

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

**October 10, 2017 MINUTES**

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Tuesday, October 10, 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 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

Council Member James J. Collander was absent.

Mayor Harris read Resolution #17-289.

**PROCLAMATION**

**RESOLUTION #17-289**

**RESOLUTION CELEBRATING SATURDAY NOVEMBER 25, 2017 AS SMALL BUSINESS SATURDAY®**

**WHEREAS**, small businesses are the cornerstone of our free enterprise system and since the birth of our country have represented opportunity, independence, and the fulfillment of dreams for generations of Americans; and

**WHEREAS**, small business owners who work long hours, juggle family and business responsibilities and serve as community volunteers, are integral to our country's prosperity and to the vibrancy of our community; and

**WHEREAS**, small businesses represent 99 percent of American companies, create two-thirds of the net new jobs and generate half of the private gross domestic product; and

**WHEREAS**, 93 percent of United States consumers believe it's important to support the local small businesses they value in their community and agree that locally owned independent businesses contribute positively through providing jobs and paying taxes; and

**WHEREAS**, the Borough of Chatham enthusiastically supports our local businesses and recognizes the important contribution they make in creating jobs, boosting our local economy and preserving our neighborhoods; and

**WHEREAS**, advocacy groups and public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday®.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby celebrate Saturday, November 25, 2017 as Small Business Saturday® and encourage all Borough residents to support our community's small businesses and merchants on Small Business Saturday® and throughout the year.

Council Member Helfrich made a motion to approve Resolution #17-289. Council Member Resto seconded the motion. A vote was taken and Resolution #17-289 was approved unanimously.

Mayor Harris presented the Small Business Saturday® Resolution to Mr. Tony Britt of the Chatham Business Alliance. Mr. Britt thanked Mayor Harris and the Council for the Borough's continued support of small businesses and reported that several local merchants will be participating in the Small Business Saturday® program. He encouraged everyone to come out and patronize the local merchants.

Mayor Harris thanked Mr. Britt for his volunteer service to the Chatham Business Alliance and community, and encouraged residents to patronize the Borough's local businesses.

Mayor Harris proceeded and read Resolution #17-290.

#### **RESOLUTION #17-290**

#### **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 25, 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 25, 2017

Council Member Hoffman made a motion to approve Resolution #17-290. Council Member Helfrich seconded the motion. A vote was taken and Resolution #17-290 was approved unanimously.

#### **DISCUSSION ITEMS**

**Shade Tree Commission Update** – Ms. Colleen Truppo, Chair of the Chatham Borough Shade Tree Commission, provided an update on the activities of the Commission. Ms. Truppo reported that during the years 2013-2016, the Shade Tree Commission ("STC") removed 341 street trees and planted 281 street trees. During the same period, 460 trees on private property were removed, according data obtained from Tree Removal Permits issued.

Ms. Truppo explained how the continued loss of the Borough's tree canopy over time will impact the Borough's Tree City, U.S.A. designation, adversely impact property values, and potentially create drainage and erosion issues in some neighborhoods. In contrast, Ms. Truppo mentioned that tree-lined streets increase the assessed value of residential homes and significantly reduce heating and cooling costs. Tree-lined streets have also been found to have a traffic calming effect for motorists.

To counter the net loss of trees throughout the Borough, and to establish a robust tree canopy for future generations, the STC is encouraging residents to plant larger shade trees where appropriate.

Ms. Truppo further reported that the Shade Tree Commission treated 110 ash trees in 2016 for the prevention of the emerald ash borer (“EAB”) and a second treatment will be scheduled in 2018. The STC is in the process of conducting a windshield survey to evaluate the health and condition of street trees and look for signs of any EAB infestation. She also informed the Mayor and Council that the STC has implemented a Tree Service Request form, which residents may submit to request the evaluation of a street tree or to request the planting of a street tree. The form includes a listing of recommended trees and is available on the Borough website.

In closing her presentation, Ms. Truppo presented a request to the Mayor and Council seeking to establish a Shade Tree Trust fund, which would allow the Shade Tree Commission the ability to accept charitable donations for the purpose of planting and maintaining Borough trees. The Mayor and Council expressed their support. Mayor Harris asked that an authorizing resolution be placed on the next agenda.

**Capital Projects and Inflow & Infiltration Project Update** – Mr. Vince DeNave provided an update on the following projects:

1. 2017 Road Microsurfacing Project - Several roads were microsurfaced this year. The microsurfacing process extends the life of a road approximately five years and can be performed on roads that are in good shape and require only minor repairs; otherwise, the road should be milled and repaved. Mr. DeNave reported that the cost to microsurface a road is approximately one-third of the cost of milling and repaving. The evaluation of Borough streets are performed by the Department of Public Works and himself each year in order to assess the condition of all Borough streets and to schedule those streets for microsurfacing.
2. Exterior Painting of Water Tanks - Interior inspections were conducted of each of the three water tanks and no issues were found. The exterior painting of the water tanks will be scheduled.
3. Sanitary Sewer Line Infrastructure Improvements – The installation of a new section of a sanitary sewer by-pass line is proposed to help alleviate the backup of flow in the sanitary sewer lines in the Hedges Avenue, Roosevelt Avenue, University Avenue, and Wilson Street neighborhoods. Mr. DeNave reported that the by-pass line, which would be installed along the paper street at the end of Hedges Avenue to Cornell Street, could be completed by the Department of Public Works.
4. Infiltration & Inflow Project - Five manholes in the Woods Lane and Hillside Avenue area have been identified as contributing sources to the infiltration and inflow of surface water into the sanitary sewer system, adding to the flow being treated at the Madison Chatham Joint Meeting facility. The manholes are located within easements in residential backyards, with some buried two feet below the ground level. The Department of Public Works is currently working on raising these manholes. Continuing assessments will be made during rainfall events to better determine the extent of the infiltration and inflow of surface waters.
5. Weston Avenue Road Improvement Project - The New Jersey Department of Transportation has not yet authorized the Borough to proceed with the road improvement project, which will be funded by a state grant. Changes in the regulations of handicapped ramp designs are being reviewed and may change project specifications. Completion of the road project is delayed from September of 2017 to the spring of 2018.

**2018 Parking Fees** – Council Member Lonergan reported that the Finance Committee has been reviewing parking fees for calendar year 2018. He stated that the Finance Committee recommends that the annual parking permit fee be increased from \$460.00 to \$470.00, an increase of 2%. Mayor Harris requested that an authorizing resolution be placed on the next agenda for consideration and action.

## **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.

Hugh Ames, 13 Girard Avenue, introduced himself as a member of the Chatham Borough Volunteer Fire Department and announced that the fire department will be hosting a blood drive in memory of Cindy Mahoney at the firehouse on Saturday, October 28<sup>th</sup> from 9:00 a.m. until 2:00 p.m. He further reported that information will also be available for individuals who may wish to consider registering as organ donors. Mr. Ames thanked Mayor Harris and the Council for supporting the fire department over the years.

Seeing no one else 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 Loneragan reported that the committee continues its review of current budget matters and that the committee is making progress on developing the 2018 budget.

**Long Range Traffic & Pedestrian Safety Planning** - Council Member Collander was absent.

**Public Safety & Emergency Services** - Council Member Collander was absent.

**Personnel** - Council Member Leonard Resto had nothing new to report.

**Public Works Planning/Community Services** - Council President Fife had nothing new to report.

**Shared Services & 3<sup>rd</sup> Party Agreements** - Council Member Helfrich had nothing new to report on shared services. He reported that the Municipal Alliance Committee of the Chatham Borough will be meeting in Borough Hall on October 11, 2017 at 9:00 a.m.

### **MAYOR'S REPORT**

Mayor Harris Reported had nothing new to report.

### **ADMINISTRATOR'S REPORT**

Acting Administrator Williams reported that the Borough has achieved a score of 100 on the 2017 Best Practices Inventory worksheet. The worksheet will be certified and filed with the state this month. He further reported that Tony Torello, Director of the Department of Public Works, will be attending the Clean Communities Coordinator Certification Program at Rutgers.

Mr. Williams mentioned that he attended a meeting with county and local officials regarding the proposed improvements to the Columbia Turnpike/Park Avenue intersection and Route 24 ramps located in Florham Park. County officials have selected Alternate Plan 3. Conceptual design plans are scheduled to be finalized before the end of the year.

The Borough is finalizing the renewal of the Joint Municipal Court agreement. Shared services agreements for construction services and information technology services will expire at the end of the year and will be reviewed for renewal as well.

Mr. Williams further reported that Morris County's Smart911 emergency call program is now available to residents in the Borough. Smart911 allows residents to create a safety profile at [www.smart911.com](http://www.smart911.com) for their household, which includes vital information for 9-1-1 call takers and emergency responders to have in the event of an emergency. More information on the Smart911 program is posted on the Borough's website.

Lastly, Mr. Williams announced that the Morris County Clerk is hosting an event on October 17th at the Frelinghuysen Arboretum to honor active firefighters who have served, or are currently serving, in the Armed Forces.

Mayor Harris proceeded with the Consent Agenda.

#### **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 #17-291 through Resolution #17-297 have been placed on the Consent Agenda.

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

None

#### **FINANCE**

##### **RESOLUTION #17-291**

##### **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 #17-292**

##### **RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL DELINQUENT PROPERTY TAXES DEEMED NOT COLLECTIBLE**

**WHEREAS**, N.J.S.A 54:4-91.1 sets forth that the Tax Collector shall file with the governing body a list of delinquent taxes that appear on the tax rolls and which s/he deems are not collectible and should be cancelled; and

**WHEREAS**, the Tax Collector has provided a *Report of Delinquent Taxes Deemed Uncollectible* dated September 20, 2017 to the Mayor and Borough Council listing that delinquent taxes appear on the tax rolls for the following properties:

<b><u>BLOCK/LOT</u></b>	<b><u>OWNERS/PROPERTY LOCATION</u></b>	<b><u>AMOUNT</u></b>	<b><u>TAX YEAR</u></b>
42/10	New Jersey Department of Transportation Route 24	\$18,005.54	2016
85/18	Borough of Chatham Private Road off Fairmount Avenue	\$ 48.35	2016

And,

**WHEREAS**, the Tax Collector has confirmed that the subject properties are tax exempt parcels and the delinquent tax amounts appearing on the tax rolls are deemed not collectible and should be cancelled; and

**WHEREAS**, N.J.S.A. 54:4-91.2 sets forth that within sixty days after the filing of the *Report of Delinquent Taxes Deemed Uncollectible*, the governing body, if satisfied that the property taxes are not collectible, shall by resolution release the Tax Collector from the collection thereof and order the delinquent tax amounts appearing on the tax rolls canceled; and

**WHEREAS**, the Mayor and Council has reviewed the *Report of Delinquent Taxes Deemed Uncollectible* and are satisfied that the delinquent tax amounts appearing on the tax rolls for the subject properties are not collectible.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Tax Collector is hereby released from the collection of the delinquent tax amounts for the subject properties as herein referenced and authorizes the Tax Collector to cancel the delinquent tax amounts deemed not collectible.

## **PERSONNEL**

### **RESOLUTION #17-293**

#### **RESOLUTION PROMOTING CARLOS TOBON TO THE POSITION OF EQUIPMENT OPERATOR IN THE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Director of Public Works posted the job opening for the position of Equipment Operator in the Department of Public Works and applications were solicited from interested employees in the Chatham Borough Public Works Department; and

**WHEREAS**, Public Works Director Tony Torello reported that three employees applied for the position and that the selection committee conducted interviews to determine each candidate's qualifications; and

**WHEREAS**, after interviews were conducted, the selection committee agreed that Carlos Tobon met or exceeded the qualifications and work requirements outlined in the Equipment Operator job description and has recommended him for promotion to the position of Equipment Operator in the Department of Public Works, effective as of October 16, 2017; and

**WHEREAS**, the starting salary for this position shall be \$74,821.00, pro-rated for the remainder of the 2017 calendar year.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the selection committee and hereby promote Carlos Tobon to the position of Equipment Operator in the Department of Public Works, effective October 16, 2017 at the starting annual salary of \$74,821.00, pro-rated for the remainder of the 2017 calendar year; and

**BE IT FURTHER RESOLVED**, that the promotion shall be subject to the terms and conditions contained in the memo from the Director of Public Works to the Acting Borough Administrator dated September 29, 2017.

## **OTHER**

### **RESOLUTION #17- 294**

#### **RESOLUTION AUTHORIZING THE FILING OF THE 2017 BEST PRACTICES INVENTORY WITH THE DIVISION OF LOCAL GOVERNMENT SERVICES**

**WHEREAS**, the Best Practices Inventory encourages municipalities to embrace practices that promote financial accountability, sound management and transparency; and

**WHEREAS**, the New Jersey Division of Local Government Services requires every municipality to complete a Best Practices Inventory each year and which must be scheduled as an agenda item for discussion at a municipal governing body meeting; and

**WHEREAS**, the 2017 Best Practices Inventory was scheduled as an agenda item for discussion at a regularly scheduled meeting of the Mayor and Council on September 11, 2017; and

**WHEREAS**, the Acting Borough Administrator and Chief Financial Officer have certified to the completion of the 2017 Best Practices Inventory, and the Borough Clerk has certified that the 2017 Best Practices Inventory was discussed by the Mayor and Council at its September 11, 2017 meeting and the proceeding referenced in the meeting minutes.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Chief Financial Officer is hereby authorized to file the certified 2017 Best Practice Inventory with the Division of Local Government Services no later than October 20, 2017.

#### **RESOLUTION #17-295**

#### **RESOLUTION ACCEPTING THE BEQUEST IN THE AMOUNT OF \$5,000.00 FROM THE ESTATE OF JOHN M. KRUSKI TO THE CHATHAM BOROUGH POLICE DEPARTMENT**

**WHEREAS**, N.J.S.A. 40A:5-29 authorizes a municipality to accept bequests, legacies and gifts made to a local municipal unit; and

**WHEREAS**, the Chatham Borough Police Department is named as a beneficiary under Mr. John M. Kruski's will (the "Will") of a bequest in the amount of \$5,000.00; and

**WHEREAS**, the Notice of Probate that is required by law to be issued to all beneficiaries and next of kin, together with a copy of the decedent's Will, has been issued by the Morris County Surrogate's Court to the Chatham Borough Police Department; and

**WHEREAS**, the Mayor and Council wish to thank Mr. Kruski's estate for his generosity and accept the bequest as in the best interest of the Chatham Borough Police Department and the Borough.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby accept the bequest in the amount of \$5,000.00 from the Estate of John M. Kruski to the Chatham Borough Police Department; and

**BE IT FURTHER RESOLOVED**, that Stephen W. Williams, Acting Borough Administrator, is authorized to acknowledge receipt of the Notice of Probate on behalf of the Chatham Borough Police Department and to provide copies of the Borough's federal employer identification number and Internal Revenue Service letter of determination recognizing its tax exempt status as required.

#### **RESOLUTION #17-296**

#### **RESOLUTION ACCEPTING THE BEQUEST IN THE AMOUNT OF \$5,000.00 FROM THE ESTATE OF JOHN M. KRUSKI TO THE CHATHAM BOROUGH VOLUNTEER FIRE DEPARTMENT**

**WHEREAS**, N.J.S.A. 40A:5-29 authorizes a municipality to accept bequests, legacies and gifts made to a local municipal unit; and

**WHEREAS**, the Chatham Borough Volunteer Fire Department is named as a beneficiary under Mr. John M. Kruski's will (the "Will") of a bequest in the amount of \$5,000.00; and

**WHEREAS**, the Notice of Probate that is required by law to be issued to all beneficiaries and next of kin, together with a copy of the decedent's Will, has been issued by the Morris County Surrogate's Court to the Chatham Borough Police Department; and

**WHEREAS**, the Mayor and Council wish to thank Mr. Kruski's estate for his generosity and accept the bequest as in the best interest of the Chatham Borough Volunteer Fire Department and the Borough.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby accept the bequest in the amount of \$5,000.00 from the Estate of John M. Kruski to the Chatham Borough Police Department; and

**BE IT FURTHER RESOLVED**, that Stephen W. Williams, Acting Borough Administrator, is authorized to acknowledge receipt of the Notice of Probate on behalf of the Chatham Borough Volunteer Fire Department and to provide copies of the Borough's federal employer identification number and Internal Revenue Service letter of determination recognizing its tax exempt status as required.

#### **RESOLUTION #17-297**

#### **RESOLUTION APPROVING AND AUTHORIZING THE REVISION AND AMENDMENT TO THE 2018 MUNICIPAL STATE AID GRANT APPLICATION SUBMITTED FOR THE HILLSIDE AVENUE ROAD IMPROVEMENT PROJECT**

**WHEREAS**, Resolution #17-284 adopted on September 25, 2017 authorized the submission of a grant application to the New Jersey Department of Transportation for the 2018 Municipal Aid Grant Program for the Hillside Avenue Road Improvement Project (the "Project"); and

**WHEREAS**, the cost estimate prepared by the Borough Engineer for the Project has been revised; and

**WHEREAS**, the Borough Engineer recommends that the Borough revise and amend its submitted 2018 Municipal Aid Grant Program application to reflect a revised grant request in the amount of \$203,303.33 and a municipal match in the amount of \$30,495.50 for the Project.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they concur with the Borough Engineer's recommendation and hereby approve and authorize the revision and amendment to the Borough's 2018 Municipal Aid Grant Program application submitted for the Hillside Avenue Road Improvement Project to reflect a revised grant request in the amount of \$203,303.33 and municipal match in the amount of \$30,495.50; 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 Helfrich made a motion to approve the resolutions placed on the Consent Agenda. The motion was seconded by Council Member Resto. A vote was taken and Resolutions #17-291 through #17-297 were approved unanimously.

#### **ADD-ON RESOLUTIONS**

None

#### **RESOLUTION #17-298**

#### **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 Contract – Special Labor Counsel- Mr. Williams
- Litigation:                   1. 4 Watchung Avenue LLC v. Borough of Chatham - 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 moved to approve Resolution #17-298. Council Member Hoffman seconded the motion. A vote was taken and Resolution #17-298 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 the meeting. Council Member Hoffman seconded the motion. The motion to adjourn was approved unanimously.

Meeting adjourned at 9:03 p.m.

Respectfully Submitted:

*Robin R. Kline*

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