

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

**August 13, 2018 MINUTES**

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, August 13, 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 asked Council Member Fife to proceed with Resolution #18-261.

Council Member Fife read Resolution #18-261.

**PROCLAMATION**

**RESOLUTION #18-261**

**RESOLUTION SUPPORTING THE 12<sup>TH</sup> ANNUAL TURN THE TOWNS TEAL® CAMPAIGN,  
A NATIONAL CAMPAIGN PROMOTING AWARENESS OF OVARIAN CANCER AND ITS  
SYMPTOMS**

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

**WHEREAS**, the month of September is dedicated to raising awareness of ovarian cancer; and

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

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

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

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

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

**BE IT FURTHER RESOLVED**, that the placement of any banners or signage must be reviewed and approved in advance of their posting on Borough property by the Borough’s Zoning Officer and that all ribbons shall be removed from Borough trees on or before September 30, 2018.

Council Member Fife made a motion to approve Resolution #18-261. Council Member Weber seconded the motion. A vote was taken and Resolution #18-261 was approved unanimously.

Council Member Fife presented the proclamation to Jane MacNeil, executive officer for the Turn The Towns Teal® campaign. Mrs. MacNeil was accompanied by Anna McCormick, a Borough resident and survivor of ovarian cancer. Mrs. MacNeil and Anna McCormick thanked Mayor Harris and the Borough Council for their support and bringing awareness of ovarian cancer and the importance of early screening.

Mayor Harris asked Council Member Collander to proceed with Resolution #18-262.

Council Member Collander read Resolution #18-262.

## **APPOINTMENT**

### **RESOLUTION #18-262**

#### **RESOLUTION APPOINTING COMMANDING OFFICER BRIAN K. GIBBONS TO THE RANK OF CHIEF OF POLICE IN THE BOROUGH OF CHATHAM**

**WHEREAS**, due to the retirement of former Chief of Police Philip Crosson, Jr., there exists a vacancy in the position of Chief of Police in the Borough of Chatham; and

**WHEREAS**, Commanding Officer Brian K. Gibbons, has expressed his interest in the Chief of Police position for the Borough of Chatham; and

**WHEREAS**, Commanding Officer Gibbons, is an experienced, dedicated and decorated law enforcement executive who first began his law enforcement service as a Police Patrol Officer in 1999 and, in September 2002, continued his law enforcement career with the Chatham Borough Police Department where he rose through the ranks to Patrol Sergeant, Administrative Sergeant, Lieutenant/Executive Officer, Captain/Executive Officer, and to Commanding Officer in March 2018; and

**WHEREAS**, in accordance with Chatham Borough Police Promotion Policy, the Promotion Examination Board, consisting of the Borough Administrator and the Public Safety Committee, shall evaluate the candidates for promotion to the rank of Chief of Police; and

**WHEREAS**, the Promotion Examination Board has determined that Commanding Officer Gibbons is well-qualified to serve as the Chief of Police and recommends his appointment to the rank of Chief of Police in the Chatham Borough Police Department; and

**WHEREAS**, Chapter 48, §48-4 of the Code of the Borough of Chatham provides that the Mayor shall appoint a Chief of Police with the consent and approval of Borough Council; and

**WHEREAS**, Mayor Bruce A. Harris, in consideration of the recommendation made by the Promotion Examination Board does hereby appoint Commanding Officer Brian K. Gibbons to the rank of Chief of Police in the Chatham Borough Police Department, effective August 14, 2018.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that they hereby concur with the Mayor's appointment of Commanding Officer Brian K. Gibbons to the rank of Chief of Police and provide their consent; and

**BE IT FURTHER RESOLVED**, that Commanding Officer Gibbons is hereby promoted to the rank of Chief of Police at an annual salary of \$156,085.21, to be pro-rated for the remainder of 2018, and that the Mayor is authorized to sign the Employment Agreement; and

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Council congratulate and extend their best wishes to Police Chief Brian K. Gibbons.

Council Member Collander made a motion to approve Resolution #18-262. Council President Resto seconded the motion. A vote was taken and Resolution #18-262 was approved unanimously.

#### **ADMINISTRATION OF THE OATH OF OFFICE**

The Borough Clerk administered the oath of office to Police Chief Brian Gibbons, who was accompanied by his family.

Following the oath of office, Police Chief Gibbons was presented the Police Chief's badge by Mayor Harris. Mayor Harris and the Borough Council congratulated Chief Gibbons on his promotion and applauded him for his dedication in serving the needs of the community.

Police Chief Gibbon, who is the ninth Police Chief to be appointed in the Borough, thanked the Mayor and Council. He also thanked his fellow colleagues in the Police Department and Borough government, law enforcement officials from Morris County and surrounding towns, firefighters, first responders, and his family and friends for their support throughout his law enforcement career.

Mayor Harris asked Council Member Collander to proceed with Resolution #18-263.

Council Member Collander read Resolution #18-263.

#### **RESOLUTION #18-263**

#### **RESOLUTION APPOINTING SEAN SMILEY AS A PROBATIONARY FIREFIGHTER FOR THE CHATHAM BOROUGH VOLUNTEER FIRE DEPARTMENT**

**WHEREAS**, the Mayor and Council of the Borough of Chatham recognize the valuable contributions volunteer firefighters make to our community every day of every year; and

**WHEREAS**, Sean Smiley was appointed as a member to the Junior Firemen's Auxiliary Company of the Chatham Borough Volunteer Fire Department by Resolution #16-227 on June 27, 2016; and

**WHEREAS**, Sean has expressed interest in becoming a Probationary Firefighter with the Chatham Borough Volunteer Fire Department; and

**WHEREAS**, the Fire Chief has recommended that Sean Smiley should be appointed as a Probationary Firefighter to the Chatham Borough Volunteer Fire Department, Hook and Ladder Company.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Sean Smiley is hereby appointed as a Probationary Firefighter to the Chatham Borough Volunteer Fire Department, Hook and Ladder Company; and

**BE IT FURTHER RESOLVED**, that Sean Smiley's application for membership to the Chatham Borough Volunteer Fire Department is hereby approved.

Council Member Collander made a motion to approve Resolution #18-263. Council President Resto seconded the motion. A vote was taken and Resolution #18-263 was approved unanimously.

#### **ADMINISTRATION OF THE OATH OF OFFICE**

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

Mayor Harris and the Borough Council thanked Mr. Smiley for his service to the community and wished him well.

Mayor Harris proceeded with Resolution #18-264.

#### **RESOLUTION #18-264**

#### **RESOLUTION TO ADOPT COUNCIL MEETING MINUTES**

**BE IT RESOLVED**, by the Council of the Borough of Chatham that the minutes from the following meeting are approved as prepared and shall be filed as a permanent record in the Borough Clerk's office:

July 9, 2018

And,

**BE IT FURTHER RESOLVED**, by the Council of the Borough of Chatham that the minutes from the following Closed Session meeting(s) are approved as prepared and shall be filed as a permanent record in the Borough Clerk's office:

July 9, 2018

Council Member Fife made a motion to approve Resolution #18-264. Council President Resto seconded the motion. A vote was taken and Resolution #18-264 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**

**JCP&L Infrastructure Investment Program** – Mr. Rob Walton, Jersey Central Power & Light Company (JCP&L) Area Manager for the Summit District, provided a brief update on JCP&L's Infrastructure Investment Plan. JCP&L filed a 4-year infrastructure plan in July 2018 with the New Jersey Board of Public Utilities (BPU) to enhance the reliability and resiliency of its distribution system and to reduce the frequency and duration of power outages.

The plan includes about \$400 million in targeted investments, which includes an enhanced tree removal program that will have an emphasis on removing ash trees affected by the emerald ash borer near JCP&L power lines, flood mitigation measures at substations, as well as installing new technology that can pinpoint power outage locations and isolate damage on the distribution system for quicker service restoration. The plan would also accelerate the replacement of aging equipment. Mr. Walton mentioned that JCP&L's Infrastructure Investment Plan would initially increase a customer's service cost by approximately \$0.25 per month and up to approximately \$1.89 per month in year 4.

The Governing Body inquired whether JCP&L's investment plan includes burying utility wires underground and also inquired about the roll-out of smart meters.

Mr. Walton responded that cost estimates undertaken by the BPU report that burying utilities underground could cost as much as \$3 million per mile. BPU's Rate Counsel has been opposed to mandating the installation of smart meters because the cost of the smart meter, about \$500.00 per meter, would be borne by the consumer.

Mayor Harris thanked Mr. Walton for his presentation and mentioned that the BPU will be scheduling a public hearing sometime in the fall. He also informed Mr. Walton that the Governing Body would discuss whether to consider a resolution in support of JCP&L's Infrastructure Investment Plan.

**Capital Projects Update** – Mr. Vince DeNave, Borough Engineer, provided an update on the following 2018 capital projects:

1. The installation of the artificial turf field at Lum Field has been completed. A minor punch list of items will be addressed in the next week.
2. Belgium block curbing has been completed on the Weston Avenue Road Reconstruction project; however, due to the rainy weather, the concrete work is progressing slowly. Mr. DeNave will ensure that notice is provided to residents before the milling and paving of the roadway begins.
3. The 2018 Curb and Sidewalk program will begin at the end of August.
4. Morris County is finalizing the design specifications of the North Passaic Avenue Road Construction project. Mr. DeNave will coordinate street tree removals and new street tree planting with the Shade Tree Commission.
5. There have been no major complaints concerning wide-spread drainage issues, despite the heavier amount of rainfall this summer.
6. Mr. DeNave and the Department of Public Works continue to identify inflow and infiltration issues with the sanitary sewer lines. Twenty-two new manhole covers have been ordered to replace conventional manhole covers in locations that become submerged during heavy rainfall. Sections of sanitary sewer lines are also being identified for slip lining retrofits.
7. The Borough has filed a permit with the state's Division Fish and Wildlife for the acquisition and introduction of five carp into Kelley's Pond for the aquatic control of duckweed.
8. New quotations have been received for the repainting of the water tanks on Longwood Avenue. Mr. DeNave reported that a company will provide him with a presentation on the process used to encapsulate the lead paint. Although he estimates the cost to repaint the water tanks will be about \$40,000.00, the quotes received so far are coming in much higher.

9. PSE&G will schedule additional road micro surfacing work next year on streets that may need more work. Mayor Harris mentioned that a PSE&G infrastructure update is scheduled for October 22<sup>nd</sup>.

**River Road Redevelopment** – Mr. DeNave and Mr. Williams provided a presentation regarding the proposed redevelopment of three contiguous parcels on River Road. The proposed redevelopment would include the Crown Oil, Burling Industries and National Manufacturing Oil sites (Block 135, Lots 9, 10 and 11/12 respectively) and have a combined acreage of approximately 4.5 acres. Each lot would require some degree of environmental cleanup and remediation. Mr. DeNave mentioned that 16 River Road (Block 135, Lot 10) had recently been approved by the Planning Board for a 47-unit apartment building.

Mr. DeNave further reported that the Borough would need to address several infrastructure considerations as part of the redevelopment planning process. This would include sanitary sewer lines, water mains, the widening of River Road and intersection improvements at Watchung Avenue, and the installation of underground utilities. He said the redevelopment planning process should also include discussions for a potential new NJ Transit train station on the Gateway Redevelopment Area.

Mr. DeNave stated that the Local Redevelopment and Housing Law would allow the Borough to initiate a process by which properties that meet certain criteria can be designated an area in need of redevelopment to make redevelopment projects more feasible.

Council Member Weber mentioned that he agreed with the need to redevelop River Road but questioned why the Borough would be interested in redeveloping River Road at this time when the Borough is engaged in the redevelopment planning process of Post Office Plaza. He further inquired whether the party interested in redeveloping River Road is the same party that had received approval from the Planning Board to redevelop Lot 10 and, if so, why is the developer now asking the Borough to designate the area an Area in Need of Redevelopment.

Mayor Harris responded that because an opportunity and an interest has presented itself, the Borough should consider the redevelopment of River Road at this time. He further mentioned that there is some speculation that the market may not be there a year from now and that it is best to “strike while the iron is hot.”

Mr. DeNave further responded that once an area is designated as an area in need of redevelopment, the Borough controls the redevelopment planning process, as well as infrastructure improvements, not the developer.

Council Member Weber further inquired why there has been no public discussion by the Governing Body as to what the developer proposes to build. He mentioned that the proposed redevelopment project is to build 340 dwelling units, which Borough officials and residents might not want. He further expressed his concern that the Borough would be spending about \$8,000.00 to retain Topology as the planner and another \$2,000.00 to \$5,000.00 in legal costs just to complete the preliminary investigation as part of the first stage of the redevelopment process.

Council Member Hoffman offered that the preliminary investigation report would provide a useful analysis of the area for Borough officials and would be a relatively small investment in a process that may result in more future ratables for the community. He mentioned that as the redevelopment process continues, costs would shift to the developer. He further mentioned that declaring an area in need of redevelopment would engage the Planning Board, the Governing Body and the residents in the redevelopment planning process as opposed to a developer solely going before the Zoning Board of Adjustment or Planning Board for approvals.

## **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, questioned the cost estimates to bury utility wires underground and encouraged the governing body to continue pursuing this issue, as well as “smart meters.” Dr. Clyde also voiced her support for the redevelopment of River Road.

Mayor Harris informed everyone that the BPU will host a public hearing on JCP&L’s Infrastructure Investment Plan and mentioned that once the hearing schedule is known, the Borough will inform residents. He encouraged residents to provide their comments to the BPU at the public hearing.

Lisa Hart, 24 Hedges Avenue, thanked the Mayor and Borough Council for recently passing a gun violence resolution and requested a resolution proclaiming October 7, 2018, as "Respect Life Day in Chatham Borough."

Council Member Hoffman thanked Ms. Hart for her comments and mentioned that it would be up to the consensus of the governing body to put forth such a resolution.

Seeing no one else wishing to comment, Mayor Harris closed the meeting to the public and proceeded with the Council Committee Reports.

## **REPORTS**

### **COUNCIL COMMITTEES**

**Budget and Finance** - Council Member Hoffman reported that the 2019 budget process has begun. Department heads have been provided with 2019 budget worksheets for both operating and capital budget requests.

**Long Range Traffic & Pedestrian Safety Planning** - Council Member Collander reported that the Police Department has completed a sixth traffic count along Main Street. Data shows that there has been some reduction in traffic volume. He mentioned Borough officials believe the reduction in traffic volume is due to the new message board on eastbound Route 24 that provides travel times to Columbia Turnpike and Route 287 to encourage drivers to remain on Route 24.

Council Member Collander reminded residents to use the pedestrian flashing lights when crossing Main Street at Railroad Plaza North and when crossing Fairmount Avenue at the train station. He further encouraged pedestrians to make eye contact with motorists before crossing the street.

**Public Safety & Emergency Services** - Council Member Collander had nothing new to report.

**Personnel** - Council President Resto reported that the Personnel Committee is working on the Department of Public Works collective bargaining contract.

**Public Works Planning/Community Services** - Council Member Fife had nothing new to report.

**Shared Services & 3<sup>rd</sup> Party Agreements** - Council Member Weber had nothing new to report.

## **MAYOR'S REPORT**

Mayor Harris reported that the Post Office in Chatham will host an Open House on Wednesday, August 15<sup>th</sup> from 10:00 a.m. to 2:00 p.m. He encouraged residents to tour the facility and mentioned that the Open House provides an opportunity for residents to address any concerns that they may have with their postal service. Mayor Harris also mentioned that a hearing has been scheduled on Thursday, August 16<sup>th</sup> with New Jersey Transit Corporation and state officials. He reported that Assemblywoman Nancy Munoz had sent a letter to the Executive Director of the New Jersey Transit Corporation concerning the daily cancellations and delays of NJ Transit's rail service. Assemblywoman Munoz' letter is posted on the Borough's website. Mayor Harris lastly reported that Resolution #18-273, listed on the Consent Agenda, extends the due date for third quarter property tax bills. He explained that tax bills were delayed due to the state making last-minute changes in state aid to local school districts and mentioned that the School District of the Chathams had received an additional \$350,000.00 in state aid, and chose not to apply the additional funds to reduce the tax rate.

## **ADMINISTRATOR'S REPORT**

Mr. Williams reported that the Morris County Division of Mosquito Control has been hand-spraying areas in town, as well as using truck-supported spraying. He encouraged residents to visit the Borough website to learn more about how to control mosquitos on their property. Mr. Williams reminded residents to register for AlertChathamBorough, which now uses the Smart911 platform. Lastly, he reported that the Chatham Historical Society's new bronze plaque commemorating Public School No. 1 has been mounted on Borough Hall.

## **RESOLUTION REQUIRING SEPARATE ACTION**

Mr. Lott advised that a technical correction should be made to Resolution #18-265 to include the words "non-condemnation" in both the title and in paragraph 2.

Council President Resto made a motion to amend Resolution #18-265 to include the words "non-condemnation" in both the title and in paragraph 2 in the resolution. Council Member Collander seconded the motion. A vote was taken and the amendment to Resolution #18-265 was approved unanimously.

## **RESOLUTION #18-265**

### **RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE PLANNING BOARD OF THE BOROUGH OF CHATHAM TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE IF CERTAIN REAL PROPERTY WITHIN THE BOROUGH OF CHATHAM ARE AREAS IN NEED OF REDEVELOPMENT (NON-CONDEMNATION)**

**WHEREAS**, the Borough Council desires to direct the Planning Board to undertake a preliminary investigation to determine if all or a portion of certain real property within the Borough of Chatham, specifically, Block 135, Lots 9, 10, 11 & 12 on River Road, are areas in need of redevelopment pursuant to and in accordance with the local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Chatham, County of Morris, and State of New Jersey, as follows:

1. The Planning Board is hereby authorized to undertake a preliminary investigation to determine if all or a portion of certain real property within the Borough of Chatham as set forth herein are areas in need of redevelopment pursuant to and in accordance with the Local Redevelopment Housing Law.



2. The redevelopment area determination shall authorize the Borough to use all powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (non-condemnation).
3. The Planning Board shall be permitted to retain the services of a professional planning firm with New Jersey licensed professionals to assist in conducting its investigation and issuing a report.
4. The Planning Board shall hold a public hearing on notice to the public pursuant to the Local Redevelopment Housing Law prior to conducting its public hearing and issuing its recommendation to the Borough Council.
5. All Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

Mayor Harris asked for a motion to approve Resolution #18-265.

Council Member Collander made a motion to approve Resolution #18-265. Council Member Fife seconded the motion. A vote was taken with five Council Members in favor. Council Member Weber was opposed.

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 #18-266 through Resolution #18-279 have been placed on the Consent Agenda.

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

None.

#### **CONTRACTS**

##### **RESOLUTION #18-266**

##### **RESOLUTION AUTHORIZING THE PURCHASE OF ONE CATERPILLAR BACKHOE LOADER FOR THE DEPARTMENT OF PUBLIC WORKS**

**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 cooperative purchasing program; and

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

**WHEREAS**, the Borough realizes cost savings by purchasing services, equipment and materials through cooperative pricing systems; and

**WHEREAS**, the Department of Public Works has a need to purchase one backhoe loader; and

**WHEREAS**, the Director of Public Works recommends that the purchase of one 2018 Caterpillar Backhoe Loader, Model 420F2IT, Stock Number 17M0775, be made through the Sourcewell national cooperative pricing system, Contract #032515-CAT, in the amount not to exceed \$105,609.60; and

**WHEREAS**, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$105,609.60 and that funds are currently available for the purpose of awarding the contract and shall be encumbered from the Water Capital account #W-06-55-918-006.

**BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham that the Department of Public Works is hereby authorized to purchase one 2018 Caterpillar Backhoe Loader, Model 420F2IT, Stock Number 17M0775, through the Sourcewell national cooperative pricing system, Contract #032515-CAT, in the amount not to exceed \$105,609.60; and

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

#### **RESOLUTION #18-267**

#### **RESOLUTION AUTHORIZING THE PURCHASE OF ONE CATERPILLAR ASPHALT PAVING MACHINE FOR THE DEPARTMENT OF PUBLIC WORKS**

**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 cooperative purchasing program; and

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

**WHEREAS**, the Borough realizes cost savings by purchasing services, equipment and materials through cooperative pricing systems; and

**WHEREAS**, the Department of Public Works has a need to purchase one asphalt paving machine; and

**WHEREAS**, the Director of Public Works recommends that the purchase of one 2012 Caterpillar Asphalt Paving Machine, Model AP255E, Stock Number 13M0215, be made through the Sourcewell national cooperative pricing system, contract #032515-CAT, in the amount not to exceed \$98,900.00; and

**WHEREAS**, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$98,900.00 and that funds are currently available for the purpose of awarding the contract and shall be encumbered from the General Capital account #C-04-55-918-501 and General Capital account C-04-55-917-701.

**BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham that the Department of Public Works is hereby authorized to purchase one 2012 Caterpillar Asphalt Paving Machine, Model AP255E, Stock Number 13M0215, through the Sourcewell national cooperative pricing system, contract #032515-CAT, in the amount not to exceed \$98,900.00; and

**BE IT FURTHER RESOLVED**, 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 #18-268**

#### **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 #18-269**

#### **RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT**

**WHEREAS**, the Tax Collector for the Borough of Chatham has advised that both the mortgage company and the property owner made property tax payments 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 property tax overpayment is to be made as follows:

<b><u>BLOCK/LOT</u></b>	<b><u>OWNERS/PROPERTY LOCATION</u></b>	<b><u>AMOUNT</u></b>	<b><u>TAX QTR</u></b>
10/3.02	Alden, Timothy & Maria 15 Chandler Road Chatham, NJ 07928	\$ 6,481.37	2018/1st Qtr.

Please make check payable to:  
Corelogic Tax Collection Services, LLC  
P.O. Box 9236  
Coppell, TX 75019-9801

**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 #18-270**

#### **RESOLUTION AUTHORIZING REFUND FOR WATER, SEWER AND SOLID WASTE OVERPAYMENTS**

**WHEREAS**, the Utility Clerk for the Borough of Chatham has advised that an overpayment was made in the payment of water, sewer and solid waste billings; and

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

<b><u>ACCOUNT #</u></b>	<b><u>OWNERS/PROPERTY LOCATION</u></b>	<b><u>REFUND AMOUNT</u></b>
912-0	Silhan, Edward M. & Jill A. 114 N. Hillside Avenue Chatham, NJ 07928	\$219.93 Water and Sewer \$143.82 Solid Waste

Please make check payable & mail to:  
Hargrove, Judy Ann  
79 Weston Avenue  
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 overpayments as herein referenced.

**RESOLUTION #18-271**

**RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT**

**WHEREAS**, the Tax Collector for the Borough of Chatham has advised that the property owner prepaid the third quarter property tax payment for the herein referenced property and that the property owner has sold the property and is requesting a refund for the prepaid amount; and

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

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
86/14	Laferriere, Robert & Karen 14 Lincoln Avenue Chatham, NJ 07928	\$ 11,970.62	2018/3rd Qtr.
	<u>Please make check payable and mail to:</u> Laferriere, Robert & Karen 151 Fairmount 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 prepayment of property taxes as herein referenced.

**RESOLUTION #18-272**

**RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT**

**WHEREAS**, the Tax Collector for the Borough of Chatham has advised that the property tax for the herein referenced property was overbilled due to the reduction in the net valuation and assessment of the property (demolition of structure) and the property owner is requesting a refund for the overbilled amount; and

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

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
116/11	JFT Associates LLC 27 Red Road Chatham, NJ 07928	\$ 35.49	2018/3rd and 4th Quarters
	<u>Please make check payable and mail to:</u> JFT Associates LLC c/o Charles Ranshous 106 Lincoln Avenue Florham Park, NJ 07932		

**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 amount of the property taxes overbilled as herein referenced.

## **RESOLUTION #18-273**

### **RESOLUTION EXTENDING THE PAYMENT OF THIRD QUARTER PROPERTY TAX BILLS FROM AUGUST 1, 2018 TO SEPTEMBER 7, 2018**

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

**WHEREAS**, because the state legislation made last-minute changes in state aid to local school districts for the 2018-2019 calendar year, the School District of the Chathams had to change its proposed budget to reflect those changes, which caused the delay in the certification of the Borough's tax rate by the Morris County Tax Board and the delay in the mailing of the 2018 tax bills by the Chatham Borough Tax Collector; and

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

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

**WHEREAS**, the taxpayer would have less than the required 25-day period from the date of mailing of the tax bill to the third quarter August 1, 2018 due date to pay property taxes due without interest or penalty; and

**WHEREAS**, the Tax Collector has recommended that payments for the third quarter property taxes should be extended from August 1, 2018 to September 7, 2018.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby concur with the Tax Collector's recommendation and authorize to extend the payment of the third quarter property taxes from August 1, 2018 to September 7, 2018; and

**BE IT FURTHER RESOLVED**, that the payment of property taxes shall be considered delinquent after September 7, 2018 and after which date interest will be charged from August 1, 2018 to the date of payment.

## **RESOLUTION #18-274**

### **RESOLUTION APPROVING TAX APPEAL SETTLEMENT WITH CHATHAM MADISON ASSOCIATES FOR PROPERTY LOCATED AT 254 MAIN STREET (BLOCK 57, LOT 1)**

**WHEREAS**, appeals of the real property tax assessment for tax years 2010 through 2018 for the property located at 254 Main Street (Block 57, Lot 1) have been filed by the taxpayer, Chatham Madison Associates, and are pending in the Tax Court of New Jersey; and

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

**WHEREAS**, as a result of the proposed settlement, the tax appeals for 2013 through 2018 are withdrawn and the assessments for 2010 through 2012 are reduced as follows:

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>
2010	\$1,140,900.00	\$900,000.00
2011	\$1,140,900.00	\$900,000.00
2012	\$1,140,900.00	\$900,000.00

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

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

**BE IT RESOLVED**, by the Council of the Borough of Chatham that the above tax appeal settlement with Chatham Madison Associates for the property located at 254 Main Street (Block 57, Lot 1) is hereby approved; and

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

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

#### **RESOLUTION #18-275**

#### **RESOLUTION APPROVING TAX APPEAL SETTLEMENT WITH TOWN HALL ASSOCIATES FOR PROPERTY LOCATED AT 14 FAIRMOUNT AVENUE (BLOCK 85, LOT 17)**

**WHEREAS**, appeals of the real property tax assessment for tax years 2012 through 2018 for the property located at 14 Fairmount Avenue (Block 85, Lot 17) have been filed by the taxpayer, Town Hall Associates, and are pending in the Tax Court of New Jersey; and

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

**WHEREAS**, as a result of the proposed settlement, the tax appeals for 2012, 2013 and 2018 are withdrawn and the assessments for 2014 through 2017 are reduced as follows:

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>
2014	\$1,800,000.00	\$1,700,000.00
2015	\$1,800,000.00	Freeze Act
2016	\$1,600,000.00	\$1,500,000.00
2017	\$1,600,000.00	\$1,500,000.00

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

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

**BE IT RESOLVED**, by the Council of the Borough of Chatham that above tax appeal settlement with Town Hall Associates for the property located at 14 Fairmount Avenue (Block 85, Lot 17) is hereby approved; and

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

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

## **RESOLUTION #18-276**

### **RESOLUTION APPROVING TAX APPEAL SETTLEMENT WITH RODWIL CORP. FOR PROPERTY LOCATED AT 240 MAIN STREET (BLOCK 57, LOT 18)**

**WHEREAS**, appeals of the real property tax assessment for tax years 2010 through 2017 for the property located at 240 Main Street (Block 57, Lot 18) have been filed by the taxpayer, Rodwil Corp., and are pending in the Tax Court of New Jersey; and

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

**WHEREAS**, as a result of the proposed settlement, the tax appeals for 2010 and 2013 through 2017 are withdrawn and the assessments for 2011 and 2012 are reduced as follows:

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>
2011	\$1,434,500.00	\$1,300,000.00
2012	\$1,434,500.00	\$1,250,000.00

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

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

**BE IT RESOLVED**, by the Council of the Borough of Chatham that the above tax appeal settlement with Rodwil Corp. for the property located at 240 Main Street (Block 57, Lot 18) is hereby approved; and

**BE IT FURTHER RESOLVED**, that the Borough's Municipal Tax Attorney is hereby authorized and directed to enter into the Stipulation of Settlement, which is attached and made a part of this Resolution, and to file the Stipulation and such other documents as required to implement this settlement with the Tax Court of New Jersey; and

**BE IT FURTHER RESOLVED**, that all Borough employees and officials are hereby authorized

## **LAW AND PUBLIC SAFETY**

### **RESOLUTION #18-277**

### **RESOLUTION AUTHORIZING THE PURCHASE OF ONE NEW AND UNUSED 2019 FORD POLICE INTERCEPTOR SUV FOR THE CHATHAM FIRE DEPARTMENT IN THE AMOUNT NOT TO EXCEED \$40,899.63**

**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 cooperative purchasing program; and

**WHEREAS**, the Borough realizes cost savings by purchasing services, equipment and materials through the Cranford Police Cooperative Pricing System; and

**WHEREAS**, the Chatham Fire Department has a need to purchase one (1) new and unused 2019 Ford Interceptor SUV; and

**WHEREAS**, the Fire Chief recommends that the vehicle be purchased through the Cranford Police Cooperative Purchasing System, ID #47-CPCPS, Item #2, from Beyer Fleet in East Hanover, NJ in the amount not to exceed \$40,899.63; and

**WHEREAS**, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$40,899.63 and that funds are currently available for the purpose of awarding the contract and shall be encumbered from the General Capital Fund, account #C-04-55-918-407.

**BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham that the Chatham Fire Department is hereby authorized to purchase one (1) new and unused 2019 Ford Police Interceptor SUV from Beyer Ford through the Cranford Police Cooperative Purchasing System, in the amount not to exceed \$40,899.63; and

**BE IT FURTHER RESOLVED**, 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 #18-278**

#### **RESOLUTION APPOINTING ELLEN EPIE TO THE MYCHATHAMNJ ADVISORY COMMITTEE**

**WHEREAS**, Resolution #18-19, adopted by the Borough Council on January 2, 2018, re-established the MyChathamNJ Advisory Committee to explore, develop and provide Borough-sponsored programs, events and activities that promote our community's rich history and heritage; enhance a sense of community and community pride; and increase opportunities for volunteerism and community service for residents of all ages; and

**WHEREAS**, Ellen Epie has expressed interest in being appointed to the MyChathamNJ Advisory Committee and has submitted a Volunteer Application to the Mayor and Borough Council for consideration.

**BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Chatham that Ellen Epie is hereby appointed to the MyChathamNJ Advisory Committee; 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.

## **RECREATION**

### **RESOLUTION #18-279**

#### **RESOLUTION APPOINTING SUMMER POOL STAFF FOR THE 2018 SEASON**

**WHEREAS**, the Chatham Borough Recreation Program has a need to hire summer pool staff for the 2018 season; and

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

<b>Name</b>	<b>Hourly Pay Rate</b>	<b>Position</b>
Cohn, Jared	\$8.60	Staff
Crater, Stephanie	\$8.60	Staff
Kressler, Kyle	\$8.60	Staff
Lowe, Jessica	\$8.60	Staff



**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Recreation Coordinator and hereby approve the hiring of the individual referenced herein as summer pool staff for the 2018 season at the respective position and rate of pay, contingent upon the Recreation Coordinator verifying that all paperwork requirements have been completed prior to employment; and

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

#### **CONSENT AGENDA VOTE:**

Council President Resto made a motion to approve Resolutions #18-266 through #18-279 on the Consent Agenda. The motion was seconded by Council Member Collander. A vote was taken and Resolutions #18-266 through #18-279 were approved unanimously.

#### **ADD-ON RESOLUTION**

None.

#### **ORDINANCE FOR FIRST READING**

Mayor Harris asked Council Member Fife to introduce Ordinance #18-10.

Council Member Fife introduced Ordinance #18-10 by title as follows:

#### **ORDINANCE #18-10**

#### **ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 79 ENTITLED, ANIMALS AND RABIES CONTROL, OF THE BOROUGH CODE OF THE BOROUGH OF CHATHAM**

Council Member Fife explained that this Ordinance will designate an “off-leash area” in Sheppard Kollock Park and moved for introduction on First Reading.

Council Member Fife read:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on August 13, 2018.

**BE IT RESOLVED**, that at the Council meeting to be held on September 11, 2018 at 7:30 p.m. prevailing time, at 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 Fife offered Ordinance #18-10 and moved its adoption on first reading.

Council Member Collander seconded the motion.

Council Member Hoffman inquired if designating an “off-leash area” in Shepard Kollock Park would impose a liability to the Borough should there be harm or injury caused to a dog in the off-leash area.

Mr. Lott advised that the Borough has the tort claim immunity and defenses to any potential liability and further mentioned that he did not believe that the Borough's liability would be reduced by creating an unleashed dog area.

Mr. Lott also advised that Shepard Kollock Park is subject to Green Acres restrictions and must be generally available to all New Jersey residents and could not be made exclusively for Borough residents.

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

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

Mayor Harris declared Ordinance #18-10 passed on first reading.

Mayor Harris asked Council Member Kobylarz to proceed with Resolution #18-280.

Council Member Kobylarz read Resolution #18-280.

#### **RESOLUTION #18-280**

#### **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: 1. 4 Watchung LLC v. Borough of Chatham, et als. – 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 #18-280. Council Member Collander seconded the motion. A vote was taken and the motion to approve Resolution #18-280 was approved unanimously.

#### **ADJOURNMENT**

Having no other business to be conducted in public session, Mayor Harris adjourned into Closed Session at 9:55 p.m.

Respectfully Submitted:

*Robin R. Kline*

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