

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

**September 25, 2017 MINUTES**

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, September 25, 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 #17-275.

**RESOLUTION #17-275**

**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:

September 11, 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:

September 11, 2017

Council Member Resto made a motion to approve Resolution #17-275. Council Member Collander seconded the motion. A vote was taken and Resolution #17-275 was approved unanimously.

Mayor Harris asked Council Member Lonergan to lead the discussion of the status of the Post Office Plaza Redevelopment project since he had prepared some information to begin the discussion.

Mr. Lott recused himself from the discussion and left Council Chambers at 7:36 p.m.

## **DISCUSSION ITEM**

**Post Office Plaza Redevelopment Project Status** – Council Member Lonergan, Chair of the Budget and Finance Committee, began the discussion by stating that throughout each year of his tenure as an elected official, the conversation of redevelopment, as a whole, has been on-going by the Mayor and Council and set forth two core reasons why redevelopment is important to the Borough:

1. Chatham Borough must continue to evolve to meet the ever-changing needs of the community and must be able to compete with the growing competition of surrounding towns. “Market forces” ultimately decide the fate of which businesses grow and which fail and vacant store fronts in the downtown are reflective of how well the business community is meeting the needs of the community at-large.
2. Redevelopment is absolutely necessary for our small community to grow its ratable base. There are sizable commercial areas in the Borough that can be redeveloped, improve the ratable base, and alleviate the tax burden on residential property owners. Under-developed parcels that remain under-developed become more of a burden on residential property owners, who must then pay the growing percentage share of the costs to provide municipal services.

Council Member Lonergan said that redevelopment planning requires the devotion of a considerable amount of time by Borough officials, especially elected officials and Planning Board volunteers. Redevelopment requires the Governing Body to spend tax dollars on planning and legal services. Redevelopment also requires a communicative and transparent process to the public. He stressed that the Borough’s situation without redevelopment is untenable and that the Borough could not remain a stable and vibrant town in the long-term if residents continue to move out because of rising property taxes.

Council Member Lonergan then mentioned that the Governing Body has recently been made aware of an issue concerning the Post Office Plaza Redevelopment planning process, which is still in its early planning stages. The issue, he said, is a potential conflict of interest by Council President Fife. As a result of learning of the potential conflict, the Governing Body retained outside counsel to investigate and make recommendations on how to best resolve any potential issue and continue to move the Post Office Plaza Redevelopment process forward. Council Member Lonergan deferred the discussion of the investigation over to Mr. Robert Goldsmith, Esq, Special Redevelopment Counsel to the Borough.

Mr. Goldsmith confirmed that at the Borough’s request, he conducted an investigation to determine whether or not Council President Fife has a conflict of interest, or a potential conflict of interest, with respect to the Post Office Redevelopment project. He advised that the inquiry focused on whether or not Council President Fife, and/or her husband, both local realtors, had a potential conflict of interest due to their involvement in the sale of the Cottage Deli to Vertical Realty.

Mr. Goldsmith further reported that the Cottage Deli property was included in the Area in Need of Redevelopment that was formally adopted by the Governing Body by Resolution #17-093 on January 23, 2017. His investigation revealed that four days after the Governing Body adopted Resolution #17-093, a non-contingent sale agreement was reached between Cottage Deli and Vertical Realty.

Based on the standard of whether there is a potential for conflict, Mr. Goldsmith determined that Council President Fife does have a potential conflict of interest and should have recused herself from all actions with respect to the Post Office Plaza Redevelopment project.

Mr. Goldsmith advised that seminal case law provides that it is not whether there is an actual conflict of interest that is the decisive factor, but rather it is whether there is a potential for conflict. He stated that a conflicting interest arises when a public official has an interest not shared in common with other members of the public. He reported that Council President Fife and her husband had introduced a representative of Vertical Realty to the owner of the Cottage Deli. That introduction, and subsequent purchase by Vertical Realty, placed Council President Fife in a position where she or her husband might have a claim for a commission on the sale. He has advised Council President Fife to recuse herself from future proceedings on the Post Office Plaza Redevelopment project

Mr. Goldsmith further reported that as a result of the investigation, Mayor Harris became aware for the first time that he also had a potential conflict of interest because his partner has his realtor's license at Town & Country Realtors, the same real estate brokerage as Council President Fife and her husband. However, he had no involvement in the sale of the Cottage Deli. Mr. Goldsmith clarified that while Mayor Harris may not have a disqualifying conflict with respect to the Post Office Plaza Redevelopment project, out of an abundance of caution, he has advised Mayor Harris to recuse himself from future proceedings on the Post Office Plaza Redevelopment project as well.

In conclusion, Mr. Goldsmith reported that the Mayor and Council's top priority has been to preserve the highest standard of transparency and ethics on the redevelopment planning process. He recommended that the Mayor and Council rescind all prior actions taken on the Post Office Plaza Redevelopment project and to reconsider and re-vote on all related resolutions without the taint of potential conflict.

Council Member Lonergan thanked Mr. Goldsmith for his report and provided a timeline of expedient actions taken by the Governing Body once they were notified of the potential conflict of interest:

1. On August 25, 2017, the Borough Engineer informed the Acting Administrator, who in turn notified the Mayor and Borough Attorney of a possible conflict of interest in the Post Office Plaza Redevelopment project. Because the Borough Attorney's firm has represented Vertical Realty, the Borough Attorney was not able to conduct the investigation of this matter. At the direction of the Mayor, Acting Administrator Steve Williams notified Robert Goldsmith and requested that an investigation be conducted.
2. On August 28, 2017, Mr. Goldsmith contacted Council President Fife regarding the potential conflict of interest.
3. On September 1, 2017, a conference call was held between Mr. Goldsmith, Mayor Harris and Mr. Williams regarding an update on the investigation.
4. On September 4, 2017 through September 8, 2017, Mr. Goldsmith conducted further investigation.
5. On September 11, 2017, Mayor Harris and Mr. Williams notified the Council in Closed Session of the possible conflict of interest and investigation being conducted by Mr. Goldsmith.
6. On September 13, 2017, a conference call was held between Mr. Goldsmith, Council Member Helfrich and Council Member Lonergan and Mr. Williams.
7. On September 18, 2017, Mr. Goldsmith issued a memorandum outlining the findings of the investigation and recommendations to the Council.
8. On September 19, 2017, a conference call was held between Mr. Goldsmith, Council Member Helfrich, Council Member Lonergan, Council Member Collander and Mr. Williams.

Mayor Harris mentioned that during this time period, he had numerous discussions with Mr. Goldsmith as well. He reported that Mr. Goldsmith had advised him that even though his partner had no involvement whatsoever in the sale of Cottage Deli, it is out of an abundance of caution that he has been advised to recuse himself from future proceedings of the Post Office Plaza Redevelopment project.

Council President Fife confirmed that her husband had introduced a representative of Vertical Realty to the owner of the Cottage Deli in August 2016 and inquired why Mr. Goldsmith's report made no mention of the letter issued by Town & Country Realtors brokerage stating that the introduction was a courtesy and that no fee or commission was made.

Mr. Goldsmith advised that the real estate broker's letter was undated, but rather bears a date received stamp dated September 18, 2017, which does not change the determination that a potential for a conflict of interest may have previously existed.

Mayor Harris announced that the Council would need to determine how to proceed with the recommendations presented in Mr. Goldsmith's investigation report and stated that he and Council President Fife would be recusing themselves from further deliberations in the Post Office Plaza Redevelopment project.

Mayor Harris and Council President Fife recused themselves and left the dais at 7:55 p.m.

Council Member Collander, being the member of the Council with the longest term of service, acted as Council President Pro Tem and presided over this next portion of the meeting.

Council Member Collander reported that Mr. Goldsmith provided two Add-on Resolutions for Borough Council consideration and asked Mr. Goldsmith to provide clarification on the purpose of each of the two Add-on Resolutions before the Council proceeded further.

Mr. Goldsmith advised that Resolution #17-287 would rescind Resolutions #17-093, #17-140, and #17-188. He further advised that Resolution #17-093 directed the Planning Board to undertake a preliminary investigation to determine if certain real property within the Borough of Chatham met the criteria of an area in need of redevelopment. Resolution #17-140 further clarified that eminent domain would not be considered in any way for properties to be determined areas in need of redevelopment. Resolution #17-188 designated certain properties within the Borough of Chatham as an Area in Need of Redevelopment upon the recommendation of the Planning Board.

Mr. Goldsmith then advised that the second Add-on Resolution, Resolution #17-288, would restart the Post Office Plaza redevelopment process anew by directing the Planning Board to undertake a preliminary investigation to determine if certain real property within the Borough of Chatham met the criteria of an area in need of redevelopment.

Council Member Collander proceeded with Resolution #17-287.

## **ADD-ON RESOLUTIONS**

### **RESOLUTION #17-287**

#### **RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, RESCINDING RESOLUTIONS #17-093, #17-140, AND #17-188**

**WHEREAS**, the Borough of Chatham (the "Borough") recently directed its special redevelopment counsel, Greenbaum, Rowe, Smith & Davis LLP, to conduct a study to determine whether or not Council President Victoria Fife has a conflict of interest or potential conflict of interest with the Post Office Plaza redevelopment project; and

**WHEREAS**, seminal case law, including *Wyzykowski v. Rivas*, 132 N.J. 509 (1993), provides that it is not whether there is an actual conflict of interest that is the decisive factor, nor is it whether the public servant succumbs to the temptation, but rather it is whether there is a potential for conflict; and

**WHEREAS**, a conflicting interest arises when a public official has an interest not shared in common with other members of the public; and

**WHEREAS**, the Governing Body has determined that Councilwoman Fife does have a potential conflict of interest with respect to the Post Office Plaza redevelopment project; and

**WHEREAS**, case law holds that where a potential conflict exists, votes taken by the governing body without the recusal of the conflicted member are subject to invalidation, *see Griggs v. of Princeton*, 33 N.J. 207 (1960); *Sugarman v. Twp. of Teaneck*, 272 N.J. Super. 162, 169 (App. Div. 1994); and

**WHEREAS**, Council President Fife voted on three (3) resolutions associated with the Post Office Plaza redevelopment project – Resolutions #17-093, #17-140, and #17-188; and

**WHEREAS**, the governing body has now determined it to be prudent, and in the best interest of the public trust, to rescind Resolutions #17-093, #17-140, and #17-188.

**BE IT RESOLVED**, by the Council of the Borough of Chatham, County of Morris, and State of New Jersey, that the recitals are incorporated herein as if set forth in full; and

**BE IT FURTHER RESOLVED**, that Resolution #17-093, Resolution #17-140, and Resolution #17-188 are hereby rescinded; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

Council Member Collander made a motion to approve Resolution #17-287. Council Member Helfrich seconded the Motion.

Council Member Collander asked the Borough Clerk for a roll call vote.

Name	Motion	Second	Yes	No	Abstain	Absent
Collander	X		X			
Lonergan			X			
Fife	Recused					
Helfrich		X	X			
Resto			X			
Hoffman			X			

Council Member Collander confirmed that Resolution #17-287 was adopted.

Council Member Collander proceeded with Resolution #17-288.

#### **RESOLUTION #17-288**

#### **RESOLUTION AUTHORIZING THE PLANNING BOARD OF THE BOROUGH OF CHATHAM TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE IF CERTAIN REAL PROPERTY WITHIN THE BOROUGH OF CHATHAM ARE AREAS IN NEED OF REDEVELOPMENT**

**WHEREAS**, the Borough Council desires to direct the Planning Board to undertake preliminary investigation to determine if certain real property within the Borough of Chatham, specifically:

<u>Bowers Lane</u>	<u>South Passaic Avenue</u>	<u>Main Street</u>
Block 121, Lot 11	Block 121, Lot 10	Block 122, Lot 1
Block 121, Lot 17	Block 121, Lot 12	Block 122, Lot 2
Block 122, Lots 13, 14, 15, 16, 17 18	Block 121, Lot 13	
	Block 121, Lot 14	

are areas in need of redevelopment pursuant to and in accordance with the local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et. seq.

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that they hereby authorize and direct the Planning Board to undertake a preliminary investigation to determine if certain real property within the Borough of Chatham as set forth herein are areas in need of redevelopment pursuant to and in accordance with the Local Redevelopment and Housing law; and

**BE IT FURTHER RESOLVED**, that the redevelopment area determination shall authorize the Borough to use all powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain; and

**BE IT FURTHER RESOLVED**, that the Planning Board shall be permitted to utilize the report previously prepared by the professional planning firm, Topology NJ, LLC, entitled “*Preliminary Investigation Post Office Plaza Chatham New Jersey*” dated March 22, 2017, provided that the Planning Board directs Topology to update such report or otherwise certify that the facts, findings and conclusions contained therein remain accurate; and

**BE IT FURTHER RESOLVED**, that the Planning Board shall hold a public hearing on notice to the public pursuant to the Local Redevelopment Housing Law prior to issuing its recommendation to the Governing Body; and

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately and 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 Resto made a motion to approve Resolution #17-288. Council Member Helfrich seconded the Motion.

Council Member Collander asked the Borough Clerk for a roll call vote.

Name	Motion	Second	Yes	No	Abstain	Absent
Collander			X			
Lonergan			X			
Fife	Recused					
Helfrich		X	X			
Resto	X		X			
Hoffman			X			

Council Member Collander confirmed that Resolution #17-288 was adopted.

Mayor Harris returned to the dais at 8:06 p.m. and presided over the remainder of the meeting.

Mr. Lott returned to the Open Session at 8:06 p.m.

Council President Fife returned to the dais at 8:08 p.m.

Mayor Harris proceeded with public comments.

## **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 pertaining only to this discussion item. There will be a second Public Comment section on tonight’s agenda for any other matter a member of the public wishes to be heard. 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.

Joseph Marts, 13 Coleman Avenue, and former Mayor, commended the Mayor and Council for their efforts in ensuring a transparent and ethical redevelopment planning process and expressed his support for redevelopment in the Borough. He inquired about the costs the Borough has paid that are associated with the redevelopment project, including the Mr. Goldsmith's investigation. Lastly, he questioned why Mayor Harris remained in Council Chambers after recusing himself from further deliberation and had not left the room.

Mayor Harris responded that the State Ethics Commission Code, Section 19:61-7.5 (procedure for recusal), only requires an official who has recused himself to leave the room at a non-public portion of a meeting while the matter in question is under discussion. Since the meeting was open and held in public, he was not required to leave the room. Mayor Harris further responded that the costs associated with the redevelopment project and Mr. Goldsmith's investigation would be determined once we receive invoices.

Michael Dean, 181 North Passaic Avenue, voiced his opposition to the Post Office Plaza Redevelopment project, commenting that the redevelopment project would increase traffic. He further commented he was aware that the owner of Cottage Deli was looking to sell their business and believed that Council President Fife was acting as a good public servant when introducing a potential buyer (Vertical Realty) to the owner of Cottage Deli, especially, he said, given that she did not receive any financial compensation for the introduction. Mr. Dean stated that the Mayor and Council should postpone the redevelopment project since two new Council Members are to be elected to the Borough Council in November and may not be supportive of the Post Office Plaza Redevelopment project. Lastly, Mr. Dean inquired about whether a member of the governing body could benefit financially in the Post Office Plaza Redevelopment project after leaving elected office. He also inquired about the costs the Borough has paid to date that are associated with the redevelopment project and investigation.

Mayor Harris responded that the costs associated with the redevelopment project and Mr. Goldsmith's investigation would be forthcoming and deferred Mr. Dean's other inquiries to Mr. Goldsmith for response.

Mr. Goldsmith advised that the New Jersey Local Redevelopment Housing Law is the statute that governs redevelopment and specifically provides that no elected official, while serving office, or any employee of a government entity engaged in a redevelopment initiative, can have a direct or indirect interest in the project.

Rosella Clyde, 33 Carmine Street, thanked the Mayor and Council for proceeding with caution and alleviating any concerns surrounding the Post Office Plaza Redevelopment project. Ms. Clyde then voiced her support for the redevelopment project, believing that redevelopment was necessary to retain younger residents and to maintain the quality of life for all residents. She commented that the redevelopment process should be done in a deliberate and concerted manner and provided some feedback on a recent Community Planning Workshop led by Topology, the Borough's redevelopment planner.

In response to her comment on the design options provided, Mayor Harris reminded Mrs. Clyde that she had been invited to provide additional architectural choices for consideration.

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

## **REPORTS**

### **BOARD & COMMISSION MEMBERS & LIAISON REPORTS**

**Affordable Housing Advisory Committee** - Mayor Harris had nothing new to report.

**Open Space & Historic Preservation Trust Advisory Committee** - Mayor Harris had nothing new to report.

**Historic Riverside Trail Advisory Committee** - Mayor Harris reported that Phase I of the Historic Riverside Trail project had been completed and was pleased to report that residents are already utilizing the new recreational trail.

**Traffic & Pedestrian Safety Advisory Committee** - Council Member Collander reported that the police department will be initiating a no tolerance enforcement policy for motorists who do not obey the orders of school crossing guards. Summonses will be issued.

**Shade Tree Commission** - Council Member Collander reported that Colleen Truppo, the Shade Tree Commission Chair, will be providing an update of the Shade Tree Commission's programs and activities at the October 10<sup>th</sup> Mayor and Council meeting.

**Communications & Technology Advisory Committee** - Council Member Lonergan had nothing new to report.

**Joint Recreation Advisory Committee** - Council Member Lonergan had nothing new to report.

**Municipal Pool Advisory Committee** - Council Member Lonergan had nothing new to report.

**Farmers' Market Advisory Committee** - Council President Fife had nothing new to report.

**Mayors' Wellness Committee** - Council President Fife reported that the next Mayors' Wellness Committee meeting is scheduled for October 10<sup>th</sup> and announced that the committee is working on a new initiative called "The Urban Tract," which is a self-guided walking tour of destination places in and around the Borough to encourage exercise. A map will be prepared that provides the number of walking steps to reach the different destination points.

**MyChathamNJ Advisory Committee** - Council President Fife had nothing new to report.

**Planning Board** - Council President Fife had nothing new to report.

**Project Community Pride** - Council President Fife had nothing new to report.

**Senior Center of the Chathams** - Council President Fife reported that the Tri-Town 55+ program was awarded a second grant from the Grotto Foundation. The grant will help fund the GoGoGrandparent transportation program to the end of the year. The transportation program has provided 565 rides to residents aged 55+ since its inception.

**9/11 Memorial Advisory Committee** - Council Member Helfrich reported that the annual 9/11 Ceremony held on Monday, September 11<sup>th</sup> was well attended and thanked Dan Smith and the committee members for their efforts.

**Board of Education** - Council Member Helfrich had nothing new to report.

**Joint Municipal Court** - Council Member Helfrich reported that next year's budget is being finalized.

**Municipal Alliance of the Chathams** - Council Member Helfrich had nothing new to report.

Council Member Resto thanked everyone who participated and supported the Out of the Darkness Walk held on Saturday, September 23<sup>rd</sup>. He reported that over 200 walkers attended the event and stated that he anticipates that the fundraising goal of \$75,000.00 will be achieved. Mayor Harris acknowledged Council President Resto for single-handedly raising 10% of the total funds generated.



**Environmental Commission** – Council Member Resto reported that he and Commissioners Kate Murphy and Patricia Soteropoulos will be attending the October 13<sup>th</sup> meeting of the Association of New Jersey Environmental Commissions (ANJEC). He further reported that the Environmental Commission will be launching a new initiative "Quiet Communities," which is a program aimed at eliminating noise caused by the use of gas-powered leaf blowers.

**Joint Community Gardens Advisory Committee** - Council Member Resto reported that the gardeners have begun the fall clean-up of the community garden.

**Madison-Chatham Joint Meeting** - Council Member Resto reported that preparation for the 2018 budget is under way, that the true up policy and procedures are being finalized, and that the capacity study is expected to be ready by the next meeting.

**Pilgrim Pipeline Advisory Committee** - Council Member Resto had nothing new to report.

**Public Arts Council Advisory Committee** - Council Member Resto thanked Dawn Paruta for providing face paintings to participants during the Out of the Darkness Walk.

**Board of Health** - Council Member Hoffman reported that the Borough's annual flu clinic will be held on October 28<sup>th</sup> at Saint Patrick's Parish Center from 9:00 a.m. until 11:00 a.m. He further reported that the Westfield Regional Health Department recently conducted a Tobacco Age of Sale Enforcement (TASE) investigation in the Borough and provided its findings at the recent Board of Health meeting. Westfield Regional Health Department will also be providing pest control services as part of the shared services contract, saving approximately \$4,000.00 that has been previously spent on outsourcing pest control services to another vendor. Lastly, he reported that the Board of Health has submitted its 2018 Goals and Objectives, which includes reviewing and updating the Board of Health ordinances.

**Historic Preservation Commission** - Council Member Hoffman had nothing new to report.

## **MAYOR'S REPORT**

Mayor Harris reported that Borough officials continue to work with NJ Transit in addressing repairs to the railroad overpasses. He further reported that Borough officials are following up with the New Jersey Department of Transportation regarding the status of the Route 24 traffic study. Borough officials will also be verifying whether the recently installed variable message sign along Route 24 westbound has had any positive impact in alleviating additional traffic onto Main Street.

## **ADMINISTRATOR'S REPORT**

Acting Administrator Williams reported that the Borough has been notified that the New Jersey Department of Transportation will be milling and paving the Route 124 service road from Millburn to the Short Hills Mall, but an exact date and time has not been announced. He further reported that he attended a New Jersey Department of Transportation meeting, which discussed preliminary plans to refurbish the bridge deck on the east end of Route 124 over the Passaic River. Concerns expressed at the meeting included how to keep the bridge partially open while repairs are being made. He concluded his report by informing the Mayor and Council that a meeting is scheduled for October 3<sup>rd</sup> for towns that will be impacted by the proposed Columbia Turnpike/Park Avenue project.

## **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 #17-276 through Resolution #17-285 have been placed on the Consent Agenda.

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

None.

**CONTRACTS**

**RESOLUTION #17-276**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH  
CHRISTMAS DÉCOR FOR THE INSTALLATION AND REMOVAL OF HOLIDAY LIGHTS  
FOR THE 2017 HOLIDAY SEASON**

**WHEREAS**, the Borough of Chatham enjoys the festive tradition of decorating its Main Street and public properties with holiday lights during the holiday season; and

**WHEREAS**, the Mayor and Council of the Borough of Chatham wish to continue this tradition for the 2017 holiday season; 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 competitive quotations for said work; and

**WHEREAS**, the Borough solicited and received quotations from Christmas Décor by Ebby's, Woodland Park, New Jersey and from Christmas Décor, Scotch Plains, New Jersey; and

**WHEREAS**, the Director of the Department of Community Services recommends that a contract be awarded to Christmas Décor of Woodland Park, New Jersey for the installation of holiday lights along Main Street, the public library, Borough Hall and Reasoner Park, on or about November 15, 2017 and to be taken down and removed on or before January 15, 2018; and

**WHEREAS**, the Chief Financial Officer has provided a certification of availability of funds in the amount not to exceed \$14,170.63 to be appropriated from the following accounts as follows:

<u>Account Description</u>	<u>Account Number</u>	<u>Amount</u>
Operating (Current) Account	7-01-30-420-201	\$6,000.00
White Lights Trust Account	T-17-56-000-213	\$ 771.00
My Chatham Trust Account	T-17-56-000-211	\$5,000.00
Fishawack Trust Account	T-17-56-000-000	\$2,399.63

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that it hereby authorizes the Mayor to execute a contract with Christmas Décor for the installation and removal of holiday lights in the aggregate contract amount not to exceed \$14,170.63; 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 #17-277**

**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 #17-278**

**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>
34/59	Mueller, Dawn 151 Center Avenue  Please make check payable & mail to: Dawn Mueller 151 Center Avenue Chatham, NJ 07928	\$241.93	2015/4Qtr.

**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.

**LAW AND PUBLIC SAFETY**

**RESOLUTION #17-279**

**RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF FIREHOUSE PLAZA FOR THE FIRE PREVENTION OPEN HOUSE ON SATURDAY, OCTOBER 14, 2017**

**WHEREAS**, the Chatham Borough Volunteer Fire Department will be holding a Fire Prevention Open House at the Firehouse on Saturday, October 14, 2017 from 10:00 a.m. to 1:00 p.m.; and

**WHEREAS**, the Chatham Borough Volunteer Fire Department seeks permission to temporarily close Firehouse Plaza during this period; and

**WHEREAS**, the Mayor and Borough Council wish to authorize the closure of Firehouse Plaza for the Fire Prevention Open House event.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that approval is hereby given to the Chatham Borough Volunteer Fire Department to temporarily close Firehouse Plaza on Saturday, October 14, 2017 from 9:30 a.m. to 1:00 p.m. for the Fire Prevention Open House; and

**BE IT FURTHER RESOLVED**, that the Chatham Borough Police Department is authorized to close Firehouse Plaza during this period as necessary for public safety; 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 #17-280**

### **RESOLUTION APPOINTING TRAVIS PROST AS A FULL MEMBER OF THE CHATHAM BOROUGH VOLUNTEER FIRE DEPARTMENT**

**WHEREAS**, the Mayor and Council of the Borough of Chatham recognize the valuable contributions volunteer firefighters make to our community every day of every year; and

**WHEREAS**, by Resolution #15-332 adopted on November 9, 2016, Travis Prost was appointed as a Probationary Firefighter to the Chatham Borough Volunteer Fire Department; and

**WHEREAS**, during his probationary period, Travis Prost completed state requirements for Firefighter I, Firefighter II, Traffic Incident Management, Rope I, Outreach Rope II, Fire Service Harness Training, and has completed EMT; and

**WHEREAS**, Travis Prost has expressed interest in being appointed as a Full Member of the Chatham Borough Volunteer Fire Department; and

**WHEREAS**, the Fire Chief has recommended that Travis Prost be appointed as a Full Member of the Chatham Borough Volunteer Fire Department.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Travis Prost is hereby appointed as a Full Member to the Chatham Borough Volunteer Fire Department; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council extend their sincere and grateful appreciation to Travis for his volunteer service to the Borough of Chatham.

## **PERSONNEL**

### **RESOLUTION #17-281**

#### **RESOLUTION TO HIRE RAYMOND RIOS AS A TEMPORARY FALL SEASONAL EMPLOYEE IN THE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Department of Public Works has a need to hire fall seasonal help; and

**WHEREAS**, the Borough of Chatham publicly advertised the job opening for the temporary fall seasonal position in the Department of Public Works and solicited applications from interested candidates; and

**WHEREAS**, after considering all interested and qualified candidates, the Director of Public Works recommends that Raymond Rios be hired for the temporary fall seasonal position in the Department of Public Works at the rate of \$15.00 per hour and with an effective starting date of October 2, 2017.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Director of Public Works and hereby approve the hiring of Raymond Rios as a temporary fall seasonal employee in the Department of Public Works at the rate of \$15.00 per hour and with the effective starting date of October 2, 2017.

### **RESOLUTION #17-282**

#### **RESOLUTION TO HIRE SAMUEL PIETRANTUONO AS A TEMPORARY FALL SEASONAL EMPLOYEE IN THE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Department of Public Works has a need to hire fall seasonal help; and

**WHEREAS**, the Borough of Chatham publicly advertised the job opening for the temporary fall seasonal position in the Department of Public Works and solicited applications from interested candidates; and

**WHEREAS**, after considering all interested and qualified candidates, the Director of Public Works recommends that Samuel Pietrantuono be hired for the temporary fall seasonal position in the Department of Public Works at the rate of \$15.00 per hour and with an effective starting date of October 2, 2017.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Director of Public Works and hereby approve the hiring of Samuel Pietrantuono as a temporary fall seasonal employee in the Department of Public Works at the rate of \$15.00 per hour and with the effective starting date of October 2, 2017.

#### **RESOLUTION #17-283**

#### **RESOLUTION TO HIRE FRANCES BOARMAN AS A PART TIME PLANNING BOARD SECRETARY AND PART TIME ZONING BOARD OF ADJUSTMENT SECRETARY FOR THE BOROUGH OF CHATHAM**

**WHEREAS**, the Borough of Chatham has a need to hire a part time Planning Board Secretary and a part time Zoning Board of Adjustment Secretary; and

**WHEREAS**, Frances Boarman has expressed interest in the part time positions; and

**WHEREAS**, Frances Boarman has the necessary qualifications and experience to perform the required duties and responsibilities of a Planning Board Secretary and a Zoning Board of Adjustment Secretary.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham hereby approves the hiring of Frances Boarman as a part time Planning Board Secretary and a part time Zoning Board of Adjustment Secretary for the Borough of Chatham at the rate of \$40.00 per hour and with the effective starting date of September 26, 2017.

#### **OTHER**

#### **RESOLUTION #17-284**

#### **RESOLUTION AUTHORIZING PARTICIPATION IN THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S 2018 MUNICIPAL AID GRANT PROGRAM AND AUTHORIZING THE MAYOR TO SIGN THE 2018 MUNICIPAL STATE AID GRANT APPLICATION FOR IMPROVEMENTS TO HILLSIDE AVENUE FROM MAIN STREET TO WATCHUNG AVENUE**

**WHEREAS**, the Borough of Chatham desires to participate in the New Jersey Department of Transportation's 2018 Municipal Aid Grant Program by applying for a grant for improvements to Hillside Avenue, from Main Street to Watchung Avenue (the "Hillside Avenue Road Improvement Project"); and

**WHEREAS**, the Borough Engineer prepared a cost estimate for the Hillside Avenue Road Improvement Project that will include milling, paving, curb and sidewalk repair and replacement, ADA compliant ramps, crosswalks, stripping, and installation of Type N-Eco Water Quality Inlets; and

**WHEREAS**, the Borough Engineer recommends that the Borough apply for a 2018 Municipal Aid grant request of \$181,703.33 and has agreed to make a municipal match of \$27,255.50 for this project.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that they hereby authorize participation in the New Jersey Department of Transportation's 2018 Municipal Aid Grant Program by applying for a grant for improvements to Hillside Avenue, from Main Street to Watchung Avenue; and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to sign the New Jersey Department of Transportation's 2018 Municipal Aid Grant application for the Hillside Avenue Road Improvement Project and, if awarded, further authorizes the Mayor to execute a grant agreement with the New Jersey Department of Transportation and any amendments thereto; and

**BE IT FURTHER RESOLVED** that the Borough, as the Grantee, agrees to comply with all applicable federal, state, and municipal laws, rules, and regulations in its performance to the grant agreement.

#### **RESOLUTION #17-285**

#### **RESOLUTION AUTHORIZING ECLC OF NEW JERSEY, INC. TO PAINT THE TOP PANELS OF THE EXTERIOR WINDOWS OF THE LUM AVENUE SCHOOL**

**WHEREAS**, ECLC of New Jersey, Inc. ("ECLC") leases from the Borough of Chatham property located at 19 Lum Avenue, commonly known as the ECLC School (or the "Premises"), for educational purposes and related purposes consistent with N.J.S.A. 40A:12-15; and

**WHEREAS**, the lease agreement provides that ECLC shall take good care of the Premises, and shall at its cost and expense, make all repairs, including painting; and

**WHEREAS**, ECLC seeks permission to paint the top panels of the exterior windows of the ECLC School, which have discolored over time; and

**WHEREAS**, the lease agreement further provides that no renovations or alternations shall be made to any part of the Premises without the prior written consent of the Borough; and

**WHEREAS**, the Mayor and Borough Council wish to grant permission to ECLC to paint the top panels of the exterior windows of the ECLC School.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that ECLC of New Jersey, Inc. is hereby granted permission to paint the top panels of the exterior windows of the ECLC School; and

**BE IT FURTHER RESOLVED**, that the color of paint to be used for this purpose shall be subject to the approval by the Acting Borough Administrator; and

**BE IT FURTHER RESOLVED**, that ECLC shall perform all work at its own expense and in accordance with all applicable laws; and

**BE IT FURTHER RESOLVED**, that this permission is contingent on ECLC executing an agreement with the Borough, in a form acceptable to the Borough Attorney, indemnifying and holding the Borough harmless from and against any and all claims, demands, damages, liabilities, costs and expenses (including without limitation reasonable attorneys' fees and costs), of any kind, arising out of or related to the work authorized pursuant to this Resolution, including but not limited to lead-based paint-related claims and/or the failure to comply with the provisions of the Prevailing Wage and Public Works Contractor Registration Act; and

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

#### **CONSENT AGENDA VOTE:**

Council Member Lonergan made a motion to approve the Resolutions #17-276 through #17-285 listed on the Consent Agenda. Motion seconded by Council Member Hoffman. A vote was taken and Resolutions #17-276 through #17-285 were approved unanimously.

## **ADD-ON RESOLUTIONS**

None.

### **RESOLUTION #17-286**

#### **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

Attorney-Client Privilege: 1. Personnel – Appropriate Authority- 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.

Council Member Helfrich made a motion to approve Resolution #17-286. Council Member Resto seconded the motion. A vote was taken and the motion to approve Resolution #17-286 was approved unanimously.

## **ADJOURNMENT**

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

Council Member Helfrich made a motion to adjourn. Council Member Lonergan seconded the motion. A vote was taken and the motion to adjourn was approved unanimously.

Meeting adjourned at 8:45 p.m.

Respectfully Submitted:

*Robin R. Kline*

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