

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

July 22, 2019 MINUTES

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, July 22, 2019 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

Stephen W. Williams, Acting 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 official 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 was filed with the Borough Clerk, all on January 17, 2019.

ROLL CALL

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

Mayor Bruce A. Harris
Council President James J. Collander
Council Member Victoria Fife
Council Member Thaddeus J. Kobylarz
Council Member Carolyn Dempsey
Council Member Jocelyn Mathiasen
Stephen W. Williams, Borough Administrator
James L. Lott, Jr., Borough Attorney

On a call of the roll, the following officials were not present:

Council Member Robert A. Weber, Sr.

Mayor Harris proceeded with Resolution #19-242.

RESOLUTION #19-242

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:

June 10, 2019

June 24, 2019

July 8, 2019

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:

June 10, 2019

June 24, 2019

July 8, 2019

Council Member Fife made a motion to approve Resolution #19-242. Council Member Kobylarz seconded the motion. A vote was taken and Resolution #19-242 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.

DISCUSSION ITEMS

Garden Park Path Project – Mr. DeNave

Mr. DeNave reported that the Borough is looking to install a pervious pavement pathway in Garden Park and make improvements at the Park. Mr. DeNave said there is a yearly Trail Grant available from the County.

Mr. DeNave said, the Borough would like to produce a Master Plan for Garden Park in the next year. Since the Park would have a pervious pavement pathway there would not be any drainage issues. Mr. DeNave said, it is important for Chatham Borough to demonstrate it is ready with a solid project in order to be involved in the Trail Grant program.

Mr. DeNave responded to the Mayor's question about the total cost of Garden Park. Mr. DeNave said, this is a reimbursable grant, and the Borough would have to raise the money through capital and finish the project within 3 years as per the grant deadline. There is a small in-kind component and the Borough would do the project with its own workers.

Mr. DeNave responded to questions from the Mayor and Council Members about the risks and benefits of the project and priorities of capital projects. Mr. DeNave described the benefits for the community in doing this project. Mr. DeNave also discussed the details of the area of the park what would be paved and improved.

JCPL – Mayor Harris and Ms. Carol Bianchi

Mayor Harris introduced Carol Bianchi, the Borough's new Area Manager from Jersey Central Power & Light (JCPL).

Mayor Harris said that, he, Mr. Williams, and Mr. Kobylarz attended a meeting with JCPL to discuss the outages that occurred in town on June 28, 29 and July 3 through July 5, 2019. The circumstances were so perplexing that JCPL agreed to meet with Chatham Borough, Summit, and representatives from East Orange.

Mayor Harris gave an overview of the power outages.

Mayor Harris said, a crossarm broke at a substation and it fell and hit a primary transformer circuit which then caused a short resulting in the power outages. Power was restored by bridging the circuit allowing JCPL to restore power to most areas affected. Mayor Harris said, JCPL was in the process of repairing the cable and doing the necessary repairs which resulted in ongoing and repeated outages. Mayor Harris said, it took several days for JCPL to restore the power and a new cable is being put in place. The damaged portion of the cable is being sent to a lab to be analyzed and JCPL will communicate the results of that examination.

Mayor Harris asked Ms. Bianchi to give additional details and background of the power outages.

Ms. Bianchi said, the power was restored on July 4 at 2:00 a.m. There are plans to work with the municipalities to run the cable underground, it could take as long as 8 hours and it should not affect Chatham Borough customers. Ms. Bianchi spoke in detail about the Estimated Time of Restoration (ETR), and the system restoration process. JCPL performs regular preventative maintenance. Ms. Bianchi said, JCPL inspects circuits every 5 years, and the wood poles are inspected every 10 years, and the Borough's were last inspected in 2013. JCPL does an infrared scan every 4 years; the last time was 2018 for the Borough. Ms. Bianchi said, JCPL relies on its customers to phone in power outages.

Ms. Bianchi stated that JCPL is taking multiple measures to prevent these outages in the future. Ms. Bianchi agreed to discuss these measures and present the restoration process at a future date.

Mayor Harris thanked Ms. Bianchi for attending the meeting.

Mayor Harris proceeded with opening the meeting for public comment.

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.

Benita Perez – 32 Girard Avenue- Presented safety concerns at Girard Avenue. In July 2018, a FedEx driver struck a person on Girard Avenue. July 7, 2019, her husband sustained an injury as a result of being struck by a car in a hit and run incident. Mrs. Perez requested that the sidewalk on Girard Avenue be extended to Watchung Avenue to alleviate the safety concerns.

Policer Officer Roy George is conducting a study on Girard Avenue to determine how many cars drive on the road. Ms. Perez would like a study established to address these concerns and to determine if there are safety issues.

Mr. DeNave said that it is complicated to extend the sidewalk due to the topography and extending the roadway on a narrow street needs to be weighed with the cost of construction and the feasibility from an engineering standpoint.

Michael Grassano - West side of Girard Avenue - In 2016, Mr. Grassano said, he was walking on the street and a neighbor's car narrowly missed hitting him. The driver was concerned Mr. Grassano was walking without wearing any reflective gear. Mr. Grassano said that he is very concerned about the safety issues on Girard Avenue.

Mr. DeNave indicated that there is no funding in the 2019 budget for Girard sidewalk improvement. Mayor Harris indicated that the safety issues will be taken up at the next meeting of the Long Range Traffic and Pedestrian Safety Committee. Mr. Williams said that Council Member James J. Collander asked for a speed study and the police chief is compiling data for a current speed study on Girard Avenue.

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

REPORTS

BOARD & COMMISSION MEMBERS & LIAISON REPORTS

Public Works Planning/Community Services - Council Member Victoria Fife reported that the Farmer's Market is not being well attended and she asked that people patronize it.

The Historic Riverside Trail Committee - Council Member Victoria Fife reported that there will be a meeting to discuss the kiosk design and maintenance of the trail is needed.

Mayors Wellness Advisory Committee – Council Member Victoria Fife reported that the Sustainability Fair will be held September 14, 2019.

Public Arts Council Advisory Committee – Council Member Victoria Fife reported the New Jersey Transit approval for a mural with work starting in August 2019.

Municipal Pool Advisory Committee - Council Member Victoria Fife reported that membership is up with 100 additional members this year and they have had two successful social events. The Pool will be open for National Night Out August 6, 2019. Council Member Victoria Fife mentioned putting a note for the Pool in the Mayor's Letter.

MyChatham NJ Advisory Committee – Council Member Victoria Fife reported that there is discussion of a Summer Concert series. Council Member Carolyn Dempsey reported that Maggie Grady has a group of Chatham Borough residents that are interested in performing. Council Member Dempsey said that they are thinking of doing an outdoor concert on August 30, which would be privately funded and not use Borough funds. This would be a pilot concert, and a Madison band has been heard as a first band. An intern has done research of surrounding towns who have successful summer concert series.

The Board of Education met on July 15, and Council Member Dempsey reported that the Board is rethinking the Middle School graduation. Council Member Dempsey also reported that the School District will be receiving "extraordinary" aid from the State of New Jersey for Chatham Borough students with special needs and or students needing additional help outside the normal parameters.

Historic Preservation Commission - Council Member Dempsey reported that the commission met. The subcommittee had a special meeting and it is working on the ordinances, make final revisions and then will vote. HPC Members walked the Bradley properties to get their own view of what is proposed and the scale.

MACC – Council Member Dempsey reported their meeting was postponed. Council Member Dempsey is proposing that they could be a potential sponsor for Summer Concert Series. Council Member Dempsey indicated that they are searching for a new chairperson to replace Kelly Loofbourrow.

Undergrounding Advisory Committee – Council Member Kobylarz reported that there is a new Committee member, Dr. Morris Davis, and that he will be an asset to the committee.

Planning Board – Council Member Kobylarz had nothing new to report.

Joint Community Gardens Advisory Committee – Council Member Kobylarz had nothing new to report.

Joint Municipal Court - Council Member Kobylarz had nothing new to report.

Economic Development Advisory Committee - Council Member Kobylarz announced that a new committee will be formed whose mission is to advise to encourage a flourishing economic and commercial sector. Council Member Kobylarz encouraged members who are interested to step forward and said that he will be crafting the resolution for this committee.

Mayor Harris asked Council Member Kobylarz to make a formal presentation at the August meeting.

Communications and Technology Committee - Council Member Jocelyn Mathiasen reported they did not meet last month. The contract with the vendor for permitting software is signed, and the Borough is waiting for a new clerk to implement it. Council Member Jocelyn Mathiasen said, the Borough will be moving to a paperless agenda. Council Member Jocelyn Mathiasen said, the committee is deciding whether to reformat the existing website or whether the vendor will provide a new website. Over time the existing website would be migrated to the new one. Pets and Parking will be the first to be migrated to the new website.

Environmental Commission – Council Member Jocelyn Mathiasen reported that there will be an explanation regarding the process and details about recycling and Plastic Bags included in the Mayor’s Letter in August. The Ordinance on the Plastic Bags is in the process of being reviewed by the Borough and the Township. The presentation on Plastic Bags given by the Environmental Committee Chair will be posted on the website.

MAYOR’S REPORT

Mayor Harris reported that he attended a presentation by Project Community Pride and reported on how the program is operating. There are 26 Chatham Borough residents benefitting from the program. Mayor Harris said, the big challenge for parents is that they are unaware of how social media is being used for bullying. Superintendent Michael LaSusa also attended the meeting. Mayor Harris said, hopefully viable solutions to the problem will be found.

Mayor Harris also attended a meeting, the Municipal Alliance, which was an outgrowth of a meeting Congresswoman Sherill of Madison convened to look at regional transportation issues. The idea was to try to share information about projects that are in the “thinking” stage, but there are confidentiality issues. Mayor Harris said, the group agreed to meet again. Mayor Harris said, the County Planning Department has this information and they should be involved with a plan for the County.

ADMINISTRATOR'S REPORT

Mr. Williams reported that number of pool members increased by 82 individuals since the July 8, 2019 meeting. The Pool will be open to senior citizens at no charge when the temperature rises above 90 degrees. Mr. Williams also reported that FEMA will send the for \$111,000.00 grant for New Jersey State Police OEM.

Mr. Williams asked that residents not depend on their neighbors to call JCPL, and they should call JCPL directly.

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 #19-243 through Resolution #19-250 have been placed on the Consent Agenda.

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

None.

CONTRACTS

RESOLUTION #19-243

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TILCON INC. THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL FOR THE 2019 ROAD RESURFACING PROGRAM IN THE AMOUNT NOT TO EXCEED \$100,000.00

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 Morris County Cooperative Pricing Council; and

WHEREAS, the milling and resurfacing of Orchard Road, Second Street and various other roads has been scheduled for completion as part of the Borough's 2019 Road Resurfacing Program; and

WHEREAS, the Borough Engineer recommends that the purchase of goods and services be made through the Morris County Cooperative Pricing Council, Contract #6 Road Resurfacing, Cat. A. Hot Mix Asphalt, CAT. B. Milling 0"-2" from Tilcon Inc., 9 Entin Road, Parsippany, New Jersey, in the amount not to exceed \$100,000.00; and

WHEREAS, the Acting Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$100,000.00 and that funds are currently available for the purpose of awarding the contract and shall be encumbered from Capital Account #C-04-55-919-002.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it concurs with the recommendation of the Borough Engineer and hereby authorizes the award of a contract for the 2019

Road Resurfacing Program be made to Tilcon, Inc. through the Morris County Cooperative Pricing Council as herein referenced, in the amount not to exceed \$100,000.00; 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.

RESOLUTION #19-244

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO ENGENUITY INFRASTRUCTURE FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE HILLSIDE AVENUE ROAD IMPROVEMENT PROJECT

WHEREAS, the Borough of Chatham has obtained grant funding from the New Jersey Department of Transportation's Local Aid Program for the Hillside Avenue Road Improvement Project; and

WHEREAS, there exists a need to contract for professional engineering design services for the Hillside Avenue Road Improvement Project; and

WHEREAS, because the anticipated contract amount is less than the Borough's bid threshold of \$40,000.00, but 15% or more of that amount, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires the Borough to solicit at least two (2) competitive quotations for said work; and

WHEREAS, the following two (2) quotations were received:

<u>VENDOR</u>	<u>QUOTE AMOUNT</u>
Engenuity Infrastructure	\$ 19,200.00
Maser Consulting, P.A.	\$ 20,300.00
Dynamic Engineering	No reply to request

And,

WHEREAS, Engenuity Infrastructure submitted the lowest responsible quotation in the amount of \$19,200.00 in its proposal dated May 8, 2019; and

WHEREAS, upon the recommendation of the Borough Engineer and the Borough's Qualified Purchasing Agent, the Borough Council wishes to authorize a contract with Engenuity Infrastructure in accordance with the scope of work and contract amount set forth in its proposal dated May 8, 2019; and

WHEREAS, the Acting Chief Financial Officer has confirmed that sufficient funds are available in General Capital Fund Account #C-04-55-919-007 for the award of this contract.

BE IT RESOLVED, by the Council of the Borough of Chatham that the Mayor is hereby authorized to execute a contract with Engenuity Infrastructure in accordance with the scope of work and contract amount set forth in its proposal dated May 8, 2019; and

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

FINANCE

RESOLUTION #19-245

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.

LAW AND PUBLIC SAFETY

RESOLUTION #19-246

RESOLUTION AMENDING THE 2019 FEE SCHEDULE

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham hereby amend the 2019 Fee Schedule as set forth below;

Add: Parking Permit - South Passaic Avenue \$300.00 / annually

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

BOARDS, COMMISSIONS & COMMITTEES

RESOLUTION #19-247

RESOLUTION TO APPOINT DR. MORRIS A. DAVIS TO THE UNDERGROUNDING ADVISORY COMMITTEE

WHEREAS, the Undergrounding Advisory Committee was established by the Mayor and Borough Council on January 25, 2019; and

WHEREAS, Dr. Morris A. Davis has expressed an interest in serving as a member of the Undergrounding Advisory Committee; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Dr. Morris A. Davis is hereby appointed as a member of the Undergrounding Advisory Committee; and

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

OTHER

RESOLUTION #19-248

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MORRIS COUNTY TRAIL CONSTRUCTION GRANT PROGRAM APPLICATION FOR THE CONSTRUCTION OF THE GARDEN PARK PEDESTRIAN WALKING PATH

WHEREAS, the Borough of Chatham is desirous of submitting a Morris County Trail Construction Grant Program application for the construction of the Garden Park Pedestrian Walking Path; and

WHEREAS, the Garden Park Pedestrian Walking Path entails a loop around the Garden Park recreational facilities and interfaces with the Board of Education Chatham Middle School; and

WHEREAS, the Borough Engineer has estimated the total project cost at \$100,329.12 with the Borough contributing \$13,012.41 from the 2020 Capital Improvement Budget and \$9,060.00 in In-Kind Services; and

WHEREAS, the amount requested for the Morris County Trail Construction Grant Program for this project, including a 10% contingency, is \$110,362.03; and

WHEREAS, the Morris County Trail Construction Grant Program is a reimbursable grant program requiring municipalities to fund its proposed trail project(s) upfront; and

WHEREAS, if the Morris County Park Commission approves the grant, the Acting Chief Financial Officer has confirmed that sufficient funds will be included in the 2020 Capital Budget submission for Borough Council approval; and

WHEREAS, the Trail Construction Grant Application must be submitted to the Morris County Park Commission on or before July 31, 2019.

BE IT RESOLVED, by the Council of the Borough of Chatham that they hereby authorize the Mayor to execute a Morris County Trail Construction Grant Program application for the construction of the Garden Park Pedestrian Walking Path as herein referenced; and

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

RESOLUTION #19-249

RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE MAYOR TO EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE HILLSIDE AVENUE IMPROVEMENT PROJECT, FROM WATCHUNG AVENUE TO MAPLE STREET

[GRANT APPLICATION MA-2020 -CHATHAM BOROUGH-HILLSIDE AVENUE IMPROVEMENT PROJECT 00679]

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they formally approve the submission of a grant application to the New Jersey Department of Transportation for the Hillside Avenue Roadway Improvement and Project, from Watchung Avenue to Maple Street and that the Mayor, Acting Borough Clerk and Director of Community Services are authorized to submit an electronic grant application identified as MA-2020-Chatham Borough - Hillside Avenue Improvement Project 00679, to the New Jersey Department of Transportation on behalf of the Borough of Chatham; and

BE IT FURTHER RESOLVED, that the Mayor and Acting Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Chatham and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement; 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

RESOLUTION #19-250

RESOLUTION ACCEPTING THE RESIGNATION OF CATHERINE BALDWIN AS ADMINISTRATIVE ASSISTANT II AND ADMINISTRATIVE SECRETARY TO THE

PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF CHATHAM

WHEREAS, Catherine Baldwin, has resigned as Administrative Assistant II and Administrative Secretary to the Planning Board and Zoning Board of Adjustment for the Borough of Chatham effective June 28, 2019; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby accept the resignation of Catherine Baldwin, Administrative Assistant II and Administrative Secretary to the Planning Board and Zoning Board of Adjustment for the Borough of Chatham, with the effective date of June 28, 2019 and wish her well in retirement and in all her future endeavors; and

BE IT FURTHER RESOLVED, that the Mayor and Council thank Catherine Baldwin for her service to this community; and

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

CONSENT AGENDA VOTE:

Mayor Harris asked Council Member Kobylarz to proceed with the Resolutions listed on the Consent agenda. Resolutions #19-243 through #19-250.

Council Member Kobylarz: I would like to make a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Council.

Seconded by Council Member Fife.

ADD-ON RESOLUTION[S]

None

Mayor Harris asked Council Member Mathiasen to proceed with Resolution #19-251

RESOLUTION #19-251

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:

1. Contract Negotiations
 - ECLC Update – Mr. Lott
2. Personnel
 - Vacancies (CFO, Clerk, Deputy Clerk and Administrative Assistant) – Mr. Williams

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.

ADJOURNMENT

Having no other business to be conducted in public session, Mayor Harris adjourned into Closed Session at 9:38 p.m.

Draft Minutes Respectfully Submitted by:

Stephen W. Williams
Borough Administrator and Acting Borough Clerk
BOROUGH OF CHATHAM
August 7, 2019