

AGENDA
Tuesday, May 26, 2015

Regular Meeting
Mayor and Borough Council

Borough of Chatham
54 Fairmount Avenue
Chatham, NJ 07928

CALL MEETING The meeting will be called to order at 7:15 p.m.
TO ORDER

SALUTE TO FLAG

MOMENT OF SILENCE

STATEMENT OF
ADEQUATE NOTICE

Pursuant to the requirements of R.S. 10:4-10, 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 the Municipal Building, emailed to the Independent Press, 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 2, 2015.

ROLL CALL

Mayor Bruce A. Harris
Council Member James J. Collander
Council Member James Lonergan
Council Member John Holman
Council Member Victoria Fife
Council President Gerald J. Helfrich
Council Member Alida Kass
Robert J. Falzarano, Borough Administrator
James L. Lott, Jr., Borough Attorney
Robin R. Kline, Borough Clerk

RESOLUTION TO RECESS INTO CLOSED SESSION
RESOLUTION #15-189

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that it shall recess into executive 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:

Attorney-Client Privilege:

1. Property Tax Appeals – Mr. O'Donnell
2. Property Maintenance Enforcement – Mr. Lott
3. COAH Expert – 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 reconvene in public session after this closed session.

RESOLUTION #15-190

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 11, 2015

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 11, 2015

DISCUSSION ITEMS

1. Capital Projects Update – Mr. Vince DeNave
 2. 2016/2017 Water Rates – Council Member James Lonergan
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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.

REPORTS

Board & Commission Members & Liaison Reports

Affordable Housing Advisory Committee	Mayor Bruce A. Harris
Traffic & Pedestrian Safety Advisory Committee	Council Member James J. Collander
MyChathamNJ Advisory Committee	Council Member Victoria Fife
Mayors' Wellness Committee	Council Member Victoria Fife
Planning Board	Council Member Victoria Fife
Project Community Pride	Council Member Victoria Fife
Public Arts Council Advisory Committee	Council Member Victoria Fife
Senior Center of the Chathams	Council Member Victoria Fife
Special Events Advisory Committee	Council Member Victoria Fife
Communications & Technology Advisory Committee	Council Member James Lonergan
Joint Recreation Advisory Committee	Council Member James Lonergan
Municipal Pool Advisory Committee	Council Member James Lonergan
Board of Health	Council Member John Holman
Farmers' Market Advisory Committee	Council Member John Holman

Joint Community Gardens Advisory Committee
Madison Chatham Joint Meeting

Board of Education
9/11 Memorial Advisory Committee

Environmental Commission
Historic Preservation Commission
Open Space & Historic Preservation Trust Advisory
Committee
Shade Tree Commission

Council Member John Holman
Council Member John Holman

Council President Gerald J. Helfrich
Council President Gerald J. Helfrich

Council Member Alida Kass
Council Member Alida Kass
Mayor Bruce A. Harris
Council Member Alida Kass
Council Member Alida Kass

MAYOR'S REPORT

ADMINISTRATOR'S REPORT

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 #15-191 through Resolution #15-203 have been placed on the Consent Agenda.

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

RESOLUTION #15-

CONTRACTS

RESOLUTION #15-191

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SERVICE AGREEMENT WITH THE MADISON AREA YMCA, IN THE AMOUNT NOT TO EXCEED \$27,571.00

WHEREAS, the Borough of Chatham desires to engage the Madison Area YMCA ("YMCA") to provide certain cognitive behavioral counseling services to children and teens attending Chatham schools and/or living in Chatham Borough and their families ("Borough residents"); and

WHEREAS, the YMCA desires to render said cognitive behavioral counseling services to Borough residents as set forth in the Service Agreement; and

WHEREAS, the maximum contract amount shall not exceed \$27,571.00; and

WHEREAS, the Chief Financial Officer has confirmed that sufficient funds are available in Current Fund Account #5-01-25-240-298 for the award of this contract.

BE IT RESOLVED, by the Council of the Borough of Chatham that the Mayor and Borough Clerk be, and hereby are, authorized to execute a Service Agreement with the YMCA to provide certain

cognitive behavioral counseling services to children and teens attending Chatham schools and/or living in Chatham Borough and their families;

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 #15-192

RESOLUTION AWARDING THE 2015 SIDEWALK AND CURB PROGRAM CONTRACT TO M. SKY CONSTRUCTION CORPORATION OF LAKE HOPATCONG, NJ

WHEREAS, the Borough of Chatham has the annual need to bid out services for curb and sidewalk improvements; and

WHEREAS, the Borough of Chatham has received seven (7) bids for the 2015 Sidewalk and Curb Improvement Program; and

WHEREAS, the bid submitted by M. Sky Construction Corporation, Lake Hopatcong, New Jersey, in the amount of \$134,075.00 was the lower responsible bidder; and

WHEREAS, the Borough Engineer has reviewed all bids and finds the lowest bidder qualified and the bid documents to be acceptable; and

WHEREAS, the maximum contract amount shall not exceed \$134,075.00; and

WHEREAS, the Chief Financial Officer has confirmed that sufficient funds are available in General Capital Fund Account #C-04-55-915-003 for the award of this contract.

BE IT RESOLVED, by the Council of the Borough of Chatham hereby authorizes the award of contract to M. Sky Construction Corporation in the amount not to exceed \$134,075.00; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute a contract with M. Sky Construction Corporation for the 2015 Curb and Sidewalk Improvement Program; 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 #15-193

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING EXECUTION OF EASEMENT ENCROACHMENT AGREEMENT WITH MINISINK CLUB, INC.

WHEREAS, the Minisink Club, Inc. (the "Club") is the owner in fee simple of certain lands and premises located in the Borough of Chatham, County of Morris and State of New Jersey, commonly known as Block 43, Lot 1 (the "Property"); and

WHEREAS, the Borough holds an easement and right of way over the Property; and

WHEREAS, the Club desires to construct and maintain a paddle tennis court together with all necessary improvements, fittings, appurtenances and facilities which will encroach onto the Borough's easement; and

WHEREAS, the Mayor and Borough Council is willing to permit the encroachment into the Borough's easement subject to certain terms and conditions; and

WHEREAS, these terms and conditions shall be set forth in an agreement, which shall be in substantially the same form as the Easement Encroachment Agreement attached hereto and made a part hereof this Resolution; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham in the County of Morris and the State of New Jersey that the Mayor and Borough Clerk be and hereby are authorized to execute the Easement Encroachment Agreement in substantially the same form as the agreement attached hereto and made a part hereof this Resolution.

BE IT FURTHER RESOLVED, that the Borough Attorney be and hereby is authorized to negotiate the final form of the Easement Encroachment Agreement with counsel for the Club and take such other action as necessary to implement this Resolution.

BE IT FURTHER RESOLVED, that the Borough's execution of the Easement Encroachment Agreement is contingent on the Club reimbursing the Borough for its costs in preparing, reviewing, executing and recording this Agreement in accordance with Paragraph 14 of the Agreement and on the Club receiving all other agency approvals, including Borough Zoning Board approval, for the proposed encroachment.

RESOLUTION #15-194

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL ENGINEERING DESIGN SERVICES TO DYNAMIC ENGINEERING CONSULTANTS, PC FOR THE LAFAYETTE AVENUE AND FRONT STREET IMPROVEMENT PROJECTS, IN THE AMOUNT NOT TO EXCEED \$7,850.00

WHEREAS, the Borough of Chatham has obtained grant funding from the New Jersey Department of Transportation through the Local Aid Program for the Lafayette Avenue and Front Street Improvement Projects; and

WHEREAS, the Borough Engineer issued a Request for Proposal ("RFP") to three (3) Engineering firms engineering design services for the Lafayette Avenue and Front Street Improvement Projects and received a proposal from each of the three firms; and

WHEREAS, Dynamic Engineering Consultants, PC provided the low bid, in the amount of \$7,850.00, and

WHEREAS, the Borough Engineer has reviewed the Dynamic Engineering Consultants PC proposal and has confirmed that the firm is both qualified and responsible for the type of work to be performed; and

WHEREAS, the maximum contract amount shall not exceed \$7,850.00; and

WHEREAS, the Chief Financial Officer has confirmed that sufficient funds are available in General Capital Fund Account #C-04-55-914-106 for the award of this contract.

BE IT RESOLVED, by the Council of the Borough of Chatham hereby authorizes the award of a contract for professional engineering design services to Dynamic Engineering Consultants, PC for the Lafayette Avenue and Front Street Improvement Projects, in the amount not to exceed \$7,850.00; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute a contract with Dynamic Engineering Consultants, PC for the Lafayette Avenue and Front Street Improvement Projects as outlined in the firm's May 19, 2015 proposal; 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.

FINANCE

RESOLUTION #15-195

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 Borough 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.

LAW & PUBLIC SAFETY

RESOLUTION #15-196

RESOLUTION AUTHORIZING THE LEASE OF ONE (1) NEW AND UNUSED 2015 FORD INTERCEPTOR UTILITY MARKED PATROL VEHICLE FOR THE POLICE DEPARTMENT

WHEREAS, in accordance with N.J.S.A 40A:11-12 of the Local Public Contracts Law, public bids are not required when the purchase of goods or services is made through a County Cooperative Purchasing Program; and

WHEREAS, the Chatham Borough Police Department has a need to lease one (1) new and unused 2015 Ford Interceptor Utility marked police vehicle; and

WHEREAS, the Police Department recommends that an award of the contract be made through the Morris County Cooperative Purchasing Program, Contract # 15A – item #5, for the lease of one (1) new and unused 2015 Ford Interceptor Utility marked police vehicle from Beyer Fleet in East Hanover, NJ to be financed through Ford Credit in the amount of \$37,209.89 for a term of 36 months at 6.50%, with an annual payment amount of \$13,192.06; and

WHEREAS, the Chief Financial Officer has provided a certification of availability of funds in the amount not to exceed \$13,192.06 from Current Fund account # 5-01-25-240-295, the first of three annual payments.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the Police Department is hereby authorize the lease of one (1) new and unused 2015 Ford Interceptor Utility marked police vehicle from Beyer Fleet in East Hanover, NJ to be financed through Ford Credit under the Morris County Cooperative Purchasing Program; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized and directed to approve and forward a Purchase Order to Ford Motor Credit in the amount \$13,192.06.

PERSONNEL

RESOLUTION #15-197

RESOLUTION AMENDING RESOLUTION #15-164 TO REFLECT A CHANGE IN THE HOURLY RATE OF PAY FOR CROSSING GUARD THOMAS GRAY

WHEREAS, Resolution #15-164 adopted by the Mayor and Council of the Borough of Chatham on April 13, 2015 authorized the hiring of Thomas E. Gray to fill a vacancy as a Crossing Guard for the Borough of Chatham Police Department, effective April 13, 2015 at the rate of pay of \$20.76/hour; and

WHEREAS, Thomas Gray's rate of pay should be revised to reflect \$21.08/hour.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby approve the revised rate of pay of \$21.08/hour for Crossing Guard Thomas E. Gray, to be retroactive as of April 13, 2015.

RESOLUTION #15-198

RESOLUTION AMENDING RESOLUTION #15-165 TO REFLECT A CHANGE IN THE HOURLY RATE OF PAY FOR CROSSING GUARD MARGARET GRADY

WHEREAS, Resolution #15-165 adopted by the Mayor and Council of the Borough of Chatham on April 13, 2015 authorized the hiring of Margaret Grady to fill a vacancy as a Crossing Guard for the Borough of Chatham Police Department, effective April 13, 2015 at the rate of pay of \$20.76/hour; and

WHEREAS, Margaret Grady's rate of pay should be revised to reflect \$21.08/hour.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby approve the revised rate of pay of \$21.08/hour for Crossing Guard Margaret Grady, to be retroactive as of April 13, 2015.

RESOLUTION #15-199

RESOLUTION APPOINTING TEMPORARY SUMMER EMPLOYEES FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Director of the Public Works Department has a need to hire two additional temporary summer employees for a 12-week period for the 2015 summer season; and

WHEREAS, the Director of the Public Works Department has recommended the hiring of two temporary employees for the 2015 summer season.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby concurs with the Public Works Director's recommendation and approves the hiring of the following individuals as temporary summer employees for the Public Works Department, effective June 1, 2015 at the respective rate of pay:

Steven Allaman, Jr.	DPW Temporary Summer Employee	\$15.00/hour
Conner Sardini	DPW Temporary Summer Employee	\$15.00/hour

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.

OTHER

RESOLUTION #15-200

RESOLUTION APPROVING THE MINUTES OF THE MADISON-CHATHAM JOINT MEETING FOR THE REGULAR QUARTERLY MEETING OF APRIL 20, 2015

WHEREAS, the approval of minutes of the Madison-Chatham Joint Meeting's Regular Quarterly meeting of April was listed on the May 18, 2015 agenda of the Madison-Chatham Joint Meeting Finance and Operating Committee for approval; and

WHEREAS, the Borough of Chatham did not have a quorum present at the May 18, 2015 meeting of the Madison-Chatham Joint Meeting Finance and Operating Committee Meeting; and

WHEREAS, it is necessary for the Borough of Chatham to approve the Regular Quarterly Meeting minutes of May 18, 2015 as prepared with corrections.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the minutes of the Madison-Chatham Joint Meeting for the Regular Quarterly Meeting of May 18, 2015, as prepared with corrections, are hereby approved.

RESOLUTION #15-201

RESOLUTION APPROVING THE MAY CHECK REGISTRY AND PURCHASE ORDERS RENDERED BY THE MADISON-CHATHAM JOINT MEETING

WHEREAS, the approval of the May 2015 Check Registry and Purchase Orders Rendered were presented on the May 18, 2015 agenda of the Finance and Operating Committee Meeting of the Madison-Chatham Joint Meeting for approval; and

WHEREAS, the Borough of Chatham did not have a quorum present at the May 18, 2015 meeting of the Finance and Operating Committee Meeting of the Madison-Chatham Joint Meeting; and

WHEREAS, the purchase orders have been reviewed and signed by Tim Day, Chatham Borough's Chief Financial Officer, Bob Landrigan, Madison Borough Councilman, and John Holman, Chatham Borough Councilman; and

WHEREAS, it is necessary for the Borough of Chatham to approve the May 2015 Check Registry and Purchase Orders Rendered for the Madison-Chatham Joint Meeting totaling \$87,068.71.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the May 2015 Check Registry and Purchase Orders Rendered for the Madison-Chatham Joint Meeting totaling \$87,068.71 are hereby approved.

RESOLUTION #15-202

RESOLUTION APPROVING RESOLUTION #15-38 OF THE MADISON-CHATHAM JOINT MEETING PROMOTING ROBERT KLEIN TO THE POSITION OF OPERATOR III

WHEREAS, the approval of Resolution #15-38 was presented on the May 18, 2015 agenda of the Finance and Operating Committee Meeting of the Madison-Chatham Joint Meeting for approval; and

WHEREAS, the Borough of Chatham did not have a quorum present at the May 18, 2015 meeting of the Finance and Operating Committee Meeting of the Madison-Chatham Joint Meeting; and

WHEREAS, it is necessary for the Borough of Chatham to approve Resolution #15-38 of the

Madison-Chatham Joint Meeting promoting Robert Klein to the position of Operator III.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that Resolution #15-38 of the Madison-Chatham Joint Meeting promoting Robert Klein to the position of Operator III is hereby approved.

RESOLUTION #15-203

RESOLUTION AUTHORIZING THE BOROUGH OF CHATHAM'S SUPPORT AND PARTICIPATION IN THE NEW JERSEY VOLUNTEER TUITION CREDIT PROGRAM (P.L. 1998, c. 145)

WHEREAS, the Mayor and Council of the Borough of Chatham in the County of Morris deems it appropriate to enhance the recruitment and retention of volunteer firefighters and emergency medical volunteers in the Borough of Chatham; and

WHEREAS, the State of New Jersey has enacted P.L. 1998, c. 145 which permits municipal governments to allow their firefighting and emergency medical volunteers to take advantage of the Volunteer Tuition Credit Program at no cost to the municipal government; and

WHEREAS, the President of the Chatham Emergency Squad has provided a written request to the Borough Clerk requesting that a Certificate of Authorization/Voucher be issued by the Borough so that squad members Daniel Ruiz and John Grobert can submit same to the County College of Morris.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham in the County of Morris that the Volunteer Tuition Credit Program as set forth in P.L. 1998, c. 145 is herewith adopted for the volunteer firefighters and emergency medical volunteers in the municipality; and

BE IT FURTHER RESOLVED, that the Borough Clerk is herewith delegated the responsibility to administer the program and is authorized to enter into all agreements and to maintain files of all documents as may be required under the P.L. 1998, c. 145.

CONSENT AGENDA VOTE:

Mayor Harris asks Council Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions #15-191 through #15-203.

Council Member _____: I would like to make a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Council.

Seconded by Council Member:_____.

ADD-ON RESOLUTIONS

RESOLUTION #15-204

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:

Contract Negotiation Matters: 1. Solid Waste Contract – Mr. Falzarano

Attorney-Client Privilege: 1. Borough Property Sale, River Road Parcel – Mr. Lott
2. 8 Watchung Avenue Code Enforcement – Mr. Lott/Mr. DeNave
3. Affordable Housing Declaratory Judgment – Mr. Lott

Litigation Matter: 1. Hopkins v. Chatham Borough – Mr. Lott

BE IT FURTHER RESOLVED, the matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Borough of Chatham, provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege. The Borough Council will not return to public session after this closed session.

ADJOURNMENT