

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

May 29, 2018 MINUTES

Council President Leonard Resto called the Regular Council Meeting of the Borough of Chatham to order on Tuesday, May 29, 2018 at 7:30 p.m. in the Council Chambers in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

SALUTE TO FLAG

Council President Resto and the Borough Council led the assembled in the Pledge of Allegiance.

MOMENT OF SILENCE

Council President Resto asked for a moment of silence for those who have given their lives for our country.

STATEMENT OF ADEQUATE NOTICE

Robin R. Kline, Borough 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 TapInto Chatham and filed with the Borough Clerk, all on January 11, 2018.

ROLL CALL

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

Council President Leonard Resto
Council Member James J. Collander
Council Member Victoria Fife
Council Member Peter J. Hoffman [via speaker phone]
Council Member Robert A. Weber, Sr.
Council Member Thaddeus J. Kobylarz
Stephen W. Williams, Borough Administrator
James L. Lott, Jr., Borough Attorney
Robin R. Kline, Borough Clerk

Mayor Bruce A. Harris was absent.

Council President Leonard Resto asked Council Member Thaddeus Kobylarz to proceed with Resolution #18-213.

Before reading Resolution #18-213, Council Member Thaddeus Kobylarz thanked the Moms Demand Action for Gun Sense in America organization for raising awareness about gun violence and expressed his support for the campaign and the need to encourage responsible gun ownership.

Council Member Thaddeus Kobylarz read Resolution #18-213.

PROCLAMATION

RESOLUTION #18-213

RESOLUTION DECLARING NATIONAL GUN VIOLENCE AWARENESS DAY JUNE 1, 2018

WHEREAS, according to the latest CDC data, there were more than 38,000 gun-related deaths in the United States in 2016, amounting to a daily average of in excess of 104 fatalities due to firearms; and

WHEREAS, a recent Associated Press analysis of FBI data showed there were approximately 11,000 gun-related homicides in the United States in that same year; and

WHEREAS, according to a joint Organization for Economic Co-operation and Development (OECD) and World Health Organization (WHO) study, gun-related homicide rates in the United States for the year 2010 were at least 25.2 times higher in the United States than in any other high-income country; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens is consistent with keeping guns away from people deemed to be a societal threat due to a violent criminal record, extreme moral turpitude, or serious behavioral infirmity; and

WHEREAS, in January 2013, Hadiya Pendleton, a teenager who marched in President Barack Obama's second inaugural parade and was tragically shot and killed just weeks later, would now be celebrating her 21st birthday; and

WHEREAS, to remember and honor Hadiya, along with the 104 Americans on average whose lives are cut short every day (not to mention the countless survivors who are injured by shootings every day), a national coalition of organizations has designated June 1, 2018, as the 4th National Gun Violence Awareness Day; and

WHEREAS, the idea of proclaiming a National Gun Violence Awareness Day was originally inspired by a group of Hadiya's friends, who requested that their classmates commemorate her life by wearing the color orange on a suitably selected day, a color so chosen due to the propensity of hunters in the woods to wear this hue for personal protection and also because it symbolizes the value of human life; and

WHEREAS, anyone can join this campaign of remembrance and commemoration by pledging to wear the color orange on June 1, 2018, and in so doing, help raise awareness of the tragic numbers of Americans currently dying each and every year due to gun-related injuries; and

WHEREAS, through participation in this campaign, Americans everywhere will be registering their disapproval of the shocking prevalence of gun violence in this country and equally honoring the lives of its many victims and survivors; and

WHEREAS, by wearing the color orange on June 1, 2018, citizens everywhere will be expressing their commitment to the reduction of gun violence and pledging to do all they can to keep firearms out of the wrong hands, encourage responsible gun ownership, and help keep our children safe.

BE IT RESOLVED, by the Mayor and the Council of the Borough of Chatham, that June 1, 2018 shall be declared National Gun Violence Awareness Day and all citizens are encouraged to join together to support all efforts to prevent the tragic effects of gun violence and to honor and value human lives everywhere.

Council Member Kobylarz made a motion to approve Resolution #18-213. Council Member Fife seconded the motion. A vote was taken and Resolution #18-213 was approved unanimously.

Council President Resto presented the proclamation to Fern Wolkin, Morris County Group Co-Leader for the Moms Demand Action for Gun Sense in America organization. Ms. Wolkin, was accompanied by residents Jamie McLaughlin, Rozella Clyde, and Nancy Bloom. She thanked the governing body for the proclamation and spoke about the rising escalation of gun violence in our country and the importance of raising awareness to encourage responsible gun ownership and reducing gun violence.

Ms. McLaughlin further shared that her brother was a victim of gun violence and personally thanked the governing body for the proclamation.

Council President Resto asked Council Member Fife to proceed with Resolution #18-214.

RESOLUTION #18-214

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:

May 14, 2018

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:

May 14, 2018

Council Member Fife made a motion to approve Resolution #18-214. Council Member Collander seconded the motion. A vote was taken and Resolution #18-214 was approved.

RECUSALS

Council President Resto asked if there are any recusals or abstentions to be submitted for the record with respect to any item listed on the agenda.

There were no recusals presented on the record.

DISCUSSION ITEMS

Girl Scout Project Bird Houses – Chatham Girl Scouts Mary Collins, Hannah Kajor and Tess Powers sought approval from the Borough Council to place 30 homemade bird houses in Borough parks and public spaces for their proposed Girl Scout Silver Award project. The Girl Scouts mentioned that they would collaborate with students attending the ECLC school in Chatham and the Allegro school in Hanover Township in making the bird houses, which would be made from plastic gallon containers and decorated with messages of friendship. The Girl Scouts would perform a monthly check on all the birdhouses to ensure that they remain in good shape.

Mr. Williams offered the Borough's help in identifying the best locations to hang the bird houses.

The Borough Council applauded Ms. Collins, Ms. Kajor, and Ms. Powers on their proposed Girl Scout Silver Award project and provided their consent.

Capital Projects Update – Mr. Vince DeNave, Borough Engineer, provided an update on the following 2018 capital projects:

1. Installation of the new artificial turf field at Lum Field will begin in June. The field will be closed on June 15th. It is anticipated that the project will take two weeks to complete.

2. Orchard Road and Second Street road resurfacing projects will be completed this summer.
3. Next week, PSE&G will be repaving Borough roads where the utility had installed new gas lines. PSE&G will notify residents when the road work will be done.
4. An interlocal agreement will be entered into with Morris County and the Borough for the construction of new curbs and sidewalks on the easterly side of North Passaic Avenue as part of the county's road project. The road construction will require lane closures with alternating traffic and potential detours during phases of the project. Mr. DeNave confirmed that notifications would be provided to residents impacted by the road closures and the detour routes.
5. JCP&L completed the installation of the new electric service at Kelley's Pond and the pond bubblers have been hooked up and are operating.
6. The Department of Public Works will be completing drainage projects on Meadow Road and Bartow Lane. As part of the drainage projects, inserts will be installed on manhole covers, where needed, to restrict storm water inflow into the sanitary sewer system. The roads will be resurfaced after the drainage project is completed.
7. The Department of Public Works continues to address inflow and infiltration (I & I) issues with the sanitary sewer system. Mr. DeNave reported that the 42" sanitary sewer trunk line east of Garden Avenue to the Madison Chatham Joint Meeting facility, which is controlled by the Madison Chatham Joint Meeting, will be investigated to determine the volume of flow in the trunk line so that the Borough can better determine its proportion of flow. The Department of Public Works will continue to investigate inflow and infiltration issues throughout the sanitary sewer system.

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.

Council President Resto opened the meeting to the public.

Fran Drew, 32 Inwood Road, commented that she received a reply letter from New Jersey Transit confirming that the time locks on the Chatham train station have been reset to lock at 7:00 p.m. The train station had previously been locked at 3:00 p.m. Mrs. Drew then expressed her support for the Tree Preservation and Protection Ordinance. She encouraged Borough officials to request that the New Jersey Board of Utilities require all electric utility companies in the state to bury utility lines underground.

Jack Drew, 32 Inwood Road, invited Borough officials to attend the Opening Reception of his sister's exhibit at the Library of the Chathams on Sunday, June 3rd. He commented that his sister, Joan Drew, is a nationally known artist, poet, graphic designer and publisher.

Rozella Clyde, 33 Carmine Street, spoke in support of utility companies installing electric lines underground.

Seeing no one else wishing to comment, Council President Resto closed the meeting to the public.

ORDINANCES FOR SECOND READING

Council President Resto asked Council Member Collander to proceed with Ordinance #18-06.

Council Member Collander read Ordinance #18-06 entitled:

ORDINANCE #18-06

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REGARDING TREE PROTECTION AND PRESERVATION

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on May 14, 2018.

Mr. Lott advised that Ordinance #18-06 was amended after the first reading to add clarification to some definitions referenced in the Ordinance and further advised that there were a few other non-substantive technical and grammatical amendments made to the Ordinance as well.

Council President Resto asked the Borough Clerk to give a summary of the legal notice.

The Borough Clerk stated that a legal notice was published indicating that Ordinance #18-06 was introduced and passed on first reading at the May 14, 2018 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on May 29, 2018 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Council President Resto opened the meeting for a public hearing on the Ordinance and invited any member of the public to be heard. Seeing no one wishing to be heard, Council President Resto closed the public hearing.

Council Member Collander offered the Ordinance, as amended, and moved its adoption:

BE IT RESOLVED, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

Council President Resto seconded the motion.

Council President Resto asked the Borough Clerk for a Roll Call Vote.

Name	Motion	Second	Yes	No	Abstain	Absent
Collander	X		X			
Fife			X			
Resto		X	X			
Hoffman			X			
Weber			X			
Kobylarz			X			

Council President Resto declared this Ordinance adopted and finally passed and requested the Borough Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

Council President Resto asked Council Member Collander to proceed with Ordinance #18-07.

Council Member Collander read Ordinance #18-07 entitled:

ORDINANCE #18-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY PROVIDING FOR THE VACATION OF A PORTION OF THE PAPER STREET KNOWN AS VINE STREET IN THE BOROUGH OF CHATHAM

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on May 14, 2018.

Council President Resto asked the Borough Clerk to give a summary of the legal notice.

The Borough Clerk stated that a legal notice was published indicating that Ordinance #18-07 was introduced and passed on first reading at the May 14, 2018 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on May 29, 2018 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Council President Resto opened the meeting for a public hearing on the Ordinance and invited any member of the public to be heard.

Seeing no one wishing to be heard, Council President Resto closed the public hearing.

Council Member Collander offered the following Ordinance and moved its adoption:

BE IT RESOLVED, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

Council Member Weber seconded the motion.

Council President Resto asked the Borough Clerk for a Roll Call Vote.

Name	Motion	Second	Yes	No	Abstain	Absent
Collander	X		X			
Fife			X			
Resto			X			
Hoffman			X			
Weber		X	X			
Kobylarz			X			

Council President Resto declared this Ordinance adopted and finally passed and requested the Borough Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

Council President Resto asked Council Member Weber to proceed with Resolution #18-215.

Council Member Weber read Resolution #18-215.

RESOLUTION REQUIRING SEPARATE ACTION

RESOLUTION #18-215

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF CHATHAM AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$1,433,750 BOND ANTICIPATION NOTE, DATED MAY 24, 2018, PAYABLE MAY 24, 2019, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Chatham, in the County of Morris, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue a \$1,433,750 bond anticipation note, dated May 24, 2018, payable May 24, 2019 (the "Note"); and

WHEREAS, the Borough desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Chatham, in the County of Morris, New Jersey, as follows:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Note be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) said Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2018.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2018.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2018 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

Council President Resto asked the Borough Clerk for a Roll Call Vote.

Name	Motion	Second	Yes	No	Abstain	Absent
Collander		X	X			
Fife			X			
Resto			X			
Hoffman			X			
Weber	X		X			
Kobylarz			X			

Council President Resto declared Resolution #18-215 adopted.

REPORTS

COUNCIL COMMITTEES

Budget and Finance - Council Member Hoffman reported that the 2019 budget process will begin in the month of August.

Long Range Traffic & Pedestrian Safety Planning - Council Member Collander reported that the Police Department's Traffic Safety Unit had performed three traffic radar surveillances along Route 124 (Main Street) to collect traffic data in efforts to ascertain whether the Department of Transportation's variable message board on westbound Route 24 has had an impact in reducing vehicles exiting off Route 24 onto Route 124 (Main Street). A forth radar surveillance will be conducted.

Police Command Officer, Captain Gibbons, confirmed that the traffic data collected to date by the Police Department's Traffic Safety Unit shows that the variable message board has reduced traffic exiting on to Main Street from Route 24 by an average of 1,000 vehicles a day.

Public Safety & Emergency Services - Council Member Collander reported that the selection process for a Police Chief is almost complete. He also reported that the Police Department is participating in the Click It or Ticket It traffic safety campaign and further reported that the Smart911 emergency call service is now available to Borough residents.

Police Command Officer, Captain Gibbons, briefly mentioned that residents who had registered with the AlertChathamBorough notification system would need to re-register with Smart 911 and said that he would be providing more information about the Smart911 system at the June 11th Mayor and Council meeting.

Personnel - Council President Resto had nothing new to report other than what Council Member Collander had reported on regarding the Police Chief hire.

Public Works Planning/Community Services - Council Member Fife reported that the Fishawack Festival would be held on Saturday, June 9th.

Shared Services & 3rd Party Agreements - Council Member Weber had nothing new to report.

MAYOR'S REPORT

Council President Resto reported that the annual Memorial Day Ceremony was held on Monday, May 28th with 22 veterans in attendance. He thanked all community groups, individuals and Borough employees who were involved in the planning of the event and who participated in the ceremony. He especially thanked the second graders at Washington Avenue School who made flag pins with endearing messages for our veterans.

Council President Resto reminded residents about the importance of displaying visible house numbers for their residences and encouraged all homeowners to make sure that house numbers are clearly visible

from the road. He also reminded residents that bulk pick up is scheduled on the first Thursday of each month for homes located to the north of the train station, and on the first Friday of each month for homes located to the south of the train station.

ADMINISTRATOR'S REPORT

Mr. Williams reported that the Police Department received a \$6,000.00 grant from the New Jersey State Highway Safety Division for the Click It or Ticket It traffic safety campaign. He also reported that the Redevelopment Steering Committee would be issuing a Request for Qualifications (RFQ) for the Post Office Plaza Redevelopment project on June 5th with a returnable date of July 10th. It is anticipated that the steering committee would begin to conduct interviews with qualified developers on July 26th.

Mr. Williams mentioned that Borough Hall summer office hours begin on Friday, June 1st. Borough Hall offices will close at 1:00 p.m. on Fridays from June 1st to September 7th. He also mentioned that Topology's GPS traffic data report would be received this Friday. GPS traffic data obtained from cell phones will be used to analyze the number of vehicles traveling throughout the Borough to determine traffic flows and points of destination. Lastly, Mr. Williams reported that the Department of Public Works is performing hydrant flushing in Zones 1 and 2 this week.

Council Member Kobylarz inquired about the status of the Borough's use of the Planet Civic platform. Mr. Williams confirmed that Planet Civic would be used for public engagement and feedback concerning the redevelopment project.

Council President Resto proceeded with announcing Mayor Harris' appointment of John Tortorella to the Shade Tree Commission.

MAYORAL APPOINTMENT

APPOINTING JOHN TORTORELLA AS A REGULAR MEMBER OF THE SHADE TREE COMMISSION

WHEREAS, there currently exists a regular member vacancy on the Shade Tree Commission due to the resignation of Christopher Jadro, with a 5-year term to expire on December 31, 2020; and

WHEREAS, N.J.S.A. 40:64-1 and Chapter 63-3 of the Code of the Borough of Chatham sets forth that appointments to the Shade Tree Commission shall be made by the Mayor; and

WHEREAS, John Tortorella has expressed interest in being appointed to the Shade Tree Commission and has submitted a volunteer application for consideration.

NOW, THEREFORE, as Mayor, I, Bruce A. Harris do hereby appoint John Tortorella as a regular member to the Shade Tree Commission to fill the vacant 5-year term, with such term expiring December 31, 2020 and direct the Borough Clerk to take all action necessary and appropriate to effectuate the terms of this appointment in accordance with N.J.S.A. 40A:9-9.2a and the Code of the Borough Chatham, Chapter 3, §3.3.

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 #18-216 through Resolution #18-228 have been placed on the Consent Agenda.

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

None.

CONTRACTS

RESOLUTION #18-216

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TILCON NEW YORK, INC. THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL FOR THE 2018 ROAD RESURFACING PROGRAM IN THE AMOUNT NOT TO EXCEED \$75,000.00

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 Orchard Road and Second Street has been scheduled for completion as part of the Borough's 2018 Road Resurfacing Program; and

WHEREAS, the Borough Engineer recommends that the purchase of goods and services be made through the Morris County Cooperative Pricing Council, Contract #6 Road Resurfacing, Cat. A. Hot Mix Asphalt, CAT. B. Milling 0"-2" from Tilcon New York, Inc., 9 Entin Road, Parsippany, New Jersey, in the amount not to exceed \$75,000.00; and

WHEREAS, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$75,000.00 and that funds are currently available for the purpose of awarding the contract and shall be encumbered from Capital Account #C-04-55-918-002.

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 for the 2018 Road Resurfacing Program be made to Tilcon New York, Inc. through the Morris County Cooperative Pricing Council as herein referenced, in the amount not to exceed \$75,000.00; 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 #18-217

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 #18-218

RESOLUTION CERTIFYING RECEIPT AND REVIEW OF THE ANNUAL AUDIT REPORT FOR THE YEAR 2017

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, N.J.S.A. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations;" and

WHEREAS, the Annual Report of Audit for the year 2017 has been filed by the Borough's Registered Municipal Accountant with the Borough Clerk pursuant to N.J.S.A. 40A:5-6 and copies have been distributed and received by each member of the governing body; and

WHEREAS, the members of the governing body have personally reviewed the Annual Report of Audit, and specifically, as a minimum, the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto and made part of this Resolution; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they have complied with N.J.S.A. 40A:5-4 and N.J.A.C. 5:30-6.5 and do hereby direct the Borough Clerk to submit a certified copy of this Resolution and the required affidavit, attached hereto and made a part of this Resolution, to the Local Finance Board to show evidence of said compliance.

RESOLUTION #18-219

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

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

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

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
4/2	Ellner, Todd 74 Fairview Avenue Chatham, NJ 07928	\$ 1,050.00	2017/3rd Qtr.

Please make check payable & mail to:

Todd Ellner, LLC
Spector-Foerst & Associates, Attorneys At Law
210 Haven Avenue (Rt. 22 East)
Scotch Plains, NJ 07076

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

RESOLUTION #18-220

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised that the herein referenced property owner has requested a refund for an advance payment that was made for the third quarter (estimated) 2018 property tax; and

WHEREAS, the Tax Collector has further advised that a refund is to be made as follows:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
16/3	Duffy, John J. III & Susan C. 26 Edgewood Road Chatham, NJ 07928	\$ 7,795.05	2018/3rd Qtr.

Please make check payable & mail to:

Duffy, John & Susan
99 Middlecott Lane
Brewster, MA 02631

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

RESOLUTION #18-221

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised that both the mortgage company and the property owner made property tax payments for the herein referenced property resulting in an overpayment of property taxes; and

WHEREAS, the Tax Collector has further advised that a refund for the 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>
6/8	Kania, Jeffrey & Christine 201 Washington Avenue Chatham, NJ 07928	\$ 6,678.43	2018/1st Qtr.

Please make check payable & mail to:

CitiMortgage, Inc,
P.O. Box 23689
Rochester, NY 14692

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 #18-222

RESOLUTION AUTHORIZING THE LEASING OF TWO NEW AND UNUSED 2018 FORD POLICE INTERCEPTOR UTILITY MARKED PATROL VEHICLES FOR THE POLICE DEPARTMENT IN THE AMOUNT NOT TO EXCEED \$80,004.78

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 Cranford Police Cooperative Pricing System; and

WHEREAS, the Chatham Borough Police Department has a need to lease two (2) new and unused 2018 Ford Interceptor Utility marked police vehicles; and

WHEREAS, the Police Department recommends that the lease contract be made through the Cranford Police Cooperative Purchasing System, ID #47-CPCPS, Item #2, for the leasing of two (2) new and unused 2018 Ford Interceptor Utility marked police vehicles from Beyer Fleet in East Hanover, NJ to be financed through Ford Credit in the amount not to exceed \$80,004.78 for a term of 36 months at 5.50% APR, with an annual payment amount of \$28,108.16; and

WHEREAS, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$80,004.78 and that funds are currently available for the purpose of awarding the contract and shall be encumbered in three annual payments not to exceed \$28,108.16 from Current Fund account #8-01-25-240-295, and will be subject to appropriations in the 2018, 2019 and 2020 Municipal Budgets.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the Police Department is hereby authorized to lease two (2) new and unused 2018 Ford Police Interceptor Utility marked police vehicles from Beyer Ford through the Cranford Police Cooperative Purchasing System, ID #47-CPCPS, Item #2, in the amount not to exceed \$80,004.78; 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.

RESOLUTION #18-223

RESOLUTION AUTHORIZING THE PURCHASE OF ONE NEW AND UNUSED 2018 FORD POLICE INTERCEPTOR UNMARKED VEHICLE FOR THE POLICE DEPARTMENT IN THE AMOUNT NOT TO EXCEED \$36,893.75

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 Cranford Police Cooperative Pricing System; and

WHEREAS, the Chatham Borough Police Department has a need to purchase one (1) new and unused 2018 Ford Interceptor Utility unmarked police vehicle; and

WHEREAS, the Police Department recommends that the vehicle purchase be made through the Cranford Police Cooperative Purchasing System, ID #47-CPCPS, Item #2, from Beyer Fleet in East Hanover, NJ in the amount not to exceed \$36,893.75; and

WHEREAS, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$36,893.75 and that funds are currently available for the purpose of awarding the contract and shall be encumbered from the Police Capital account #C-04-55-918-411.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the Police Department is hereby authorized to purchase one (1) new and unused 2018 Ford Police Interceptor Utility unmarked police vehicle from Beyer Ford through the Cranford Police Cooperative Purchasing System, ID #47-CPCPS, Item #2, in the amount not to exceed \$36,893.75; 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.

PERSONNEL

RESOLUTION #18-224

RESOLUTION APPOINTING SUMMER POOL STAFF FOR THE 2018 SEASON

WHEREAS, the Chatham Borough Recreation Program has a need to hire summer pool staff for the 2018 season; and

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

Name	Hourly Pay Rate	Position
Helfrich, Andrew	\$12.50	Staff - Assistant Manager
Lansing, Elizabeth	\$8.60 - \$10.00	Staff – Head Guard
Plunkett, Colin	\$8.60	Staff
Christie, Colton	\$8.60	Staff
Christie, Aiden	\$8.60	Staff

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Recreation Coordinator and hereby approve the hiring of the individuals referenced herein as summer pool staff for the 2018 season at the respective positions and rates of pay, contingent upon the Recreation Coordinator verifying that all paperwork requirements have been completed prior to employment; and

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

OTHER

RESOLUTION #18-225

RESOLUTION APPROVING A SOCIAL AFFAIRS PERMIT TO DISPENSE AND SERVE ALCOHOLIC BEVERAGES AT THE FISHAWACK FESTIVAL ON JUNE 9, 2018

WHEREAS, Chatham Borough will be holding its Fishawack Festival on June 9, 2018; and

WHEREAS, pursuant to N.J.S.A. 33:1-74, the Senior Center of the Chathams desires to submit an Application to the Division of Alcoholic Beverage Control for a Social Affairs Permit to dispense and serve alcoholic beverages for consumption at this year's Fishawack Festival.

BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham hereby grant permission to the Senior Center of the Chathams to dispense and serve alcoholic beverages for consumption at the Fishawack Festival on June 9, 2018 contingent upon the approval of a Social Affairs Permit issued by the Division of Alcoholic Beverage Control; 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 #18-226

RESOLUTION AUTHORIZING A REFUND FOR A FARMERS' MARKET APPEARANCE REGISTRATION FEE AND A BOARD OF HEALTH FOOD VENDOR FEE

WHEREAS, the Director of the Department of Community Services has advised that a written request has been made from Chef Pat's Kitchen LLC seeking a refund for the paid Farmers' Market Appearance and Registration fee and the Board of Health Food Vendor fee; and

WHEREAS, the Director of the Department of Community Services has further confirmed that Chef Pat's Kitchen LLC would not be able to participate in the 2018 Farmers' Market season due to unforeseen personal reasons and obligations; and

WHEREAS, the Farmers' Market Advisory Committee and the Chatham Borough Board of Health recommends that a refund should be made as follows:

<u>NAME/ADDRESS</u>	<u>REFUND AMOUNT</u>
Chef Pat's Kitchen LLC	\$925.00 Farmers' Market Appearance and Registration fee
Patricia Hammeke	<u>\$ 60.00 Board of Health Food Vendor fee</u>
2467 Route 10	<u>\$985.00</u> TOTAL REFUND AMOUNT
Morris Plains, NJ 07950	

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the request seeking a refund from Chef Pat's Kitchen LLC for the paid Farmers' Market Appearance and Registration fee and the Board of Health Food Vendor fee as herein referenced is hereby granted; and

BE IT FURTHER RESOLVED, the Director of the Department of Community Services is authorized to process a refund and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

RESOLUTION #18-227

RESOLUTION GRANTING PERMISSION FOR THE MIKIE SHERRILL FOR CONGRESS CAMPAIGN TO HOLD A GET OUT THE VOTE RALLY IN CHATHAM BOROUGH ON JUNE 2, 2018

WHEREAS, the Mikie Sherrill for Congress campaign desires to hold a Get Out the Vote Rally in Chatham Borough on June 2, 2018 from 4:00 p.m. to 7:00 p.m. at Reasoner Park and the gazebo; and

WHEREAS, the Mikie Sherrill for Congress campaign has submitted a Facilities Use Application to the Department of Community Services and all required documentation, including a certificate of insurance listing the Borough of Chatham as an additional insured and providing proof of general liability insurance in excess of \$1,000,000.00 for this event; and

WHEREAS, the Mayor and Borough Council wish to authorize this event.

BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham do hereby grant permission for the Mikie Sherrill for Congress campaign to hold a Get Out the Vote Rally in Chatham Borough on June 2, 2018 from 4:00 p.m. to 7:00 p.m. at Reasoner Park and the gazebo; 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 #18-228

RESOLUTION IN SUPPORT OF ADOPTING A COMPLETE STREETS POLICY IN THE BOROUGH OF CHATHAM [SUSTAINABLE JERSEY RE-CERTIFICATION]

WHEREAS, “Complete Streets” is the concept that all roadways should be designed, built and maintained for all travelers - pedestrians, bicyclists, transit users, and motorists of all ages and abilities; and

WHEREAS, because streets and sidewalks are part of the public right-of-way, they should accommodate all existing and potential users; and

WHEREAS, creating safe and desirable walking and bicycling environments promote healthy lifestyles by reducing barriers and providing opportunities for individuals young and old to achieve the greatest health possible; and

WHEREAS, Complete Streets have the potential for improving physical and mental health either directly or indirectly by:

- 1) Incorporating physical activity into our daily lives by increasing pedestrian activity and bicycle use;
- 2) Reducing rates of several chronic diseases related to increases in physical activity from walking and bicycling. Key impacted diseases include diabetes, heart disease, depression, and some cancers.
- 3) Reducing rates of injury and death from decreased traffic crashes and improved road safety for all users.
- 4) Reducing rates of asthma and other respiratory issues due to improved air quality through emissions reductions and vegetative air filtration.
- 5) Multiplying health and wellness benefits resulting from improved access to necessary amenities for vulnerable populations.
- 6) Reducing the risk of illnesses related to water-borne pathogens resulting from improved stormwater infiltration.
- 7) Increasing the sense of social connectivity & sense of community belonging.
- 8) Improving aesthetics through decorative and functional vegetation.”

And,

WHEREAS, streets are a critical component of public space and an asset in establishing the image and identity of a community, providing a key framework for the history of an area, as well as current and future development; and

WHEREAS, significant accomplishments in walking and bicycling have already been achieved through the creation of paths and walking routes to and from school for local children, as well as through local traffic safety programs; and

WHEREAS, Chatham Borough wishes to implement a Complete Streets Policy that applies to both new and retrofit projects, specifically through integration of this policy with the planning, design, construction, maintenance and operation of transportation facilities; and

WHEREAS, it is recognized that any policy must be flexible and reflect that all streets are different, including some streets or corridors in Chatham Borough which may not fully satisfy a complete streets environment, but that the transportation system overall will balance the needs of all users and support a comprehensive network of complete streets; and

WHEREAS, complete streets improvements will be based on best design and engineering practices, which may include street and sidewalk lighting; sidewalk and pedestrian safety improvements such as median refuges or crosswalk improvements; improvements that provide ADA (Americans with Disabilities Act) compliant accessibility; transit accommodations including improved pedestrian access to transit stops and shelters; bicycle accommodations including bicycle storage, bicycle parking, bicycle routes, shared-use lanes, and other elements, as appropriate; and, street trees, landscaping, street furniture and other streetscape amenities; and

WHEREAS, this policy, and, more specifically, a Complete Streets Plan with goals, performance measures, general guidelines for addressing the needs of all roadway users, and a project checklist, has been prepared and adopted as an amendment to the Borough's Master Plan;

BE IT RESOLVED that all public street projects, including new construction, reconstruction, and maintenance undertaken by Chatham Borough shall be designed and constructed as "complete streets" whenever feasible to do so in order to balance the needs of all roadway users of all ages and abilities, subject to the following conditions/exemptions:

Exemptions to the Complete Streets policy shall be documented in writing and filed in the Borough Engineer's Office, for final approval by the Borough Engineer, with supporting data that indicates the reason for the decision, based on one or more of the following conditions:

- 1) Non-motorized users are prohibited on the roadway.
- 2) Cost of accommodations is excessively disproportionate to the cost of the project, comprising more than (20%) of total cost.
- 3) The safety or timing of a project is compromised by the inclusion of Complete Streets.
- 4) The Borough Engineer determines there is insufficient space to safely accommodate new facilities.
- 5) The project is located on a cul-de-sac or road with less than 500 average annual daily traffic (AADT).
- 6) In any project, should the inclusion of pedestrian, public transit, and/or bicycle facilities prove detrimental to wetlands, floodplains, streams, and/or historic/social resources, as determined by engineering analysis, those facilities shall not be required.
- 7) In any project where the inclusion of a new sidewalk, traffic calming feature, or other facility requires land disturbance beyond the existing paved cart way or will impact local travel patterns, a survey of residents directly impacted by the improvements will be undertaken. Should over half of the residents support the project, or should the project meet an overwhelming, documented safety need, then those features will be included in the improvement project.

CONSENT AGENDA VOTE:

Council Member Collander made a motion to approve Resolution #18-216 through Resolution #18-228 on the Consent Agenda. The motion was seconded by Council Member Kobylarz. A vote was taken and Resolution #18-216 through Resolution #18-228 were approved unanimously.

ADD-ON RESOLUTIONS

None.

ORDINANCE FOR FIRST READING

Council President Resto asked Council Member Hoffman to introduce Ordinance #18-08.

Council Member Hoffman introduced Ordinance #18-08 by title as follows:

ORDINANCE #18-08

ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH COMMUNITY PERSONNEL SERVICES, INC.

Council Member Hoffman explained that the Ordinance would allow the Borough to enter into a new lease agreement with Community Personnel Services, Inc. ("CPS") to renew its lease of available office space on the upper level of Borough Hall for the period commencing on July 1, 2018 and ending on June 30, 2020. Council Member Hoffman moved Ordinance #18-08 for introduction on First Reading.

Council Member Hoffman read:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on May 29, 2018.

BE IT RESOLVED, that at the Council meeting to be held on June 11, 2018 at 7:30 p.m. prevailing time, at Borough Hall, the Chatham Borough Council will further consider this Ordinance for a second reading, public hearing and final passage; and

BE IT FURTHER RESOLVED, that the Clerk is hereby requested to publish the proper notice thereof, including this Ordinance, post the Ordinance on the bulletin board in Borough Hall and make copies available to members of the general public.

Council Member Hoffman offered Ordinance #18-08 and moved its adoption on first reading.

Council Member Collander seconded the motion.

Council President Resto asked the Borough Clerk for a Roll Call Vote:

Name	Motion	Second	Yes	No	Abstain	Absent
Collander		X	X			
Fife			X			
Resto			X			
Hoffman	X		X			
Weber			X			
Kobylarz			X			

Council President Resto declared Ordinance #18-08 passed on first reading and requested the Borough Clerk to publish the proper notice of the public hearing for this Ordinance in the official newspapers.

Council President Resto asked Council Member Kobylarz to proceed with Resolution #18-229.

Council Member Kobylarz read Resolution #18-229.

RESOLUTION #18-229

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:

Personnel Matter:	1. Police Chief Promotion – Mr. Williams
Contract:	1. CPS Lease – Mr. Lott
Attorney-Client Privilege:	1. Commercial Solicitations -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 Kobylarz made a motion to approve Resolution #18-212. Council President Resto seconded the motion. A vote was taken and the motion to approve Resolution #18-212 was approved unanimously.

ADJOURNMENT

Having no other business to be conducted in public session, Council President Resto adjourned into Closed Session at 8:50 p.m.

Respectfully Submitted:

Robin R. Kline

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