brian George, the Mayor's Wellness Advisory Committee Chair, and Ms. Janice Piccolo, Director, Department of Community Services. She reported that the Urban Track project is an initiative of the Mayor's Wellness Advisory Committee, but would entail a collaborative effort with organizations such as the Chatham Historical Society, the Chatham Business Alliance, the Tri-Town 55+ Coalition, and the Chatham Rotary Club among others. She further reported that members from the Tri-Town 55+ Coalition were in attendance to present their role in the project.

Mr. George mentioned that the Urban Track Project proposal incorporates a 3.3-mile walking loop using the existing sidewalks along Main Street from Division Avenue to Shepard Kollock Park. A self-guided walking tour and pocket-sized map would be created and would include historic points of interest, botanical identification, and interesting Chatham facts along the way. "Off the track places" and other points of interest would be identified on the map as well. A simple logo would designate the route, letting walkers know that they are on the right track. Free maps would be available from local merchants.

John Crouthamel, President of the Tri-Town 55+ Coalition, and Laura Sostak, the Executive Director/Coordinator, spoke about their organization's mission, which is to promote aging in place for residents. They reported that the organization's role in the Urban Track project would include identifying and promoting safe, healthy, fun paths for older adults and said the organization's "Rides for Seniors" program, a car service provided to residents 55+ years of age, would be an ideal option to help older residents get to and from the Urban Track.

Lisa Leone, the Safe Routes to School Coordinator with Trans Options, reported that Trans Options will be participating in a Walkability Assessment on April 16th and will prepare an audit report to identify pedestrian safety issues or ADA compliance barriers that may exist along the planned route that may need to be addressed. She further mentioned that it would be beneficial to have the Borough Engineer or someone from the Department of Public Works present for the assessment.

Ms. Piccolo reported that, should the governing body provide its consent to move forward with the Urban Track project, a budget will be prepared for the project. She further reported that financial support for the graphic design of the logo and printed materials for the project would come from some private-public partnerships, as well as a \$50,000.00 AARP Community Challenge Grant that the Borough would apply for. Ms. Piccolo confirmed that the Chatham Urban Track would also provide additional Sustainable Jersey points towards the Borough's Silver re-certification. The track would officially open during the Sustainability Fair scheduled for September 8th. The State Mayors' Wellness Campaign spokesperson, Joetta Clark Diggs, four-time Olympic track star, would join local officials to walk the track.

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.

Rozella Clyde, 33 Carmine Street, thanked Mayor Harris and the Borough Council for passing the gun safety resolution. She further expressed her gratitude for the information and real-time updates provided to residents through the “AlertChathamBorough” emergency alert program during the recent winter storms. Dr. Clyde further commented that the monies repeatedly spent to mitigate storm damages and pay for recovery efforts would be better spent by investing in the installation of underground utility wires.

Fran Drew, 32 Inwood Drive, thanked Mayor Harris and the Borough Council for passing the gun safety resolution. She further spoke about JCP&L’s unreliable electrical service in the Borough over the past 40 years and inquired if the Borough could engage in a shared service with Madison’s Electric Utility. Mrs. Drew also advocated for the underground installation of utility wires and also suggested that solar farms should be installed along the open space of transmission lines, which she mentioned would be a cost-effective alternative in providing electricity.

Council Member Kobylarz responded that state regulations prohibit a shared service with Madison in supplying electric service to the Borough. He commented that Borough officials will be investigating whether Madison could provide emergency services during power outages. Council Member Kobylarz further mentioned that JCP&L’s emergency preparedness was lacking and the organizational response was chaotic.

Mayor Harris further reported that the New Jersey Board of Public Utilities (BPU) has officially launched its investigation into the response of the state’s utilities to winter storms, which left hundreds of thousands of the state’s residents without power for extended periods. He mentioned that as part of its investigation process, the BPU will be holding five public hearings across the state, including three hearings within the JCP&L service area. He encouraged residents to attend the public hearings.

Council Member Hoffman commented that the power grid is outdated and a disgrace and that any investment in the electrical utility infrastructure must also include modernizing the power grid. He further mentioned that his biggest complaint was the erroneous information that JCP&L was communicating to its customers.

Joseph Marts, former Chatham Borough Mayor, expressed his appreciation to all Borough employees and volunteers who provided public safety services during the storms.

Matthew Wagner, 139 Fairmount Avenue, disputed some of the statistics referenced in the gun safety resolution and objected to increasing the minimum age for the purchase of any type of firearm to 21-years of age. He commented that laws should be enacted to keep guns away from bad actors instead of taking away rights from law-abiding individuals.

Jack Drew, 32 Inwood Road, endorsed the gun safety resolution and commented that the greater availability of assault weapons leads to greater instances of mass shootings.

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

ORDINANCES FOR SECOND READING

Mayor Harris asked Council Member Hoffman to proceed with Ordinance #18-02.

Council Member Hoffman read Ordinance #18-02 entitled:

ORDINANCE #18-02

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND A NEW FIRE ENGINE (PARTIAL FUNDING) AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,000,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO MAKE A DOWN PAYMENT, 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 February 26, 2018.

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 #18-02 was introduced and passed on first reading at the February 26, 2018 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on March 12, 2018 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.

Jack Drew, 32 Inwood Road, inquired what the dollar amount of the bond ordinance. Council Member Hoffman responded that \$1,000,000.00 would be appropriated for certain public improvements and acquisition of vehicles and equipment specified in the bond ordinance.

Seeing no one else wishing to be heard, Mayor Harris closed the public hearing.

Council Member Hoffman 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 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			
Fife			X			
Resto			X			
Hoffman	X		X			
Weber			X			
Kobylarz			X			

Mayor Harris declared Ordinance #18-02 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 Hoffman to proceed with Ordinance #18-03.

Council Member Hoffman read Ordinance #18-03 entitled:

ORDINANCE #18-03

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$430,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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 February 26, 2018.

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 #18-03 was introduced and passed on first reading at the February 26, 2018 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on March 12, 2018 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 Hoffman 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 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			
Fife			X			
Resto			X			
Hoffman	X		X			
Weber			X			
Kobylarz			X			

Mayor Harris declared Ordinance #18-03 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 Collander to proceed with Ordinance #18-04.

Council Member Collander read Ordinance #18-04 entitled:

ORDINANCE #18-04

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 33
LENGTH OF SERVICE AWARDS PROGRAM**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on February 26, 2018.

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 #18-04 was introduced and passed on first reading at the February 26, 2018 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on March 12, 2018 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.

Rozella Clyde, 33 Carmine Street, inquired what changes were being made to the LOSAP program.

Mr. Williams responded that the Ordinance was mostly housekeeping to keep service credit points in line with current service activities performed by volunteers of the Chatham Emergency Squad. He further mentioned that Chatham Township had already adopted a mirror ordinance for the Chatham Emergency Squad LOSAP program.

Seeing no one else wishing to be heard, Mayor Harris closed the public hearing.

Council Member Collander 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 President Resto seconded the motion.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Collander	X		X			
Fife			X			
Resto		X	X			
Hoffman			X			
Weber			X			
Kobylarz			X			

Mayor Harris declared Ordinance #18-04 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.

REPORTS

COUNCIL COMMITTEES

Budget and Finance - Council Member Hoffman reported that the 2018 budget will be presented at the March 26th Mayor and Council meeting.

Long Range Traffic & Pedestrian Safety Planning - Council Member Collander reported that a meeting will be scheduled for the month of March and had nothing new to report.

Public Safety & Emergency Services - Council Member Collander reported that a meeting will be scheduled next week and had nothing new to report.

Personnel - Council President Resto had nothing new to report.

Public Works Planning/Community Services - Council Member Fife reported that a meeting will be scheduled with the Department of Public Works and the Department of Community Services to begin planning for this year's Spring Clean day.

Shared Services & 3rd Party Agreements - Council Member Weber had nothing new to report.

MAYOR'S REPORT

Mayor Harris yielded his report to Mr. Williams regarding the Borough's response to the winter storm and power outages. He reported, however, that the Borough has begun to prepare a Preliminary Assessment report, which itemizes the Borough's costs that were associated with the two recent winter storms. The final report will be filed with FEMA for the reimbursement of allowable costs.

ADMINISTRATOR'S REPORT

Mr. Williams thanked the Mayor and Council, the Police Department, the Department of Public Works, the Fire Department, the Chatham Emergency Squad and the Office of Emergency Management for their vigilance and sustained efforts during the Nor'easters. He also thanked Madison Borough, which sent employees from its electric Utility to help restore power to Borough residents. Mr. Williams reported that power utility crews could restore electric service to all but three Borough residents.

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 #18-133 through Resolution #18-145 have been placed on the Consent Agenda.

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

None.

CONTRACT

RESOLUTION #18-133

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROCESS PROFESSIONAL SERVICE CONTRACT FOR THE YEAR 2018 TO THE FIRM CLARKE CATON HINTZ, P.C. FOR PLANNING SERVICES

WHEREAS, there exists a need to enter into a non-fair and open contract for planning services for the Borough of Chatham for calendar year 2018; and

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

WHEREAS, Michael Sullivan with the firm Clarke Caton Hintz, P.C. has submitted a proposal to provide said services together with a 2018 Professional Planning Fee Schedule; and

WHEREAS, the firm Clarke Caton Hintz, P.C. 75 100 Barrack Street, Trenton NJ 08608 possesses the experience necessary as planners and is familiar with the Borough and the award of the contract would be in the best interests of the Borough; and

WHEREAS, the firm Clarke Caton Hintz, P.C., its subsidiaries, assigns or principals controlling in excess of 10% of the firm will be required to submit to the Borough a Business Entity Disclosure Certification pursuant to the New Jersey Pay-to-Play Act, N.J.S.A. 19:44A-1 et seq., a completed Disclosure of Investment Activities in Iran pursuant to Public Law 2012, C.25, a New Jersey Business Registration Certificate, a completed affirmative action report (Form AA-302) and a completed W-9 form; and

WHEREAS, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$12,000.00 and that funds are currently available for the purpose of awarding this contract from Current Fund Account #8-01-21-180-225.

BE IT RESOLVED, by the Council of the Borough of Chatham that a professional services contract is hereby awarded to the firm Clarke Caton Hintz for planning services for calendar year 2018 and that the Mayor and Borough Clerk are hereby authorized to execute a professional services contract on behalf of the Borough.

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 #18-134

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 #18-135

RESOLUTION AUTHORIZING THE TAX APPEAL SETTLEMENT FOR PROPERTY LOCATED AT 97 MAIN STREET, BLOCK 127, LOT 22

WHEREAS, appeals of the real property tax assessments of the following property have been filed in the Tax Court of New Jersey:

PROPERTY OWNER	BLOCK	LOT	ADDRESS
97 Main Street	127	22	97 Main Street

And,

WHEREAS, the property owners and the Borough of Chatham have agreed to a settlement for the pending appeals; and

WHEREAS, the property owners have agreed to waive pre-judgment interest due on any refunds payable as a result of the proposed settlement provided that the refund is made within sixty (60) days of the date of entry of Judgment by the Tax Court; and

WHEREAS, the settlement of this matter, as set forth herein, is in the best interest of the Borough of Chatham and is recommended by the Borough's Tax Counsel and should, therefore, be settled pursuant to the terms set forth herein.

BE IT RESOLVED, by the Borough Council of the Borough of Chatham, in the County of Morris, State of New Jersey, that the settlement of the following property tax appeals filed at the Tax Court of New Jersey is hereby authorized as follows:

PROPERTY OWNER	YEAR	ORIGINAL ASSESSMENT	PROPOSED SETTLEMENT
97 Main Street	2011-2014	\$4,530,500	\$4,530,500
97 Main Street	2015-2016	\$4,530,500	\$4,000,000
97 Main Street	2017	\$4,530,500	\$3,750,000

And,

BE IT FURTHER RESOLVED, that upon receipt of the Tax Court Judgment, the Borough Tax Collector is hereby authorized to apply all refunds in the form of a credit against future taxes; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately or as otherwise provided by law.

RESOLUTION #18-136

RESOLUTION AUTHORIZING REFUND FOR WATER UTILITY OVERPAYMENT

WHEREAS, the Utility Clerk for the Borough of Chatham has advised that an overpayment was made in the payment of a water bill; and

WHEREAS, the property owner has requested a refund for the overpayment as follows:

<u>ACCOUNT #</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>REFUND AMOUNT</u>
520-0	Bury, Aleksandra 12 Woodland Road Chatham, NJ 07928	\$1,615.46

Please make check payable & mail to:
Aleksandra Bury
12 Woodland Road
Chatham, NJ 07928

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough's Utility Clerk to process a refund for the overpayment as herein referenced.

RESOLUTION #18-137

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised that the herein referenced property owner has requested a refund for an advance payment that was made for the third quarter (estimated) 2018 property tax; and

WHEREAS, the Tax Collector has further advised that a refund is to be made as follows:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
63/21	Peterson, George III & Jennifer 73 Center Avenue Chatham, NJ 07928	\$4,951.88	2018 3Qtr

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 overpayment of property taxes as herein referenced.

RESOLUTION #18-138

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised that the mortgage company and the property owner made a property tax payment for the herein referenced property 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>
16/28	Haas, Ian & O'Connell, Melissa 123 Chatham Street Chatham, NJ 07928	\$4,533.55	2018/1Qtr.
	<u>Please make check payable & mail to:</u> Haas, Ian & O'Connell, Melissa 123 Chatham Street 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 overpayment of property taxes as herein referenced.

LAW AND PUBLIC SAFETY

RESOLUTION #18-139

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DISTRACTED DRIVING ENFORCEMENT GRANT APPLICATION WITH THE STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF HIGHWAY TRAFFIC SAFETY

WHEREAS, distracted driving is a dangerous epidemic on America's roadways and in the state of New Jersey where driver inattention remains the most significant cause of fatal and incapacitating crashes, and was listed as a contributing circumstance in 52 percent of the state's crashes in 2015; and

WHEREAS, distracted driving is any activity that could divert a motorist's attention away from the primary task of driving. All distractions endanger the driver, passenger, and bystander safety; and

WHEREAS, the State of New Jersey, Department of Law and Public Safety, Division of Highway Traffic Safety is offering law enforcement agencies throughout New Jersey and the nation an opportunity to participate in a federally-funded grant program sponsored by the National Highway Traffic Safety Administration to help raise awareness about the dangers of distracted driving and to mobilize deterrence through visible enforcement and issuance of summonses for relevant motor vehicle violations from April 1 through April 22, 2018; and

WHEREAS, funding offered by the National Highway Traffic Safety Administration is a reimbursable grant requiring the municipality to fund its distracted driving enforcement campaign upfront; and

WHEREAS, the Borough of Chatham is desirous of participating in the distracted driving enforcement campaign and is requesting \$6,600.00 in grant funding; and

WHEREAS, if the grant request is approved, the Chief Financial Officer has certified that sufficient funds have been included in the 2018 Budget submission in the amount of \$6,600.00 in Account #8-01-40-213-770 for Borough Council approval for this reimbursable grant program.

BE IT RESOLVED, by the Council of the Borough of Chatham that they hereby approve the submission of a grant application and authorize the Mayor to execute the State of New Jersey, Department of Law and Public Safety, Division of Highway Traffic Safety grant application for the distracted driving enforcement campaign from April 1 through April 22, 2018; 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.

BOARDS, COMMISSIONS & COMMITTEES

RESOLUTION #18-140

RESOLUTION APPOINTING MEMBERS TO THE MAYOR'S WELLNESS ADVISORY COMMITTEE FOR CALENDAR YEAR 2018

WHEREAS, the Mayor and Borough Council support initiatives that promote healthy behaviors and lifestyles among Borough residents and employees; and

WHEREAS, Resolution #18-17 adopted by the Mayor and Council on January 2, 2018 re-established the Mayor's Wellness Advisory Committee for calendar year 2018; and

WHEREAS, the Mayor's Wellness Advisory Committee works with the Mayor and the Borough Council, along with key community leaders to plan and organize initiatives that promote and shape healthier lifestyles for all citizens in the community; and

WHEREAS, Janice Yap and Cara Maksimow have expressed their interest in being appointed to the Mayor's Wellness Advisory Committee and submitted a volunteer application.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Janice Yap and Cara Maksimow are hereby appointed to the Mayor's Wellness Advisory Committee for calendar year 2018; and

BE IT FURTHER RESOLVED that the Borough Clerk is authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution in accordance with N.J.S.A. 40A:9-9.2a and the Code of the Borough Chatham, Chapter 3, §3.3.

PERSONNEL

RESOLUTION #18-141

RESOLUTION RE-APPOINTING ANNE MANDAL AS THE REGISTRAR OF VITAL STATISTICS FOR THE BOROUGH OF CHATHAM PURSUANT TO N.J.S.A. 26:8-14

WHEREAS, there is a need for the Borough of Chatham to appoint a Certified Municipal Registrar of Vital Statistics; and

WHEREAS, in accordance with N.J.S.A. 26:8-14, Anne Mandal is a Certified Municipal Registrar and had indicated her willingness to be re-appointed to serve a 3-year term as the Borough's Registrar of Vital Statistics.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Anne Mandal is hereby re-appointed as the Registrar of Vital Statistics for the Borough to serve a 3-year term effective March 24, 2018 through March 17, 2021, pursuant to state law; and

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

OTHER

RESOLUTION #18-142

RESOLUTION RECOGNIZING AND ENDORSING THE CREATIVE TEAM AS A SUB-COMMITTEE OF THE ENVIRONMENTAL COMMISSION IN ACCORDANCE WITH THE GUIDELINES OF SUSTAINABLE JERSEY

WHEREAS, the creative arts have long been part of the rich fabric of Chatham through the Public Arts Council, the Art League of the Chathams and other independent artists living in Chatham; and

WHEREAS, the creative arts enhance all our lives and the well-being of the community through art shows at Borough Hall, The Library of the Chathams, sculptures on display in the Borough, the Mural beneath the Fairmount Avenue Railroad Underpass, and the “green takes back gray project” artistic painting of traffic signal control cabinet boxes along Watchung Avenue; and

WHEREAS, the inclusion of green and sustainability themes in our artwork manifests itself in artwork displaying the area’s rich landscapes, native species, flora and fauna in addition to reinforcing the importance of sustainability in our lives; and,

WHEREAS, since 2014, the “Creative Team” sub-committee of the Environmental Commission has been in place and consists of a member of the Environmental Commission, two local artists, a business leader, two members of the education community, and a Council liaison member.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that they fully recognize and endorse the “Creative Team” as a sub-committee of the Environmental Commission and look forward to their continued involvement in the life fabric of Chatham for many years to come.

RESOLUTION #18-143

RESOLUTION APPROVING THE APPLICATION FOR A MONUMENT/MEMORIAL SUBMITTED BY THE CHATHAM HISTORICAL SOCIETY AND GRANTING PERMISSION TO INSTALL A BRONZE PLAQUE ON THE BOROUGH HALL BUILDING

WHEREAS, the Chatham Historical Society submitted an *Application for a Monument/Memorial* to the Mayor and Council for consideration; and

WHEREAS, the Chatham Historical Society seeks permission to install a bronze plaque on the right side of the Borough Hall building to celebrate the architecture and rich history of Chatham’s first accredited high school; and

WHEREAS, the bronze plaque would replace the plaque that is on the Borough Hall building noting that in 1919 five red oak trees were planted in honor of the five young Chatham men who lost their lives in battle during the Great War; and

WHEREAS, the Chatham Historical Society will fund the bronze plaque and has requested assistance from the Department of Public Works to install the plaque on the building; 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 the *Application for a Monument/Memorial* submitted by the Chatham Historical Society's to install a bronze plaque to the right side of the Borough Hall building to celebrate the architecture and rich history of Chatham's first accredited high school; 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 #18-144

RESOLUTION AUTHORIZING THE SPRING CLEAN INITIATIVE FOR THE YEAR 2018 AND AUTHORIZING THE SOLICITATION OF CHARITABLE DONATIONS

WHEREAS, Spring Clean is a Borough-wide day of volunteerism in honor of Earth Day that is focused on litter removal and neighborhood beautification in the Borough; and

WHEREAS, this year, the MyChathamNJ Advisory Committee, in conjunction with the Department of Community Services, will organize and hold the annual Spring Clean initiative on May 5, 2018 during the hours of 9:00 a.m. to 12:00 p.m.; and

WHEREAS, a municipality may solicit and accept donations, by gift, bequest, or devise, of real property, funds, personal property, in-kind items, or services by private persons to the soliciting governmental entity or agency, for public purposes by adoption of a resolution authorizing the solicitation; and

WHEREAS, by Resolution #14-88 adopted on January 6, 2014, the Borough established a dedication by rider trust fund for donations received to support the Spring Clean program in the Borough; and

WHEREAS, N.J.S.A. 40A:5-29 permits the Borough to use dedicated revenues anticipated during the budget year from charitable contributions in support of purposes to which contributions are made; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby support the Spring Clean local initiative organized by the MyChathamNJ Advisory Committee; and

BE IT FURTHER RESOLVED, that no elected or appointed official for the Borough of Chatham, nor any Borough employee or volunteers appointed to any Borough Board, Commission or Committee shall be involved in the direct solicitation of any monetary or in-kind donations for the event, except for a general mailing seeking participation; and

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

RESOLUTION #18-145

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A ROOTS FOR RIVERS REFORESTATION GRANT APPLICATION WITH SUSTAINABLE JERSEY

WHEREAS, dense development in New Jersey directly affects our water supply, and more than 85% of our rivers and streams are impaired due to factors like erosion and stormwater runoff; and

WHEREAS, throughout much of the state, our floodplains have been deforested and left without trees to help filter water, absorb flooding, or cool the river for fish; and

WHEREAS, one significant way to help ensure our continued reliance upon our precious natural water resources is to restore New Jersey's flood plains – the critical land near our rivers' banks; and

WHEREAS, the Nature Conservancy is partnering with Sustainable Jersey on a new *Roots for Rivers Reforestation Grant and Technical Assistance Program* to catalyze restoration efforts across the state in order to achieve a goal of planting 100,000 trees in floodplains by 2020, to help conserve and protect lands and waters on which we and future generations depend; and

WHEREAS, the Shade Tree Commission has identified potential planting sites along the banks of the Passaic River in Sheppard Kollock Park and will be partnering with the Environmental Commission's Green Team sub-committee in this grant initiative; and

WHEREAS, for this Sustainable Jersey grant program, grants that are awarded for less than \$2,000.00 will be paid out immediately upon acceptance; grants that are awarded in excess of \$2000.00 will be a reimbursable grant and paid once the project has been completed; and

WHEREAS, the Borough of Chatham is desirous of participating in the Sustainable Jersey *Roots for Rivers Reforestation Grant and Technical Assistance Program* and is requesting \$15,000.00 in grant funding; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds have been included in the 2018 Budget submission in Account #8-01-26-290-302 in the amount of \$15,000.00 for this reimbursable grant.

BE IT RESOLVED, by the Council of the Borough of Chatham that they hereby approve the submission of a Sustainable Jersey *Roots for Rivers Reforestation Grant and Technical Assistance Program* grant application for the reforestation along the banks of the Passaic River in Shepard Kollock Park and authorize the Mayor to execute said grant application; 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 President Resto made a motion to approve Resolutions #18-133 through #18-145 listed on the Consent Agenda. The motion was seconded by Council Member Collander. A vote was taken and Resolutions #18-133 through #18-145 listed on the Consent Agenda were approved unanimously.

ADD-ON RESOLUTIONS

None.

Mayor Harris asked Council Member Kobylarz to proceed with Resolution #18-146.

Council Member Kobylarz read Resolution #18-146.

RESOLUTION #18-146

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:

Litigation matter: 1. 4 Watchung Avenue LLC vs. Borough of Chatham, et. al. – 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 Kobylarz made a motion to approve Resolution #18-146. Council President Resto seconded the motion. A vote was taken and the motion to approve Resolution #18-146 was approved unanimously.

ADJOURNMENT

Having no other business to be conducted in public session, Mayor Harris adjourned into Closed Session at 9:25 p.m.

Respectfully Submitted:

Robin R. Kline

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