

AGENDA
September 11, 2017 - 7:45 p.m.

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 7:45 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 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 The Alternative Press and was filed with the Borough Clerk, all on January 5, 2017.

The notice of the change of the meeting time to 7:45 p.m. for tonight's Regular Meeting of the Mayor and Borough Council was provided in accordance with N.J.S.A. 10:4-8(d).

ROLL CALL

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

PRESENTATION

Chatham Borough Police Department's Civilian Assist Award – Chief Philip Crosson, Jr.

RESOLUTION #17-261

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:

August 14, 2017

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:

August 14, 2017

DISCUSSION ITEMS

1. Boxcar – Mr. Joseph Colangelo
2. Review Fishawack – Ms. Janice Piccolo
3. 2017 Best Practices Worksheet – Mr. Timothy Day

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.

REPORTS

Council Committees

Budget and Finance	Council Member 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 President 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 #17-262 through Resolution #17-271 have been placed on the Consent Agenda.

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

RESOLUTION #17-

CONTRACTS

RESOLUTION #17- 262

**RESOLUTION AUTHORIZING THE RENEWAL OF MEMBERSHIP IN THE MORRIS
COUNTY MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Morris County Municipal Joint Insurance Fund is a duly chartered Municipal Insurance Fund as authorized by N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Borough of Chatham (the “Borough”) is a member of the Morris County Municipal Joint Insurance Fund; and

WHEREAS, the Borough’s membership shall expire on December 31, 2017 unless earlier renewed by agreement between the Borough and the Morris County Municipal Joint Insurance Fund; and

WHEREAS, the Borough desires to renew its membership in the Morris County Municipal Joint Insurance Fund.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Borough hereby renews its membership in the Morris County Municipal Joint Insurance Fund for a three (3) year period, beginning January 1, 2018 and ending January 1, 2021; and authorizes the Mayor to sign the renewal agreement with the Morris County Municipal Joint Insurance Fund; and

BE IT FURTHER RESOLVED, that the Borough agrees to comply with the bylaws, rules and regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Morris County Municipal Joint Insurance Fund; 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 #17-263

**RESOLUTION AUTHORIZING CHANGE ORDER #1 TO M. SKY CONSTRUCTION
CORPORATION INCREASING THE CONTRACT AMOUNT FOR THE 2017 CURB AND
SIDEWALK PROGRAM**

WHEREAS, Resolution #17-190 adopted by the Mayor and Borough Council on May 22, 2017 awarded the contract for the 2017 Curb and Sidewalk Program (the “Contract”) to M. Sky Construction Corporation and authorized the Mayor to enter into the Contract with M. Sky Construction Corporation in the amount not to exceed \$139,040.00; and

WHEREAS, the Borough Engineer has advised there is a need to change the Contract to include an additional 400 square yards of concrete sidewalk (4” thick) and 225 linear feet of belgium block curbing associated with the 2017 Curb and Sidewalk Program; and

WHEREAS, the cost to complete the additional work and materials is \$27,800.00; and

WHEREAS, Change Order #1 increases the Contract amount to \$166,848.00, representing a 16.6% increase to the original Contract amount; and

WHEREAS, the Chief Financial Officer has certified that the maximum dollar amount of the Contract shall not exceed \$166,848.00, which includes the \$27,800.00 increase for Change Order #1, and further certified that funds are currently available and shall be encumbered from General Capital Fund Account #C-04-55-917-002; and

WHEREAS, N.J.A.C. 5:30-11.5 requires that all change orders must be approved by the Mayor and Council.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Change Order #1 is hereby approved for the additional work and materials needed for completion of the 2017 Curb and Sidewalk Program, and that the final contract amount, adjusted after Change Order #1, shall be in the amount not to exceed \$166,848.00; and

BE IT FURTHER RESOLVED, by the Borough Council that the Mayor is hereby authorized to execute an amended contract for the 2017 Curb and Sidewalk Program with M. Sky Construction Corporation to reflect the adjustments made by Change Order #1; 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 #17-264

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO STAVOLA CONSTRUCTION MATERIALS THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL FOR THE 2017 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 North Summit Avenue, Duchamp Place and Inwood Circle has been scheduled for completion as part of the Borough's 2017 Road Resurfacing Program; and

WHEREAS, the Borough Engineer recommends that Stavola Construction Materials, Tinton Falls, New Jersey, be awarded the contract through the Morris County Cooperative Pricing Council, in the amount not to exceed \$100,000.00 for the completion the 2017 Road Resurfacing Program; and

WHEREAS, Stavola Construction Materials is a qualified vendor under the Morris County Cooperative Purchasing Program; and

WHEREAS, the 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-04-55-917-006.

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 to Stavola Construction Materials through the Morris County Cooperative Pricing Council for the 2017 Road Resurfacing Program, 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.

FINANCE

RESOLUTION #17-265

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 #17-266

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised that an overpayment was made at the time of the mortgage refinance closing resulting in an overpayment of property taxes; and

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

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
97/12	Jackson, Andrew & Samantha 11 Broadview Terrace	\$4,809.16	2017/3Qtr.

Please make check payable & mail to:
Andrew & Samantha Jackson
11 Broadview Terrace
Chatham, NJ 07928

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough Tax Collector to process a refund for the overpayment of property taxes as herein referenced.

RESOLUTION #17-267

RESOLUTION AUTHORIZING REFUND FOR WATER UTILITY OVERPAYMENT

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

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

<u>ACCOUNT #</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>REFUND AMOUNT</u>
2213-0	Stryker, Maureen 223 Hillside Avenue	\$61.69

Please make check payable & mail to:
Maureen Stryker
136 Joseph Street
Lavallette, NJ 08735

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

OTHER

RESOLUTION #17-268

RESOLUTION GRANTING PERMISSION TO THE HOLY NIGHT SOCIETY TO INSTALL AND DISPLAY A NATIVITY SCENE AT REASONER PARK DURING THE HOLIDAY SEASON

WHEREAS, the Holy Night Society, an unaffiliated local taxpayer organization, has requested permission to install and display a Nativity Scene at Reasoner Park during the holiday season; and

WHEREAS, the Nativity Scene to be installed and displayed shall consist of an eight foot square manger, which includes a life-size figure of Mary and Joseph and the baby Jesus in a crib positioned within the manger, and a star placed on top of the manger, increasing its height by approximately two feet.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Holy Night Society is hereby granted permission to install and display the Nativity Scene at its own expense as part of the Borough's Holiday Display at Reasoner Park from December 1, 2017 until January 7, 2018; and

BE IT FURTHER RESOLVED, that the Holy Night Society shall be required to post a sign clearly identifying itself as the sponsor of the Nativity Scene and that the Nativity Scene is not supported or sponsored by any government entity or official; and

BE IT FURTHER RESOLVED, that the Holy Night Society shall be responsible for the installation and removal of the Nativity Scene, and shall indemnify and hold the Borough harmless for any property damage or property loss to its display; and

BE IT FURTHER RESOLVED that the name and address of the responsible person on behalf of the Holy Night Society is Mary McNiff, 53 Lincoln Avenue, Chatham, New Jersey; and

BE IT FURTHER RESOLVED, that 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 #17-269

RESOLUTION GRANTING PERMISSION TO CHABAD OF SOUTHEAST MORRIS COUNTY TO INSTALL AND DISPLAY A MENORAH AT REASONER PARK DURING THE HOLIDAY SEASON

WHEREAS, the Chabad of Southeast Morris County has requested permission to install and display a Menorah at Reasoner Park during the holiday season; and

WHEREAS, the Menorah to be installed and displayed is approximately six feet tall and five feet wide.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Chabad of Southeast Morris County is hereby granted permission to install and display a Menorah at its own expense as part of the Chatham Borough Holiday Display at Reasoner Park from December 13, 2017 until January 7, 2018; and

BE IT FURTHER RESOLVED, that the Chabad of Southeast Morris County shall be required to post a sign clearly identifying itself as the sponsor of the Menorah and that the Menorah is not supported or sponsored by any government entity or official; and

BE IT FURTHER RESOLVED, that the Chabad of Southeast Morris County shall be responsible for the installation and removal of the Menorah and shall indemnify and hold the Borough harmless for any property damage or property loss to its display; and

BE IT FURTHER RESOLVED that the name and address of the responsible person on behalf of the Chabad of Southeast Morris County is Rabbi Shalom Lubin, 42 Park Avenue, Madison, New Jersey; and

BE IT FURTHER RESOLVED, that 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 #17-270

RESOLUTION APPROVING AN EAGLE SCOUT SERVICE PROJECT TO INSTALL THREE CURBSIDE LENDING LIBRARY BOXES ON BOROUGH-OWNED PROPERTY

WHEREAS, Peter Duffy of Scout Troop #8 has proposed to construct three curbside lending library boxes for his Eagle Scout service project and has requested permission to install the curbside lending library boxes on Borough-owned property; and

WHEREAS, the Rotary Club of the Chathams will be sponsoring Peter Duffy's Eagle Scout service project; and

WHEREAS, the Mayor and Council recognize that Peter Duffy's Eagle Scout service project would be beneficial to the community and enjoyed by many residents.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby approve Peter Duffy's Eagle Scout service project and authorize the installation of three curbside lending library boxes at the commuter oasis, Memorial Park, and Shepard Kollock Park; and

BE IT FURTHER RESOLVED, that the Acting Borough Administrator and the Director of Public Works shall assist Peter Duffy in determining the locations where the curbside lending library boxes shall be installed within the commuter oasis, Memorial Park, and Shepard Kollock Park; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Council commend Peter Duffy and the Rotary Club of the Chathams for proposing the Eagle Scout service project that will benefit the Chatham Borough 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.

RESOLUTION #17-271

RESOLUTION CELEBRATING THE OBSERVANCE OF CONSTITUTION WEEK SEPTEMBER 17 THROUGH 23, 2017

WHEREAS, on September 17, 1787, the United States Constitution was approved by the Constitutional Convention, laying the framework for our country's laws and government; and

WHEREAS, the United States Constitution stands as a testament to the tenacity of Americans throughout history to maintain their liberties, freedoms and inalienable rights; and

WHEREAS, today this document continues to protect the liberties of the people and provides our nation with a unique form of government that stands as an outline for an effective democracy; and

WHEREAS, the tradition of celebrating the Constitution was started by the Daughters of the American Revolution in 1955 when the DAR petitioned Congress to set aside September 17th through-

23rd annually to be dedicated for the observance of Constitution Week, and the resolution was later adopted by the United States Congress and signed into public law on August 2, 1956 by President Dwight D. Eisenhower; and

WHEREAS, as we celebrate the anniversary of the signing of our Constitution, we commemorate the foresight and commitment of our Founding Fathers and their hard work in ensuring a system that would carry our country for centuries to come; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation and to officially recognize the patriotic celebrations, which will commemorate the occasion.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that in observance of Constitution Week, September 17th through September 23rd, 2017, they hereby encourage all citizens to read and study the Constitution, and to reflect on the privilege of being an American with all the rights and responsibilities, which that privilege involves and by remembering that lost rights may never be regained.

CONSENT AGENDA VOTE:

Mayor Harris asks Council Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions #17-262 through #17-271.

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 #17-272

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:

- | | |
|-------------|--|
| Contracts: | 1. PBA Collective Bargaining – Mr. Williams |
| Litigation: | 1. <u>Joseph Kearney, Jr. v. Borough of Chatham, et al.</u> – Mr. Lott |
| | 2. <u>4 Watchung Avenue LLC v. Borough of Chatham</u> |
| | – Mr. Williams and Mr. Lott |
| | 3. Litigation/Contract Negotiation/Special Counsel – Mr. Williams |
| | ▪ 26 Main Street [Block 49, Lot 2] |
| | ▪ 97 Main Street [Block 127, Lot22] |

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