

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

September 11, 2017 MINUTES

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, September 11, 2017 at 7:45 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

The Mayor 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.

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

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

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

Council Member Gerald J. Helfrich and Council Member Peter Hoffman were absent.

Mayor Harris invited Police Chief Philip Crosson, Jr. to proceed with the presentation of the Chatham Borough Police Department's Civilian Assist Award.

PRESENTATION

CHATHAM BOROUGH POLICE DEPARTMENT'S CIVILIAN ASSIST AWARD

On behalf of the Chatham Borough Police Department, Chief Philip Crosson, Jr. and Captain Brian Gibbons presented the Chatham Borough Police Department's Civilian Assist Award to Megan Johnston. Ms. Johnston, a Chatham Borough resident and high school student, was recognized and honored for providing emergency assistance to an elderly Borough resident who had fallen in her home earlier in the day and was unable to call for emergency help. Chief Crosson reported that as Meghan was walking past the Fairmount Avenue residence, she heard the cries for help and without hesitation took action to determine where the call for help was coming from. Finding an elderly person in distress, she immediately provided assistance and contacted 9-1-1.

Chief Crosson and Captain Gibbons thanked Meghan for her kind and responsive actions and presented her with the police department's Civilian Assist Award. Meghan was also given a hooded sweatshirt with the Chatham Borough Police Department insignia in recognition of her selfless actions.

Mayor Harris commended Meghan for her actions and neighborly spirit and stated that her caring actions exemplified community neighborliness, which is what makes Chatham Borough such a wonderful community.

Mayor Harris proceeded with Resolution #17-261.

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

Council Member Resto made a motion to approve Resolution #17-261. Council Member Lonergan seconded the motion. A vote was taken and Resolution #17-261 was approved unanimously.

DISCUSSION ITEMS

Boxcar - Joseph Colangelo, CEO of Boxcar, Inc., presented a follow up report on Boxcar's 8-week summer commuter bus service to New York City during NJ Transit's diversion of Midtown Direct train service to Hoboken. Mr. Colangelo reported that in addition to its two mid-town Manhattan stops, Boxcar added an additional stop at 41st Street and Park Avenue on Manhattan's east side. Boxcar also added evening bus service from Manhattan to Chatham. Mr. Colangelo reported that 124 Chatham Borough commuters utilized Boxcar's commuter bus service during this eight week timeframe and 76 of those 124 commuters utilized the service more than twenty times.

Mr. Colangelo mentioned that although NJ Transit Midtown Direct train service has been restored, commuters continue to use Boxcar's bus service. He confirmed that Boxcar continues to provide the commuter bus service, which he said provides an alternative to the train and reduces commuting time to New York City to under an hour to the east side of Manhattan. He reported that surveys conducted by Boxcar indicate that commuters utilizing its bus service enjoy the convenience, comfort, amenities and competitively-priced affordability. He asked the Mayor and Council to consider continuing the commuter bus parking at the designated locations in Parking Lot No. 1 (Railroad Plaza North) for its commuter bus service to New York City.

Concluding his presentation, Mr. Colangelo mentioned that the company's mission is to expand commuter ridership by exploring and then creating custom transportation options to meet the needs of commuters.

Mayor Harris and the Council thanked Mr. Colangelo for his presentation and stated that an authorizing resolution to extend the commuter bus parking at the train station has been placed on the Agenda as an "add-on" Resolution for consideration and action.

2017 Fishawack - Ms. Janice Piccolo, Director for the Department of Community Services, provided a report for the 2017 Fishawack Festival. In her report, Ms. Piccolo mentioned that 38 local businesses and nine Farmers' Market vendors participated in Fishawack. She reported that the event generated \$51,511.00 in revenue, of which \$31,698.41 of that amount was raised through sponsorships. The cost to operate Fishawack, including marketing and printing costs, was \$31,000.00. A detailed breakdown of revenues and expenses for the activities and entertainment was provided during the presentation.

Ms. Piccolo reported that the expanded Car Show, organized by the PBA, was well attended. She further reported that this year Mayor Harris presented the annual Volunteer Recognition Awards at Borough Hall, which was a great venue for the award presentations. The Chatham Historical Society also presented its Centennial Commemoration of the Great War (World War I) and dedication of a memorial plaque at Borough Hall.

Mayor Harris inquired whether the reported \$24,672.40 cost for Borough workforce expenses included personnel time devoted to the advanced planning and preparation of Fishawack. Department of Community Services Director Ms. Piccolo clarified that the reported workforce expenses reflected only personnel costs incurred for the day of the event. Acting Administrator Williams and Ms. Piccolo were asked to prepare an estimate of all the Department of Community Services personnel time and its associated costs devoted in the advance planning and operating of Fishawack.

At the conclusion of the presentation, Council Member Lonergan inquired whether Fishawack could be transitioned to a 501(c)(3) non-profit organization. This will be further explored.

Mayor Harris and the Borough Council commended Ms. Piccolo and the Department of Community Services in organizing a wonderful event.

Best Practices Inventory – Mr. Timothy Day reported that the Division of Local Government Services requires municipalities to complete a Best Practices Inventory each year. Based on the score achieved on the Best Practices Inventory, the percentage of state aid (CMPTRA and ETR) is determined. The Inventory encourages municipalities to embrace practices that promote financial accountability, sound management and transparency.

Mr. Day reported that this year the Best Practices Inventory was reduced to 25 questions (down from 30 questions in 2016) and that a score of 21-25 qualifies the municipality to receive 100% of its allocation of state aid. Mr. Day reported that of the 25 survey questions, the Borough will be responding "yes" or "N/A" to 23 questions. One question concerning the "Director's Ratio" may not be applicable to the Borough. Mr. Lott opined that since it is too late in the year for the Borough to conduct a property reevaluation, the question should not apply. He explained that the Director's Ratio is the average ratio of assessed real estate value to true market value. A ratio less than 85% generally may indicate a need for property reevaluation. This year the Borough's ratio was calculated at 84.6%. Mr. Day is also to follow-up to determine if the Tax Attorney's report satisfies inventory question number three.

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

REPORTS

COUNCIL COMMITTEE REPORTS

Budget and Finance – Council Member Lonergan reported that the next meeting is scheduled for September 15, 2017 and had nothing further to report.

Long Range Traffic & Pedestrian Safety Planning - Council Member Collander reported that the next meeting is scheduled for September 27, 2017 and had nothing further to report.

Public Safety & Emergency Services - Council Member Collander reported that the Borough currently has 17 full-time crossing guards and five substitute crossing guards and mentioned that the Police Department is seeking to hire and train additional substitute crossing guards. He encouraged interested individuals to apply to the Police Department.

Personnel - Council Member Resto reported that an update on the status of collective bargaining negotiations with the PBA will be discussed in Closed Session.

Public Works Planning/Community Services - Council President Fife reported that a meeting will be scheduled later this month and had nothing further to report.

Shared Services & 3rd Party Agreements - Council Member Helfrich was absent.

MAYOR HARRIS'S REPORT

Mayor Harris reported that he noticed that the New Jersey Department of Transportation had installed a portable messaging sign along the left side of the road westbound Route 24 at the Springfield Avenue/Summit border. The messaging sign provides travel times to the Columbia Turnpike exit and Route 287 interchange in an effort to help moderate the number of motorists exiting Route 24 to Main Street to avoid longer traffic travel time on Route 24.

Mayor Harris further reported that before Labor Day he met with representatives from PSE&G, including PSE&G's' arborist, to discuss the proposed meadow project along its right of way at Woodland Road. The meadow project would entail planting of native pollinator friendly wildflowers.

Miscellaneous - Council Member Lonergan briefly reported that the School District of the Chathams has completed the improvements to Cougar Field. He further mentioned that the new "Cougar Field" sign displayed along Shunpike Road was made and installed by Jeff Davis. Council Member Lonergan commended Mr. Davis for his efforts and on-going generosity to our community.

ADMINISTRATOR'S REPORT

Acting Administrator Williams reported that the Borough's affordable housing consultant, Piazza & Associates, has updated its website to include the Borough's affordable housing information and Preliminary Application. The website will make it easier for persons seeking affordable housing opportunities in Chatham Borough.

Mr. Williams further reported that the Department of Public Works completed 500 feet of new curbing along North Summit Avenue. Road paving of Inwood Circle, Duchamp Place and North Summit Avenue, as well as the micro resurfacing of Hedges Avenue, Vine Street, Minton Avenue, Walnut Avenue and Elmwood Avenue has been completed. The Madison Chatham Joint Meeting's sewer trunk line repair work is scheduled to begin on September 20th. Residents in the surrounding area will be notified of the scheduled work.

Lastly, Mr. Williams reported that signage has been posted at Kelley's Pond stating that the area is closed from the hours of 10:00 p.m. to 6:00 a.m. Surveillance cameras have been installed due to ongoing vandalism. He also mentioned the recent passing of Herb Cannon, a 54-year volunteer member of the Chatham Borough Fire Department and who was former Borough Engineer.

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

None

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 LENDING LIBRARY BOXES ON BOROUGH-OWNED PROPERTY

WHEREAS, Peter Duffy of Scout Troop #8 has proposed to construct three lending library boxes for his Eagle Scout service project and has requested permission to install the 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 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 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

Council Member Lonergan made a motion to approve the Resolution #17-262 through #17-271 listed on the Consent Agenda. Motion was seconded by Council Member Collander. A vote was taken and Resolutions #17-262 through #17-271 were approved unanimously.

ADD-ON RESOLUTION

RESOLUTION #17-273

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

WHEREAS, Resolution #17-225 adopted by the Mayor and Council on June 26, 2017 authorized commuter bus parking at designated locations in Parking Lot No. 1 (Railroad Plaza North) for Midtown Direct commuter bus service from the Borough during certain days and time for the period of July 10, 2017 through September 1, 2017 due to the disruption of NJ Transit service; and

WHEREAS, the Mayor and Council wish to continue the commuter bus parking at the designated locations in Parking Lot No. 1 (Railroad Plaza North) Monday through Friday 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, for Midtown Direct commuter bus service, until such permission is 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.

Council Member Resto moved to approve Resolution #17-273. Council Member Collander seconded the motion. A vote was taken and Resolution #17-273 was unanimously approved.

Mayor Harris asked Council Member Resto to proceed with Resolution #17-272.

Council Member Resto read Resolution #17-272.

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, Lot 22] |
| Attorney-Client Privilege: | 1. Post Office Plaza Redevelopment Legal Issues (Overview) |
| | - Mayor Harris |

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.

Council Member Resto moved to approve Resolution #17-272. Council Member Collander seconded the motion. A vote was taken and Resolution #17-272 was approved unanimously.

Mayor Harris and the Borough Council recessed into Closed Session at 9:05 p.m.

RECONVENE IN PUBLIC SESSION

Mayor Harris asked for a motion to reconvene into Public Session.

Council Member Resto made a motion to reconvene into Public Session. Council Member Lonergan seconded the motion. A vote was taken with all present in favor.

Mayor Harris and the Borough Council reconvened into Public Session at 9:45 p.m.

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

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

Council Member Gerald J. Helfrich and Council Member Peter Hoffman were absent.

Mayor Harris proceeded with Resolution #17-274.

RESOLUTION #17-274

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT FOR SPECIAL TAX COUNSEL TO DORSEY & SEMRAU, LLC

WHEREAS, there exists a need to enter into a non-fair and open contract for Special Tax Counsel for the Borough of Chatham for the remainder of calendar year 2017; and

WHEREAS, such services constitute a professional service as defined by the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-2, which are specifically exempt from the public bidding process in accordance with N.J.S.A. 40A:11-5; and

WHEREAS, the law firm of Dorsey & Semrau, LLC possesses the experience necessary to serve as Special Tax Counsel and the Mayor and Council have determined that the award of the contract would be in the best interests of the Borough; and

WHEREAS, Dorsey & Semrau, LLC has submitted a Business Entity Disclosure Certification, which certifies that the firm has not made any reportable contributions to any political or candidate committee in the Borough in the previous one year, and that the contract will prohibit Dorsey & Semrau, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$10,000.00 and that funds are currently available for the purpose of awarding this contract from Current Fund Account #7-01-20-155-201.

BE IT RESOLVED, by the Council of the Borough of Chatham that a non-fair and open professional services contract is hereby awarded to Dorsey & Semrau, LLC for Special Tax Counsel for the Borough of Chatham for the remainder of calendar year 2017 and that the Mayor and Borough Clerk are hereby authorized to execute a professional services contract with same on behalf of the Borough; 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.

Council Member Collander made a motion to approve Resolution #17-274. Council Member Lonergan seconded the motion. A vote was taken and Resolution #17-274 was approved unanimously.

ADJOURNMENT

Having no other business to be conducted, Mayor Harris asked for a motion to adjourn the meeting.

Council Member Resto made a motion to adjourn the meeting. Council Member Collander seconded the motion. The motion was approved unanimously

Meeting adjourned at 9:47 p.m.

Respectfully Submitted:

Robin R. Kline

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