

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

June 26, 2017 MINUTES

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, June 26, 2017 at 7:30 p.m. in the Council Chambers in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

SALUTE TO FLAG

The Mayor and 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, Municipal 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 The Alternative Press and filed with the Borough Clerk, all on January 5, 2017.

ROLL CALL

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

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

Mayor Harris proceeded with Resolution #17-218.

RESOLUTION #17-218

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 12, 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:

June 12, 2017

Council Member Resto made a motion to approve Resolution #17-218. Council Member Collander seconded the motion. A vote was taken and Resolution #17-218 was approved unanimously.

DISCUSSION ITEMS

2016 Audit Report – Mr. Bud Jones, a partner with Nisivoccia LLP public accountants, provided an overview of the Borough's 2016 Audit report. He reported that the Borough's Current Fund balance, which he described as the main operating fund of the Borough, was \$2,521,139.73 for the year ending December 31, 2016 and was approximately \$85,000 more than for the year ending December 31, 2015. Mr. Jones indicated that the Water Utility Operating Fund and Solid Waste Utility Operating Fund performed consistently over the previous year as well. He stated that the Borough utilized one-sixth (1/6) of the debt limit allowed by law. He applauded the Borough's tax collection percentage rate of 99.12%, which he stated is exceptional.

Mr. Jones commended the Borough's AAA rating from Moody's, which reflects upon the excellent financial condition and operations of the municipality. He mentioned that Section III of the 2016 Audit report, Comments and Recommendations, contains only three minor recommendations for corrective action, which he noted was unusual for a new client of their firm to have so few findings and recommendations. Those corrective actions include:

1. The Borough employ a fixed asset appraisal company to ensure that all activity is properly recorded. Mr. Jones recommended a \$5,000.00 minimum value threshold when recording fixed assets of the Borough.
2. All payroll reconciliations and an analysis of balance be prepared in a timely manner, and that management ensures that unemployment insurance properly flows through the unemployment trust. Mr. Jones recommended that the Borough adopt a formal Current Fund policy.
3. The tax collector reviews tax overpayments for refund or cancellation. Mr. Jones informed the Mayor and Council that property tax overpayments have been accumulating over time and recommended that regular periodic review of overpayments be made to identify and remit refunds for overpayments.

Infiltration and Inflow Analysis – Mr. Vince DeNave reported that surface and ground waters are leaking into the sanitary sewer system through the joints of the pipes and manholes in certain areas, adding to the capacity of flow that is treated at the Chatham Madison Joint Meeting facility. He presented data that has been generated over the past five months, which reveals higher flow rates during periods of rain. A recorded spike in the measurement of flow in the sanitary sewer system indicates the existence of an infiltration and inflow problem.

Mr. DeNave reported that he and the Public Works Department have identified the RiverView pump station, as well as five manholes in the Woods Lane and Hillside Avenue area likely sources that may be contributing to the infiltration and inflow of surface and ground water into the sanitary sewer system. Mr. DeNave mentioned that he will be developing a capital improvement plan to address the infiltration and inflow issues and will provide a follow up report to the Mayor and Council in September.

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.

Rob Walton, the Area Manager for JCP&L, reported that JCP&L customers who use electrically-operated life support equipment can register their account with the company to get updates on potential interruptions to their electric service and uses the critical care list to help prioritize restoration of service in instances of power outages. He asked Borough officials to help get the word out to residents and first responders in efforts to update the critical care list for vulnerable individuals.

Joe Colangelo, CEO of Boxcar, Inc., thanked the Mayor and Council for including Resolution #17-225 on the agenda. He mentioned that Boxcar will be offering bus service to New York City to help train commuters during NJ Transit's diversion of Midtown Direct train service to Hoboken from July 10th through September 1st. Commuters can reserve their seat through the Boxcar app. One bus (with a 54 seating capacity) will depart from the train station at 7:15 a.m. Monday through Friday with scheduled drop-off locations at 34th Street/7th Avenue and 34th Street/Park Avenue in New York City.

Bob Olpp, North Passaic Avenue, expressed his disappointment on Mr. Falzarano's departure as Borough Administrator and questioned Borough officials why he resigned. Mayor Harris responded that it would not be appropriate for Borough officials to discuss personnel issues with the public.

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

REPORTS

COUNCIL COMMITTEE REPORTS

Budget and Finance – Council Member Lonergan reported that the 2018 budget process is on track. He further commented that the Borough workforce consists of many dedicated employees, not just one individual, who help make the Borough what it is.

Long Range Traffic & Pedestrian Safety Planning - Council Member Collander reported that the Committee continues to address traffic speeding along North Passaic Avenue and East Main Street and further reported that the Committee is working with Mr. DeNave, Traffic Officer George and the New Jersey Department of Transportation ("NJDOT") to discuss the possibility of the NJDOT installing a variable electronic message board along Route 24 westbound to notify motorists of travel times to the next exit.

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

Personnel - Council Member Resto reported that the PBA contract will be up for renewal at the end of the year and that the Acting Borough Administrator has begun the negotiation process.

Public Works Planning/Community Services - Council President Fife reported that a meeting will be scheduled with the Public Works Director and Community Services Director to begin planning fall projects.

Shared Services & 3rd Party Agreements - Council Member Helfrich reported that the Committee and Borough officials will begin transitioning public health services with the Westfield Regional Health Department.

MAYOR'S REPORT

Mayor Harris reported that he attended a meeting with Kerry Pflugh, the Director of the Office of Local Government Assistance for the New Jersey Department of Environmental Protection, and requested enforcement investigations of certain properties adjacent to the Passaic River. Mayor Harris also reported that he attended the interfaith Iftar dinner hosted by the Chatham United Methodist Church last Tuesday and stated that it was a nice opportunity to share food and fellowship with members of all faiths.

ADMINISTRATOR'S REPORT

Mr. Williams reported that the Chatham Fire Department Association will be hosting the Fourth of July parade and fireworks display. The parade begins at 10:30 a.m. and the gates open for the musical entertainment and fireworks display at 7:00 p.m. In the event of inclement weather, the fireworks will be rescheduled. Mr. Williams mentioned that an AlertChathamBorough message will be made to notify residents of a postponement.

Mr. Williams reported that the Department of Public Works began its hydrant flushing program, which will continue for the next several weeks. An AlertChathamBorough message will be sent to area residents that may be affected by hydrant flushing operations scheduled in their neighborhood. Mr. Williams further reminded residents that comments regarding Post Office Plaza redevelopment visioning and planning should be sent to postofficeplaza@chathamborough.org. He concluded his report by announcing that the Borough will be receiving an additional \$3,254.00 from FEMA for reimbursement of cleanup costs associated with winter storm Jonas.

CONSENT AGENDA

The following items are considered 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 #17-219 through Resolution #17-225 have been placed on the Consent Agenda.

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

None.

APPOINTMENTS

RESOLUTION #17-219

RESOLUTION DESIGNATING STEPHEN WILLIAMS AS THE PUBLIC AGENCY COMPLIANCE OFFICER PURSUANT TO N.J.A.C. 17:27-3.2

WHEREAS, in accordance with N.J.A.C. 17:27-3.2, the State of New Jersey Division of Contract Compliance and Equal Employment Opportunity requires that each public agency annually designate an officer or employee to serve as its Public Agency Compliance Officer by January 10th; of each year; and

WHEREAS, by Resolution #17-38 adopted by the Mayor and Borough Council at its Reorganization Meeting on January 3, 2017, Borough Administrator Robert J. Falzarano was designated as the Public Agency Compliance Officer for the Borough of Chatham; and

WHEREAS, due to the resignation of Robert J. Falzarano, there is a need to designate a Public Agency Compliance Officer for the Borough; and

WHEREAS, the Borough Council has determined that the duties of the Public Agency Compliance Officer can be effectively and appropriately performed by the Acting Borough Administrator, Stephen Williams.

BE IT RESOLVED, by the Council of the Borough of Chatham that the Acting Borough Administrator, Stephen Williams, is hereby designated as the Public Agency Compliance Officer for the Borough of Chatham in accordance with N.J.A.C. 17:27-3.2.

RESOLUTION #17-220

RESOLUTION APPOINTING STEPHEN WILLIAMS AS THE AMERICANS WITH DISABILITIES ACT COMPLIANCE OFFICER

WHEREAS, by Resolution #17-42 adopted by the Mayor and Borough Council at its Reorganization Meeting on January 3, 2017, Borough Administrator Robert J. Falzarano was designated as the Americans with Disabilities Act Compliance Officer for the Borough of Chatham; and

WHEREAS, due to the resignation of Robert J. Falzarano, there is a need to designate an Americans with Disabilities Act Compliance Officer for the Borough; and

WHEREAS, the Borough Council has determined that the duties of the Americans with Disabilities Act Compliance Officer can be effectively and appropriately performed by the Acting Borough Administrator, Stephen Williams.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Stephen Williams is hereby appointed as Americans with Disabilities Act Compliance Officer.

FINANCE

RESOLUTION #17-221

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 #17-222

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 property sale 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>
86 / 16	Demma, Katrina 10 Lincoln	\$465.22	2017/3Qtr.

Please make check payable & mail to:

Demma, Katrina
1777 Larimer Street #1301
Denver, CO 80202

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 duplicate overpayment of property taxes as herein referenced.

LAW AND PUBLIC SAFETY

RESOLUTION #17-223

RESOLUTION AUTHORIZING THE LEASE OF ONE (1) NEW AND UNUSED 2017 FORD INTERCEPTOR UTILITY MARKED PATROL VEHICLE FOR THE POLICE DEPARTMENT IN THE AMOUNT NOT TO EXCEED \$39,553.14

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 2017 Ford Interceptor Utility marked police vehicle; and

WHEREAS, the Police Department recommends that the lease contract be made through the Morris County Cooperative Purchasing Program, Contract # 15A – item #5, for the lease of one (1) new and unused 2017 Ford Interceptor Utility marked police vehicle from Beyer Fleet in East Hanover, NJ to be financed through Ford Credit in the amount not to exceed \$39,553.14 for a term of 36 months at 6.00%, with an annual payment amount of \$13,959.65; and

WHEREAS, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$39,553.14 and that funds are currently available for the purpose of awarding the contract and shall be encumbered in three annual payments not to exceed \$13,959.65 from the Current Fund account # 7-01-25-240-295, and will be subject to appropriations in the 2018 and 2019 Municipal Budgets.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the Police Department is hereby authorize the lease of one (1) new and unused 2017 Ford Interceptor Utility marked police vehicle from Beyer Fleet in East Hanover, NJ to be financed through Ford Credit under the Morris County Cooperative Purchasing Program; 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 \$13,959.65.

RECREATION

RESOLUTION #17-224

RESOLUTION APPOINTING SUMMER POOL STAFF FOR THE 2017 SEASON

WHEREAS, the Chatham Borough Recreation Program has a need to hire summer pool staff for the 2017 season; and

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

Puglisi, Emma	Substitute	\$8.38
Siau, Christian	Substitute	\$8.38
Stuart, Alex	Substitute	\$8.38
Valeri, David	Substitute	\$8.38
Voight, Lucas	Substitute	\$8.38

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 individuals referenced herein as pool staff for the 2017 season at the respective positions and rates 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.

OTHER

RESOLUTION #17-225

RESOLUTION AUTHORIZING COMMUTER BUS PARKING AT DESIGNATED LOCATIONS IN PARKING LOT NO. 1 (RAILROAD PLAZA NORTH)

WHEREAS, NJ Transit has announced that the capacity of Penn Station New York to accept trains this summer, from July 10, 2017 through September 1, 2017, will be reduced to accommodate Amtrak repair work. As a result, Morris & Essex Midtown Direct trains from the Borough will be diverted to Hoboken; and

WHEREAS, the Mayor and Council understand that the Amtrak repair work will disrupt Borough residents' commute and recognize that Midtown Direct commuter bus service from the Borough may help alleviate some of the stress and uncertainty residents will experience with their commute this summer; and

WHEREAS, the Mayor and Council wish to authorize commuter bus parking at designated locations in Parking Lot No. 1 (Railroad Plaza North) between the hours of 6:00 a.m. and 9:00 a.m. and 6:00 p.m. and 9:00 p.m., Monday through Friday, except holidays, effective July 10, 2017 through September 1, 2017, unless such permission is sooner revoked by duly adopted resolution of the Council; and

WHEREAS, in accordance with Section 139-60 of the Borough Code such designated locations shall be appropriately signed; and

WHEREAS, no other parking shall be permitted at such designation locations during said times.

BE IT RESOLVED, that the Council of the Borough of Chatham hereby authorizes commuter bus parking at designated locations in Parking Lot No. 1 (Railroad Plaza North) in accordance with the terms and conditions of this Resolution; 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.

CONSENT AGENDA VOTE

Council Member Resto moved to approve Resolution #17-219 through Resolution #17-225. Council Member Collander seconded the motion. A vote was taken and Resolutions #17-219 through #17-225 were unanimously approved.

Mayor Harris proceeded with Resolution #17-227.

ADD-ON RESOLUTION

RESOLUTION #17-227

RESOLUTION REGARDING SUSPENSION OF MIDTOWN DIRECT SERVICE

WHEREAS, in response to Amtrak's decision to perform needed track repairs on the approaches to New York Penn Station New Jersey Transit has decided to suspend most weekday Midtown Direct rail service from July 10, 2017 through September 1, 2017; and

WHEREAS, rail service will be redirected to Hoboken, where riders will have a choice of modes to get across the Hudson River into New York; and

WHEREAS, the alternate arrangements for travel into New York will involve significantly longer commute times that require additional transfers between transportation modes; and

WHEREAS, the transportation authorities have strongly recommended that New York employers recognize that employees may arrive late due to transportation problems; and

WHEREAS, the transportation authorities have further recommended that New York employers allow their employees who normally would use Midtown Direct rail service to work from home;

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it encourages all New York employers to recognize the stress their employees will experience due to these diversions and be tolerant of lateness; and

BE IT FURTHER RESOLVED, that all New York employers are encouraged to allow their employees to work remotely during this period of disruption.

Council Member Resto moved to approve Resolution #17-227. Council Member Hoffman seconded the motion. A vote was taken and Resolution #17-227 was unanimously approved.

Mayor Harris asked Council Member Helfrich to proceed with Resolution #17-226.

Council Member Helfrich read Resolution #17-226.

RESOLUTION #17-226

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
2. Professional Service Provider Contracts – Mr. Williams |
| Personnel: | 1. Appropriate Authority – Mr. Lott
2. DPW and Police Department Personnel – Mr. Williams |
| Litigation: | 1. Joseph Kearney, Jr. v. Borough of Chatham, et al. – Mr. Lott
2. 4 Watchung Avenue LLC v. Borough of Chatham
– Mr. Williams and 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

Having no other business to be conducted, Council Member Helfrich made a motion for adjournment. Council Member Collander seconded the motion, with all in favor. Mayor Harris adjourned the public meeting.

Meeting adjourned at 8:25 p.m.

Respectfully Submitted:

Robin R. Kline

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