

AGENDA
December 14, 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 7:30 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 Borough Hall, 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

RESOLUTIONS (APPOINTMENTS)

RESOLUTION #15-365

RESOLUTION PROMOTING LIEUTENANT BRIAN GIBBONS TO THE RANK OF CAPTAIN OF POLICE

WHEREAS, in September 2002, Brian Gibbons was appointed Patrolman; and

WHEREAS, in July 2007, Patrolman Gibbons was promoted to Sergeant; and

WHEREAS, Sergeant Gibbons was promoted to Lieutenant on August 9, 2010; and

WHEREAS, Lieutenant Gibbons is a certified Police Executive and has completed numerous advanced law enforcement training courses in supervision and tactical operations and serves as instructor for the Morris County Police Training Academy teaching law enforcement operations to the basic class; and

WHEREAS, Lieutenant Gibbons received a Master's Degree from Fairleigh Dickinson University and holds numerous law enforcement certifications; and

WHEREAS, the Public Safety Committee reviewed the Police Department Reorganization Plan submitted by Chief Phillip Crosson and recommended to the Mayor and Borough Council that the Police Department Reorganization Plan be approved; and

WHEREAS, in accordance with the Police Department Reorganization Plan and the Police Promotional Policy and Procedures, Chief Phillip Crosson recommends that Lieutenant Brian Gibbons be promoted to the rank of Captain; and

WHEREAS, pursuant to the Code of the Borough of Chatham, Chapter 48, *Police Department*, §48-5.A., and in accordance with N.J.S.A. 40A:14-118 et seq., all members of the Chatham Borough Police Department shall be appointed by the Mayor with the consent and approval of the Borough Council; and

WHEREAS, Mayor Bruce Harris concurs with the recommendation made by Chief Crosson and wishes to appoint Lieutenant Brian Gibbons to the rank of Captain in the Chatham Borough Police Department.

BE IT RESOLVED, by the Council of the Borough of Chatham that they hereby concur with the Mayor's appointment of Lieutenant Brian Gibbons to the rank of Captain in the Chatham Borough Police Department and provide their consent; and

BE IT FURTHER RESOLVED, that effective December 14, 2015, Lieutenant Brian Gibbons is hereby promoted to the rank of Captain at an annual salary of \$145,481.00 to be pro-rated for the remainder of 2015; and

BE IT FURTHER RESOLVED, by the Council of the Borough of Chatham that the Mayor is authorized to sign the Police Captain Employment Agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Council congratulate and extend their best wishes to Captain Brian Gibbons.

RESOLUTION #15-366

RESOLUTION TO APPOINT ERMINIO (TONY) TORELLO TO THE POSITION OF DIRECTOR OF PUBLIC WORKS

WHEREAS, Erminio (Tony) Torello was appointed roads and parks laborer on August 29, 1989; and

WHEREAS, in 1992 Tony was appointed water and sewer laborer; and

WHEREAS, in August 1999 Tony was promoted to Lead Person; and

WHEREAS, on April 23, 2013, Tony was appointed Deputy Public Works Director; and

WHEREAS, Tony has completed numerous advanced training courses in supervision, water treatment operations and public works operations; and

WHEREAS, Tony is a certified Public Works Manager with special licenses for water and sewer operations; and

WHEREAS, the Personnel Committee has reviewed Tony's performance and qualifications; and

WHEREAS, after review, the Personnel Committee recommended that Erminio (Tony) Torello be promoted to Director of Public Works effective December 14, 2015 at an annual salary of \$111,000.00 to be pro-rated for the remainder of 2015.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that effective December 14, 2015, Erminio (Tony) Torello is hereby appointed Director of Public Works; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Council congratulate and extend their best wishes to the new Director of Public Works, Erminio (Tony) Torello.

PRESENTATIONS

1. Police Accreditation Certification – Mr. Harry Delgado
2. Chief's Achievement Award Presented to Captain Brian Gibbons and Mr. Kevin O'Shea

RESOLUTION #15-367

RESOLUTION OF SPECIAL COMMENDATION TO CAPTAIN BRIAN K. GIBBONS AND EXECUTIVE ADMINISTRATIVE ASSISTANT KEVIN M. O'SHEA OF THE CHATHAM BOROUGH POLICE DEPARTMENT FOR THE CHIEF'S ACHIEVEMENT AWARD

WHEREAS, Chatham Borough continually strives to provide the highest level of quality service to our community; and

WHEREAS, that highest level quality service is directly correlated with best practices in a specific professional field; and

WHEREAS, on July 9, 2012, the Borough of Chatham passed Resolution #12-280 authorizing the acceptance of a grant from the Morris County Joint Insurance Fund for base accreditation services and execution of a grant agreement; and

WHEREAS, the Chatham Borough Police Department immediately embarked on this noble pursuit; and

WHEREAS, on June 28th and 29th, 2015, with all necessary components complete, the Chatham Borough Police Department underwent an official on-site assessment by certified law enforcement assessors who personally inspected and evaluated all components and functions of the police department including conducting interviews with select and random personnel to ensure compliance with and institutionalization of the programs professional standards; and

WHEREAS, on October 8, 2015, the Chatham Borough Police Department testified before the Board of Commissioners of the New Jersey State Association of Chiefs of Police Law Enforcement Accreditation Program regarding the findings in the on-site assessment report submitted by the certified assessors; and

WHEREAS, on October 8, 2015, the Board of Commissioners acknowledged the favorable on-site report and the effort put forth by all police department members in pursuing this arduous endeavor and voted unanimously to award accreditation to the Chatham Borough Police Department, and

WHEREAS, this success is a credit to the work ethic and dedication of all members of the Chatham Borough Police Department, both civilian and sworn; and

WHEREAS, the responsibility for ensuring compliance with all facets of this program to include, but not limited to, policy management, facility and equipment compliance, operational integrity, fiscal responsibility and overall agency compliance with the enumerated professional standards fall squarely on the shoulders of the Accreditation Manager and Assistant Accreditation Manager; and

WHEREAS, at this time, Chief Philip J. Crosson, Jr. would like to recognize the outstanding work ethic put forth toward this success by the Accreditation Manager, Executive Administrative

Assistant Kevin M. O'Shea, and Assistant Accreditation Manager, Captain Brian K. Gibbons, by awarding them the Chatham Borough Police Department Chief's Achievement Award; and

WHEREAS, this recognition award is bestowed exclusively by the Chief of Police.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, County of Morris, State of New Jersey that they commend Captain Brian K. Gibbons and Executive Administrative Assistant Kevin M. O'Shea for their dedication to duty and tireless effort in guiding the Chatham Borough Police Department; and

BE IT FURTHER RESOLVED, that through this special commendation, the Mayor and Council of the Borough of Chatham honor the service of Captain Brian K. Gibbons and Executive Administrative Assistant Kevin M. O'Shea as outstanding members of the law enforcement community in furtherance of professional standards in policing.

RESOLUTIONS (COMMENDATORY)

RESOLUTION #15-368

RESOLUTION RECOGNIZING BOROUGH COUNCIL MEMBER ALIDA KASS FOR HER EXEMPLARY SERVICE TO CHATHAM BOROUGH

WHEREAS, on November 5, 2013, Alida Kass was elected by the voters of the Borough of Chatham to serve on the Borough Council, fulfilling an expired term, and was sworn into office on November 11, 2013; and

WHEREAS, during her two years in elected office, Council Member Alida Kass continually sought to improve the quality of life for all Borough residents and demonstrated foresight, leadership, and fiscal responsibility in all operations of Borough government; and

WHEREAS, in her role as a Council Member, Alida devoted innumerable hours serving as a member of the Council's Public Works Committee, the Council's Shared Services and Third Party Agreements Committee, and the Council's Long-Range Traffic & Pedestrian Safety Planning Committee; and

WHEREAS, Council Member Kass further served as a member of the Madison Chatham Joint Meeting Finance Committee, Council liaison to the Environmental Commission, the Historic Preservation Commission, and the Shade Tree Commission, and also served as Council liaison to the Municipal Alliance of the Chathams, Open Space and Historic Preservation Trust Advisory Committee and the Pilgrim Pipeline Advisory Committee; and

WHEREAS, Alida carried out her duties as a Council Member and as a citizen of Chatham Borough with enthusiasm and in a conscientious, thoughtful and caring manner, and at all times dedicated herself to advancing the spirit of volunteerism that has helped make Chatham Borough the town we love; and

WHEREAS, Alida will always be remembered for her kindness and camaraderie when dealing with residents, businesses, and the Borough's workforce.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby recognize and commend Alida's enthusiasm, leadership, and dedication demonstrated during her tenure on the Borough Council; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Chatham, on behalf of the entire Chatham Borough community, that they hereby extend their grateful appreciation to Alida for her years of service as a Council Member and community volunteer, and commend her for all

she has achieved during her tenure on the Borough Council. We wish her and her family happiness and good health in the years to come. Alida, you will be missed!

RESOLUTION #15-369

RESOLUTION RECOGNIZING BOROUGH COUNCIL MEMBER JOHN HOLMAN FOR HIS EXEMPLARY SERVICE TO CHATHAM BOROUGH

WHEREAS, on November 2, 2009, John Holman was elected by the voters of the Borough of Chatham to serve on the Borough Council and was re-elected by the voters on November 6, 2012 to serve a second term; and

WHEREAS, during his six years in elected office, Council Member John Holman continually sought to improve the quality of life for all Borough residents and demonstrated foresight, leadership, and fiscal responsibility in all operations of Borough government; and

WHEREAS, in his role as a Council Member, John devoted innumerable hours chairing the Council's Public Works Committee, contributing as a member of the Council's Shared Services and Third Party Agreements Committee, and serving as a member of the Madison Chatham Joint Meeting Operating Committee; and

WHEREAS, Council Member Holman further served as Council liaison to the Board of Health, Joint Municipal Court, Joint Community Garden Advisory Committee, Chatham Borough Farmers' Market Advisory Committee, and the Chatham Borough Pilgrim Pipeline Advisory Committee; and

WHEREAS, John carried out his duties as a Council Member and as a citizen of Chatham Borough with enthusiasm and in a conscientious, thoughtful and caring manner, and at all times dedicated himself to advancing the spirit of volunteerism that has helped make Chatham Borough the town we love; and

WHEREAS, John will always be remembered for his kindness and camaraderie when dealing with residents, businesses, and the Borough's workforce.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby recognize and commend John's enthusiasm, leadership, and dedication demonstrated throughout his tenure on the Borough Council; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Chatham, on behalf of the entire Chatham Borough community, that they hereby extend their grateful appreciation to John Holman for his six years of service as a Council Member and community volunteer, and commend him for all he has achieved during his tenure on the Borough Council. We wish him and his family happiness and good health in the years to come. John, you will be missed!

RESOLUTION #15-370

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:

November 23, 2015

December 2, 2015 Joint Special Meeting of the Mayor and Borough Council and the Planning Board

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:

November 23, 2015

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

Council Committees

Budget and Finance	Council Member James Lonergan
Long Range Traffic & Pedestrian Safety Planning	Council Member James J. Collander
Public Safety & Emergency Services	Council Member James J. Collander
Personnel	Council Member Victoria Fife
Public Works Planning	Council Member John Holman
Shared Services & 3 rd Party Agreements	Council President Gerald Helfrich

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 #15-371 through Resolution #15-376 have been placed on the Consent Agenda.

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

RESOLUTION #15-

APPOINTMENT

RESOLUTION #15-371

RESOLUTION RE-APPOINTING VINCENT DENAVE AS MUNICIPAL ENGINEER FOR THE BOROUGH OF CHATHAM

WHEREAS, N.J.S.A. 40:69A-95 allows for the appointment of a Municipal Engineer for a term not to exceed three (3) years; and

WHEREAS, pursuant to the Code of the Borough of Chatham, Chapter 39, *Officers and Employees*, §39-32, the Municipal Engineer shall be a licensed Professional Engineer in the State of New Jersey and shall be appointed by a majority vote of the Council; and

WHEREAS, Vincent DeNave is a licensed Professional Engineer in the State of New Jersey and has been effectively serving as Municipal Engineer for the Borough since February 2008; and

WHEREAS, the Borough Administrator has recommended that Vincent DeNave be re-appointed Municipal Engineer.

BE IT RESOLVED, by the Council of the Borough of Chatham that Vincent DeNave be and is hereby re-appointed as the Borough's Municipal Engineer for a three (3) year term, effective January 1, 2016 through December 31, 2018, at such terms and conditions as have been agreed upon with the Borough Administrator and in accordance with the Borough's Employee Policy Manual.

CONTRACTS

RESOLUTION #15-372

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO MELGAR CLEANING SERVICES, IN THE AMOUNT NOT TO EXCEED \$21,600.00

WHEREAS, the Director of Public Works solicited competitive quotes from three (3) qualified contractors for janitorial services for calendar year 2016 for Borough Hall and Fire Headquarters; and

WHEREAS, three (3) quotations were received as follows:

<u>VENDOR</u>	<u>QUOTE AMOUNT</u>
1. Melgar Cleaning Services	\$21,600.00
2. A Plus Services	\$26,400.00
3. Best Choice	\$28,800.00

And,

WHEREAS, the value of this contract is less than the bid threshold of \$40,000.00, and therefore may be awarded by soliciting competitive quotes without advertising for bids under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Director of Public Works recommends that the award of the contract be made to Melgar Cleaning Services, 540 Main Street, Chatham N.J., in the amount of \$21,600.00; and

WHEREAS, Melgar Cleaning Services has completed and submitted a Business Entity Disclosure Certification certifying that they have not made any reportable contributions to a political and/or candidate committee in the Borough of Chatham in the previous one year, and that the contract will prohibit the contractor from making any reportable contributions through the term of this contract; and

WHEREAS, the Chief Financial Officer has confirmed that sufficient funds are available in Current Fund Account #6-01-26-310-240 for the award of this contract.

BE IT RESOLVED, by the Council of the Borough of Chatham that it concurs with the recommendation of the Director of Public Works and hereby authorizes the Mayor to execute the contract with Melgar Cleaning Services, in the amount of \$21,600.00, in accordance with the specifications upon which quotations were received and accepted; 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 #15-373

RESOLUTION AWARDING THE RENEWAL OF CONTRACT TO AMERICAN ALARM SYSTEMS, INC. FOR MAINTENANCE OF FIRE DETECTION EQUIPMENT AND SYSTEMS AND MONITORING OF SYSTEM SIGNALS, IN THE AMOUNT NOT TO EXCEED \$4,125.00

WHEREAS, the Chatham Borough Hall, the Fire Department Building, and the Department of Public Works Complex are required to comply with the Uniform Fire Code as promulgated by the New Jersey Uniform Fire Safety Act; and

WHEREAS, the Borough's Fire Coordinator has reviewed the proposal submitted by American Alarm Systems and has confirmed that it meets all requirements as set forth by the New Jersey Uniform Fire Safety Act; and

WHEREAS, the Borough's Fire Coordinator recommends the renewal of the contract with American Alarm Systems, Inc. for the maintenance of fire detection equipment and systems, and monitoring of system signals for the Chatham Borough Hall, Fire Department Building, and the Department of Public Works Building, for the period of January 1, 2016 to December 31, 2016, in the amount not to exceed \$4,125.00; and

WHEREAS, the Chief Financial Officer has confirmed that sufficient funds are available in Current Fund Account #6-01-26-310-240 for the award of this contract.

BE IT RESOLVED, by the Council of the Borough of Chatham that it concurs with the recommendation of the Fire Coordinator and hereby authorizes the Mayor to execute the renewal contract with American Alarm System for the maintenance of fire detection equipment and systems, and monitoring of system signals for the Chatham Borough Hall, Fire Department Building, and the Department of Public Works Building, for the period of January 1, 2016 to December 31, 2016, in the amount not to exceed \$4,125.00; 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 #15-374

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.

RESOLUTION #15-375

RESOLUTION ESTABLISHING A DEDICATION BY RIDER TRUST FUND FOR DONATIONS RECEIVED TO SUPPORT FISHAWACK IN CHATHAM BOROUGH

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 permits the Borough to use dedicated revenues anticipated from donations in support of activities for the purposes to which said donations are made; and

WHEREAS, N.J.S.A. 40A:4-39 provides that dedicated revenues anticipated from donations received are hereby anticipated as revenue and are hereby appropriated for the purpose to which said donations are made in accordance with N.J.S.A. 40A:5-29; and

WHEREAS, the Borough seeks to establish a dedication by rider trust fund for donations received to support Fishawack in Chatham Borough.

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Chatham, County of Morris, New Jersey that they hereby request permission from the Director of the Division of Local Government Services to use dedicated revenues anticipated from donations in support of Fishawack activities in the Borough and to pay expenditures for the expenses of Fishawack activities through the Fishawack Trust Fund in accordance with N.J.S.A. 40A:5-29; and

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby directed to forward two (2) certified copies of this Resolution to the Director of the Division of Local Government Services; and

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

SHARED SERVICES

RESOLUTION #15-376

RESOLUTION AUTHORIZING THE EXTENSION OF AN INTERLOCAL SHARED SERVICE AGREEMENT WITH THE BOROUGH OF SADDLE RIVER, BERGEN COUNTY, TO PROVIDE SERVICES OF QUALIFIED PURCHASING AGENT

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) provides that local units of government may enter into a contract for the joint provision of any service which either party to said agreement is empowered to render or perform within its own jurisdiction; and

WHEREAS, in 2015, the Borough of Chatham entered into a shared service agreement for the services of a Qualified Purchasing Agent with the Borough of Saddle River; and

WHEREAS, the Borough of Chatham wishes to extend the shared service arrangement with the Borough of Saddle River for the services of a Qualified Purchasing Agent and the Borough of Saddle River is interested in providing such services to Chatham Borough in accordance with mutually-agreeable terms and conditions as set forth in a shared services agreement.

BE IT RESOLVED, by the Council of the Borough of Chatham that they hereby authorize the Mayor to execute a shared services agreement with the Borough of Saddle River for the services of a Qualified Purchasing Agent contingent upon the approval of the terms and conditions by the Borough Attorney; 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.

CONSENT AGENDA VOTE:

Mayor Harris asks Council Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions #15-371 through #15-376.

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 #15-377

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:

Litigation Matter: 1. Declaratory Judgment Action Update – Mr. James 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