

AGENDA
May 23, 2016

Regular Meeting
Mayor and Borough Council

Borough of Chatham
54 Fairmount Avenue
Chatham, NJ 07928

**CALL MEETING
TO ORDER**

The meeting will be called to order at 7:30 p.m.

SALUTE TO FLAG

MOMENT OF SILENCE

**STATEMENT OF
ADEQUATE NOTICE**

Pursuant to the requirements of the Open Public Meetings Act, adequate notice of this meeting has been provided by including same in the Annual Notice, copies of which were posted on the Municipal Bulletin Board on the main floor of Borough Hall, emailed to the Daily Record, the Star Ledger, the Chatham Courier, the Chatham Patch, and The Alternative Press and filed with the Borough Clerk, all on January 11, 2016.

ROLL CALL

Mayor Bruce A. Harris
Council Member James J. Collander
Council President James Lonergan
Council Member Victoria Fife
Council Member Gerald J. Helfrich
Council Member Leonard Resto
Council Member Peter Hoffman
Robert J. Falzarano, Borough Administrator
James L. Lott, Jr., Borough Attorney
Robin R. Kline, Borough Clerk

APPOINTMENTS

MAYORAL APPOINTMENT

**APPOINTING WILLIAM HEAP TO THE CHATHAM BOROUGH PLANNING BOARD AS
A CLASS IV MEMBER**

WHEREAS, N.J.S.A. 40:55d-23 sets forth that members of the Planning Board shall be appointed by the Mayor, and in the event of a vacancy, the term of appointment shall be only for the unexpired term; and

WHEREAS, there currently exists a Class IV member vacancy on the Chatham Borough Planning Board due to a recent resignation; and

WHEREAS, William Heap has expressed interest in being appointed as a Class IV member to the Chatham Borough Planning Board; and

WHEREAS, Mayor Bruce Harris wishes to appoint William Heap to the Chatham Borough Planning Board to fill the vacant, unexpired 4-year Class IV member position, with such term expiring on December 31, 2018.

BE IT RESOLVED, that I, Bruce A. Harris, Mayor of the Borough of Chatham do hereby appoint William Heap to the Chatham Borough Planning Board as the Class IV member to fill the vacant, unexpired term, with such term expiring on December 31, 2018.

MAYORAL APPOINTMENT

APPOINTING TOM GILMAN TO THE CHATHAM BOROUGH PLANNING BOARD AS THE ALTERNATE NO. 1 MEMBER

WHEREAS, N.J.S.A. 40:55d-23.1 sets forth that the alternate members of the Planning Board shall be appointed by the Mayor, and in the event of a vacancy, the term of appointment shall be only for the unexpired term; and

WHEREAS, N.J.S.A. 40:55d-23.1 further sets forth that alternate members shall be designated at the time of appointment as either "Alternate No. 1" or "Alternate No. 2" and that the term shall be for two years; and

WHEREAS, there currently exists an Alternate No. 1 member vacancy on the Chatham Borough Planning Board; and

WHEREAS, Tom Gilman has expressed interest in being appointed to the Chatham Borough Planning Board; and

WHEREAS, Mayor Bruce Harris wishes to appoint Tom Gilman to the Chatham Borough Planning Board to fill the vacant, unexpired 2-year Alternate No. 1 member position, with such term expiring on December 31, 2016.

BE IT RESOLVED, that I, Bruce A. Harris, Mayor of the Borough of Chatham do hereby appoint Tom Gilman to the Chatham Borough Planning Board as the Alternate No.1 member to fill vacant, unexpired term, with such term expiring on December 31, 2016.

ADMINISTRATION OF OATH(S) OF OFFICE

RESOLUTION TO RECESS INTO CLOSED SESSION

RESOLUTION #16-199

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that it shall recess into executive session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of R.S. 10:4-12b:

Attorney-Client Privilege: 1. Property Tax Appeals – Matt O'Donnell

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 reconvene in public session after this closed session.

RESOLUTION #16-200

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:

May 9, 2016

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:

May 9, 2016

DISCUSSION ITEMS

1. Capital Projects Update – Mr. Vince DeNave
2. Tax, Zoning, Open Space and Other GIS Mapping – Mr. Vince DeNave
3. Pilgrim Pipeline Update – Council Member Len Resto

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.

ORDINANCE FOR SECOND READING

Mayor Harris asks Council Member Collander to proceed with Ordinance #16-05.

Council Member Collander reads Ordinance #16-05 entitled:

ORDINANCE #16-05

CAPITAL ORDINANCE OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY AUTHORIZING THE CONSTRUCTION OF A NEW PARKING LOT AT THE WASHINGTON AVENUE SCHOOL AND THE UNDERTAKING OF VARIOUS IMPROVEMENTS TO OLIVER STREET IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$110,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM A CONTRIBUTION FROM THE BOARD OF EDUCATION OF THE CHATHAMS

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on May 9, 2016.

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

The Borough Clerk states: A legal notice was published indicating that Ordinance #16-05 was introduced and passed on first reading at the May 9, 2016 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on May 23, 2016 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: The meeting is now open for a public hearing on the Ordinance and any member of the public may be heard.

Mayor Harris: Seeing no one else wishing to be heard, I will now close the public hearing.

Council Member Collander: I offer the following Ordinance and move 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 _____ seconds the motion.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Collander						
Loneragan						
Fife						
Helfrich						
Resto						
Hoffman						

Mayor Harris: I declare this Ordinance adopted and finally passed and request 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 President James Lonergan

Long Range Traffic & Pedestrian Safety Planning

Council Member James J. Collander

Public Safety & Emergency Services

Council Member James J. Collander

Personnel

Council Member Leonard Resto

Public Works Planning/Community Services

Council Member Victoria Fife

Shared Services & 3rd Party Agreements

Council Member Gerald Helfrich

MAYOR'S REPORT

ADMINISTRATOR'S REPORT

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 #16-201 through Resolution #16-210 have been placed on the Consent Agenda.

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

RESOLUTION #16-

CONTRACTS

RESOLUTION #16-201

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO M. SKY
CONSTRUCTION CORPORATION FOR THE 2016 SIDEWALK AND CURB
IMPROVEMENT PROGRAM**

WHEREAS, the Borough of Chatham has the annual need to bid out services for curb and sidewalk improvements; and

WHEREAS, the Borough received eight (8) bids for the 2016 Sidewalk and Curb Improvement Program; and

WHEREAS, the bid submitted by M. Sky Construction Corporation, Lake Hopatcong, New Jersey, in the amount of \$131,900.00 was the lowest responsible bidder; and

WHEREAS, the Borough Engineer has reviewed all bids and finds the lowest bidder qualified and the bid documents to be acceptable; and

WHEREAS, the Chief Financial Officer has confirmed that sufficient funds are available in General Capital Fund Account #C-04-55-916-003 for the award of this contract.

BE IT RESOLVED, by the Council of the Borough of Chatham hereby authorizes the award of a contract to M. Sky Construction Corporation in the amount not to exceed \$131,900.00; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute a contract with M. Sky Construction Corporation for the 2016 Curb and Sidewalk Improvement Program; 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 #16-202

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT WITH RAY NEBIKER
FOR ELECTRICAL UPGRADES TO WELL #2**

WHEREAS, there exists a need to contract for electrical upgrades to Well #2 located at the Department of Public Works building, with such electrical upgrades to include a new transformer, electrical panel, lights, and service wire, as well as the installation of a new generator, transfer switch and soft starter; 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 Borough solicited two (2) quotations from Ray Nebiker and ARS Electric and Design LLC; and

WHEREAS, by proposal dated February 8, 2016, Ray Nebiker submitted the low quotation for said work with an aggregate contract amount of \$33,343.00; and

WHEREAS, upon the recommendation of the Borough Engineer and the Borough's Qualified Purchasing Agent, the Borough Council wishes to authorize the Mayor to execute a contract with Ray Nebiker for electrical upgrades to Well #2 in accordance with the scope of work and contract amount as set forth in his proposal dated February 8, 2016; and

WHEREAS, the Chief Financial Officer has confirmed that sufficient funds are available in Water Capital Fund Account #W-06-55-915-504 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 Ray Nebiker for electrical upgrades to Well #2 in accordance with the scope of work and contract amount as set forth in his proposal dated February 8, 2016; 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 #16-203

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT WITH STEWART AND STEVENSON POWER PRODUCTS LLC D/B/A ATLANTIC POWER SYSTEMS FOR THE PURCHASE OF A GENERATOR AND FUEL TANK IN CONNECTION WITH ELECTRICAL UPGRADES TO WELL #2

WHEREAS, there exists a need to contract for the purchase of a 12 kw diesel generator and sub-base fuel tank in connection with electrical upgrades to Well #2 located at the Department of Public Works building; 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 Borough solicited three (3) quotations from Stewart and Stevenson Power Products LLC d/b/a Atlantic Power Systems ("Atlantic"), ARS Electric and Design LLC, and Warshauer Generator, LLC; and

WHEREAS, by proposal dated January 18, 2016, Atlantic submitted the low quotation for said work with an aggregate contract amount of \$36,552.00; 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 Atlantic for the purchase of a 12 kw diesel generator and sub-base fuel tank in connection with electrical upgrades to Well #2 in accordance with the scope of work and contract amount set forth in his proposal dated January 18, 2016; and

WHEREAS, the Chief Financial Officer has confirmed that sufficient funds are available in Water Capital Fund Account #W-06-55-915-502 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 by purchase order with Atlantic for the purchase of a 12 kw diesel generator and sub-base fuel tank in connection with electrical upgrades to Well #2 in accordance with the scope of work and contract amount set forth in Atlantic's proposal dated January 18, 2016.

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 #16-204

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 #16-205

RESOLUTION REFUNDING REDEMPTION OF TAX SALE CERTIFICATE #2013-2

WHEREAS, the Tax Collector for the Borough of Chatham has advised that the following tax sale redemption refund should be made to the lienholder:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>
71/16	Benoint, Frances 8 Kimball St Redemption of Tax Sale Certificate #2013-2 Please make check payable & mail to: John Venutolo 1 Willow Street Chatham, NJ 07928	\$15,611.45 Redemption

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Borough Tax Collector is hereby authorized to issue a refund for the redemption of Tax Sale Certificate #2013-2 as herein referenced.

RESOLUTION #16-206

RESOLUTION INSERTING AN ITEM OF REVENUE IN THE ADOPTED 2016 MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item or appropriation for an equal amount; and

WHEREAS, the Borough has received a check for \$19,220.94 from the New Jersey Department of Treasury for the FY2016 Clean Communities Grant.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Borough of Chatham hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the adopted 2016 Municipal Budget in the sum of \$19,220.94, which item is now available as a revenue from a Grant received from the State of New Jersey pursuant to the provisions of the herein referenced statute; and

BE IT FURTHER RESOLVED, that the sum of \$19,220.94, be made and the same is hereby appropriated under the caption of: CLEAN COMMUNITIES-2016, Account #G-01-41-770-201, in the amount of \$19,220.94; and

BE IT FURTHER RESOLVED, that the insertion of the item of revenue is the result of monies being provided to the municipality pursuant to N.J.S.A. 40A:4-87; and

BE IT FURTHER RESOLVED, that two certified copies of this resolution be forwarded to the Office of the Director of Local Government Services as required by law.

BOARDS, COMMISSIONS AND COMMITTEES

RESOLUTION #16-207

RESOLUTION APPOINTING DEREK SHENDELL TO THE CHATHAM BOROUGH BOARD OF HEALTH AS THE ALTERNATE NO. 2 MEMBER

WHEREAS, N.J.S.A. 26:3-5 sets forth that the alternate members of the Board of Health shall be appointed by the Mayor with the advice and consent of the Council and in the event of a vacancy, the term of appointment shall be only for the unexpired term; and

WHEREAS, Chapter 23 of the Revised Codes of the Borough of Chatham, §23-2, sets forth that alternate members shall be designated at the time of appointment as either "Alternate No. 1" or "Alternate No. 2" and that the term shall be for two years; and

WHEREAS, there currently exists an Alternate No. 2 member vacancy on the Chatham Borough Board of Health; and

WHEREAS, Derek Shendell has expressed interest in being appointed to the Chatham Borough Board of Health; and

WHEREAS, Mayor Bruce Harris wishes to appoint Derek Shendell to the Chatham Borough Board of Health to fill the vacant, unexpired 2-year Alternate No. 2 member position, with such term expiring on December 31, 2017.

BE IT RESOLVED, by the Council of the Borough of Chatham that the Mayoral appointment of Derek Shendell to the Chatham Borough Board of Health as the Alternate No. 2 member, as herein referenced is hereby approved.

LAW AND PUBLIC SAFETY

RESOLUTION #16-208

RESOLUTION AUTHORIZING THE LEASE OF ONE (1) NEW AND UNUSED 2016 FORD INTERCEPTOR UTILITY MARKED POLICE VEHICLE FOR THE CHATHAM BOROUGH POLICE DEPARTMENT

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 county cooperative purchasing program; and

WHEREAS, the Chatham Borough Police Department has a need to lease one (1) new and unused 2016 Ford Interceptor Utility marked police vehicle; and

WHEREAS, the Police Department recommends that an award of the contract be made through the Morris County Cooperative Purchasing Program, Contract # 15A – item #5, for the lease of one (1) new and unused 2016 Ford Interceptor Utility marked police vehicle from Beyer Fleet in East Hanover,

NJ to be financed through Ford Credit in the amount of \$39,135.64 for a term of 36 months at 6.50%, with an annual payment amount of \$13,874.80; and

WHEREAS, the Chief Financial Officer has provided a certification of availability of funds in the amount not to exceed \$13,874.80 from Current Fund account # 6-01-25-240-295, the first of three (3) annual payments.

BE IT RESOLVED by the Council of the Borough of Chatham that the Mayor is hereby authorized to sign the Ford Motor Credit Company Municipal Finance Application for the lease of one (1) new and unused 2016 Ford Interceptor Utility marked police vehicle from Beyer Fleet in East Hanover, NJ to be financed through the Ford Motor Credit Company under the Morris County Cooperative Purchasing Program; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute the contract for said lease contingent upon the review and approval by the Borough Attorney; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized and directed to approve and forward a Purchase Order to Ford Motor Credit in the amount \$13,874.80.

RESOLUTION #16-209

RESOLUTION ENDORSING THE 2016 *CLICK IT OR TICKET* CAMPAIGN AND NATIONAL SEAT BELT ENFORCEMENT MOBILIZATION MAY 23-JUNE 5, 2016 IN THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY

WHEREAS, the safety and security of our citizens in Chatham Borough and surrounding communities are vitally important; and

WHEREAS, a large percentage of our citizens regularly drive or ride in motor vehicles on our roadways; and

WHEREAS, the effort this year's *Click It or Ticket Campaign* focuses on nighttime seat belt enforcement since the National Highway Traffic Safety Administration's statistics show that unbelted fatalities are more prevalent during evening hours; and

WHEREAS, regular seat belt use is the single most effective way to reduce fatalities in motor vehicle crashes; and

WHEREAS, the use of seat belts is supported by the laws of Chatham Borough and increased enforcement of seat belt laws coupled with publicity has proven to be an effective method to increase seat belt use rates and decrease fatal crashes; and

WHEREAS, May 23rd through June 5th, 2016 has been selected as the National Seat Belt Enforcement Mobilization Program *Click It or Ticket* enforcement period and across the country law enforcement officers will actively be participating in the mobilization to ensure all motor vehicle occupants are buckled up day and night to reduce the risk of injury and death caused in traffic crashes.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, County of Morris County, in the State of New Jersey, that the Chatham Borough Police Department's participation in the National Seat Belt Enforcement Mobilization Program *Click It or Ticket* May 23rd through June 5th, 2016 is hereby authorized and endorsed; and

BE IT FURTHER RESOLVED, that all motorists are urged to always wear seat belts when driving or riding on our roadways.

OTHER

RESOLUTION #16-210

RESOLUTION GRANTING PERMISSION TO THE CHATHAM EMERGENCY SQUAD TO HOLD ITS ANNUAL PICNIC AT SHEPARD KOLLOCK PARK ON JUNE 4, 2016

WHEREAS, by Resolution #16-117 adopted on February 8, 2016, permission was granted to the Chatham Emergency Squad to hold its annual picnic at Shepard Kollock Park on May 14, 2016; and

WHEREAS, Resolution #16-117 further granted permission to the Chatham Emergency Squad to dispense alcoholic beverages at its picnic contingent upon the organization obtaining a Social Affairs Permit from the Division of Alcoholic Beverage Control pursuant to R.S. Title 33, C.1; and

WHEREAS, the Division of Alcoholic Beverage Control has issued Social Affairs Permit #31328 to the Chatham Emergency Squad dated March 7, 2016 with an expiration date of May 14, 2016; and

WHEREAS, due to rain on May 14, 2016, the Chatham Emergency Squad seeks to reschedule its annual picnic at Shepard Kollock Park to June 4, 2016; and

WHEREAS, the Clerk's office has confirmed that the Division of Alcoholic Beverage Control has approved the June 4, 2016 change of date for Social Affairs Permit #31328.

BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Chatham does hereby grant permission for the Chatham Emergency Squad to hold its rescheduled annual picnic at Shepard Kollock Park on June 4, 2016; and

BE IT FURTHER RESOLVED, that permission is granted to the Chatham Emergency Squad to dispense alcoholic beverages at its picnic in accordance with Social Affairs Permit #31328; 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:

Mayor Harris asks Council Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions #16-201 through #16-210.

Council Member _____: 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:_____.

ADD-ON RESOLUTIONS

RESOLUTION #16-211

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:

Attorney-Client Privilege: 1. Tax Abatements – Mr. Lott
2. Property Easement – Mr. Lott
Litigation Matter: 1. Affordable Housing Declaratory Action – Mr. Lott
Contract Matter: 1. Madison-Chatham Joint Meeting Contract – 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.

ADJOURNMENT