

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

**April 23, 2018 MINUTES**

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, April 23, 2018 at 7:30 p.m. in the Council Chambers in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

**SALUTE TO FLAG**

Mayor Harris and the Borough Council led the assembled in the Pledge of Allegiance.

**MOMENT OF SILENCE**

Mayor Harris asked for a moment of silence for those who have given their lives for our country.

**STATEMENT OF ADEQUATE NOTICE**

Robin R. Kline, 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:

Mayor Bruce A. Harris  
Council Member James J. Collander  
Council Member Victoria Fife  
Council President Leonard Resto  
Council Member Peter J. Hoffman  
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 Harris asked Council Member Collander to proceed with Resolution #18-175.

Council Member Collander read Resolution #18-175.

**PROCLAMATIONS**

**RESOLUTION #18-175**

**CELEBRATING NATIONAL ARBOR DAY APRIL 27, 2018**

**WHEREAS**, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

**WHEREAS**, this special day, called Arbor Day, was first observed with the planting of more than one million trees in the State of Nebraska; and

**WHEREAS**, Arbor Day is now observed on the last Friday in April throughout the nation and the world each year; and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

**WHEREAS**, trees also increase property values, enhance the economic vitality of our business areas, and beautify our community; and

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham, that April 27, 2018 shall be celebrated as National Arbor Day in the Borough of Chatham and all citizens are encouraged to join together to celebrate the benefits of community trees and to support all efforts to protect our trees and woodlands for the well-being of present and future generations.

Council Member Collander made a motion to approve Resolution #18-175. Council President Resto seconded the motion. A vote was taken and Resolution #18-175 was approved unanimously.

Mayor Harris presented the proclamation to Ms. Colleen Truppo, Chair of the Shade Tree Commission. Ms. Truppo thanked Mayor Harris and the Borough Council for the proclamation supporting Arbor Day. She mentioned that Chatham Borough is in its 17<sup>th</sup> year as a Tree City, U.S.A. community and thanked the many volunteers serving on the Shade Tree Commission over the years. Ms. Truppo also mentioned that the Shade Tree Commission will be hosting several events later in the month to celebrate Arbor Day and invited everyone to participate in the events.

Mayor Harris asked Council Member Fife to proceed with Resolution #18-176.

Council Member Fife read Resolution #18-176.

#### **RESOLUTION #18-176**

#### **RESOLUTION CONGRATULATING THE TRI-TOWN 55+ COALITION ON THE ONE-YEAR ANNIVERSARY OF THE RIDES FOR SENIORS PROGRAM**

**WHEREAS**, the Tri-Town 55+ Coalition, is a non-profit, community-based organization dedicated to the needs of senior residents living in Chatham Borough, Chatham Township and Madison Borough; and

**WHEREAS**, the Tri-Town 55+ Coalition is committed to engaging and supporting older adults, who enrich and strengthen our communities, to take part in activities that promote their physical, mental, and emotional well-being—no matter what age; and

**WHEREAS**, the Tri-Town 55+ Coalition enriches the lives of the seniors in our community through a variety of programs and services such as:

- Providing access to subsidized on-demand transportation to qualified residents through the Rides for Seniors program;
- Working with local businesses to implement age-friendly practices to create an accessible, inviting atmosphere for all customers;
- Involving older adults in community planning, events, and other activities;
- Providing opportunities for older adults to work, volunteer, learn, lead, and mentor; and

And,

**WHEREAS**, Tri-Town 55+ Coalition's Rides for Seniors program began in April 2017 and has provided over 2,400 rides to 285 seniors living within the three communities; and

**WHEREAS**, May 23, 2018 marks the first anniversary of the Tri-Town 55+ Coalition's Rides for Seniors Program.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they do hereby thank all the Tri-Town 55+ Coalition and volunteers who are dedicated to improving the health and well-being of senior residents in our communities to live active, healthier and longer lives and congratulates the Tri-Town 55+ Coalition on its one-year anniversary in providing the Rides for Seniors Program to our community.

Council Member Fife made a motion to approve Resolution #18-176. Council President Resto seconded the motion. A vote was taken and Resolution #18-176 was approved unanimously.

Council Member Fife presented the proclamation to John Crouthamel, President of the Tri-Town 55+ Coalition, and Laura Sostak, the Executive Director/Coordinator. They thanked Mayor Harris and the Borough Council for the proclamation celebrating the Tri-Town 55+ Coalition's one-year anniversary in providing the Rides for Seniors Program. Mr. Crouthamel further mentioned that the Tri-Town 55+ Coalition is currently working with Borough officials on the Urban Track project. He invited Borough officials to attend the organization's one-year anniversary event to be held on May 23<sup>rd</sup> at the Madison Area YMCA.

Mayor Harris proceeded with Resolution #18-177.

#### **RESOLUTION #18-177**

#### **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:

April 9, 2018

Council Member Hoffman made a motion to approve Resolution #18-177. Council Member Weber seconded the motion. A vote was taken and Resolution #18-177 was approved unanimously.

#### **RECUSALS**

Mayor Harris 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**

**Farmers' Market Update** – Janice Piccolo, Director of the Department of Community Services, provided an update on the 12<sup>th</sup> season of the Farmers' Market, which will run from June 16<sup>th</sup> to November 17<sup>th</sup>. She reported that two new farmers will be at this year's Farmers' Market, as well as some new vendors that will be offering a variety of locally crafted goods and products. As estimated 19 vendors will be on site every Saturday. She also reported that a Certified Organic Farm offering CSA (Community Supported Agriculture) farm share memberships is being planned with a weekly pick up site at the Farmers' Market.

Lastly, Ms. Piccolo reported that the Farmers' Market Advisory Committee will be installing new electric service in the center median at Railroad Plaza South. The electric service will help support scheduled entertainment and events during the Farmers' Market season.

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

1. The Weston Road Improvement Project is scheduled to begin at the end of the school year and will take approximately one month to complete.
2. The Borough was awarded a DOT grant for road improvements on Hillside Avenue, from Main Street to Watchung Avenue. The project will be scheduled in 2019.
3. Morris County will be repaving North Passaic Avenue. As part of the road project, the Borough will reimburse the County for the construction of new curbs and sidewalks on the easterly side of the road. An interlocal agreement will be entered into with the County being the lead agency for the project.
4. The 2018 Curb and Sidewalk Program will address curbs and sidewalks in Zone 6. All six zones will have been completed this year. Curb and sidewalk repairs going forward will entail capital expenditures and be addressed on an on-going basis.
5. Drainage projects are being planned and coordinated with the Department of Public Works. A schedule of projects will be finalized shortly. Mr. DeNave mentioned that the Borough can complete many drainage projects at substantial cost-savings by performing the work in-house.
6. The Historic Riverside Trail has been completed up to Talmadge Avenue. Research into needed easements will be performed to continue the trail to Minton Avenue.
7. JCP&L will be installing a new electric service pole at Kelley's Pond for the pond bubblers. A generator hook up will be installed for temporary service.
8. The Department of Public Works continues to address the Inflow and Infiltration (I & I) issues with the sanitary sewer system. The illegal drain connections on Talmadge Avenue have been plugged. Inserts will be ordered to install on manhole covers to restrict storm water inflow into the sanitary sewer system in other identified locations.
9. New electric service will be installed at Railroad Plaza South by the Department of Public Works and John Grobert.

## **MEETING OPEN TO THE PUBLIC**

### **NOTICE OF PUBLIC COMMENT TIME LIMIT**

Hearing of citizens during the Public Comment section of the Agenda is an opportunity for any member of the public to be heard about issues which are/are not topics scheduled for Public Hearing tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to a reasonable length of time.

Mayor Harris opened the meeting to the public.

Carolyn Dempsey, 74 Hillside Avenue, supported Resolution #18-192 and asked the Mayor and Council to consider a permanent suspension of fees for the use of the Borough's tennis courts. She encouraged the open and free use of tennis courts, as is the case with basketball courts. She further encouraged Borough officials to repair the Garden Avenue tennis courts.

Brenda Beebe, 135 Weston Avenue, introduced herself as the JV coach for the Chatham High School tennis program and encouraged Borough officials to repair the Garden Avenue tennis courts, which would also support the tennis athletic program.

Patty Lowe, 27 Burgress Street, commented that the high school varsity and junior varsity tennis players currently only use the Colony tennis courts in Chatham Township. She encouraged Borough officials to rehabilitate the Garden Avenue tennis courts, which would allow for more practice time for the high school tennis teams.

Rozella Clyde, 33 Carmine Street, inquired if there was some way that the Borough could use an asphalt mix that incorporates recycled plastics for the resurfacing of Borough roads.

Janice Perrone, 82 Fairmount Avenue, encouraged Borough officials to rehabilitate the Garden Avenue tennis courts.

Joanie Yanes, 11 Wickham Way, Chatham Township, encouraged Borough officials to rehabilitate the Garden Avenue tennis courts.

Maria Conlan, 55 Dunbar Street, encouraged Borough officials to rehabilitate the Garden Avenue tennis courts.

Seeing no one else wishing to comment, Mayor Harris closed the meeting to the public. He mentioned that Council Member Weber is the Council liaison to the Joint Recreation Advisory Committee and has been working with the Borough's representatives on the Committee in considering the best plan for the tennis courts.

## **ORDINANCE FOR SECOND READING**

Mayor Harris asked Council Member Hoffman to proceed with Ordinance #18-05.

Council Member Hoffman read Ordinance #18-05 entitled:

### **ORDINANCE #18-05**

#### **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) FOR CALENDAR YEAR 2018**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on March 26, 2018.

Mayor Harris 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 #18-05 was introduced and passed on first reading at the March 26, 2018 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on April 23, 2018 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Harris opened the public hearing on the Ordinance and invited any member of the public to be heard. Seeing no one wishing to be heard, Mayor Harris closed the public hearing.

Council Member Hoffman offered the 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 President Resto seconded the motion.

Mayor Harris asked the Borough Clerk for a Roll Call Vote.

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

Mayor Harris 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.

Mayor Harris proceeded with Resolution #18-178.

## **RESOLUTIONS (NON-ROUTINE REQUIRING SEPARATE ACTION)**

### **RESOLUTION #18-178**

#### **RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM CERTIFYING COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"**

**WHEREAS**, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. §2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Borough Administrator and the person who interviews and recommends candidates for employment with the Borough, must review, and be familiar with, the herein referenced federal guidelines and ensure that the Borough's hiring practices are in compliance therewith; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Chatham hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Borough Clerk to cause to be maintained and available for inspection a certified copy of this Resolution and the required affidavit to show evidence of said compliance.

Council Member Collander made a motion to approve Resolution #18-178. Council Member Hoffman seconded the motion. A vote was taken and Resolution #18-178 was approved unanimously.

Mayor Harris asked Council Member Hoffman to proceed with Resolution #18-179.

Council Member Hoffman read Resolution #18-179.

### **RESOLUTION #18-179**

#### **RESOLUTION TO READ THE 2018 OPERATING BUDGET BY TITLE**

**WHEREAS**, N.J.S.A. 40A 4-8, as amended, provides that the municipal budget shall be read in full at the public hearing, or that it may be read by its title only if at least one week prior to the date of the hearing, and during the public hearing, complete copies of the budget were made available at no charge to each person requesting one; and

**WHEREAS**, the Borough Clerk has certified that the budget summary was published in the official newspapers upon approval by the Borough Council at its March 26, 2018 meeting, and that copies of the municipal budget were made available at no charge to each person requesting one in accordance with N.J.S.A. 40A:4-8.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that it hereby declares that the conditions of N.J.S.A. 40A:4-8, as amended, have been met and therefore the municipal budget shall be read by title only at the public hearing.

Council Member Fife made a motion to approve Resolution #18-179. Council Member Collander seconded the motion. A vote was taken and Resolution #18-179 was approved unanimously.

Mayor Harris asked Council Member Hoffman to proceed with Resolution #18-180.

Council Member Hoffman read Resolution #18-180.

### **RESOLUTION #18-180**

#### **RESOLUTION TO ADOPT THE 2018 MUNICIPAL BUDGET**

**WHEREAS**, the Mayor and Council introduced and approved the 2018 Municipal Budget on March 26, 2018; and

**WHEREAS**, the approved (introduced) budget was advertised on March 29, 2018 as required by law with notice that the public hearing has been scheduled for April 23, 2018.

**BE IT RESOLVED**, that the following statements of revenues and appropriations shall constitute the municipal budget for the year 2018:

##### Municipal Budget

##### Revenues

General Revenues	\$ 5,769,731.98
Local Tax for Muni Purposes	\$ 7,908,566.94
Minimum Library Tax	<u>\$ 836,052.12</u>
	\$14,514,351.04

##### Appropriations

Municipal Purposes	\$12,770,351.04
Reserve for Uncollected Taxes	<u>\$ 1,744,000.00</u>
Total General Appropriations	\$14,514,351.04

Water Operating Budget

Revenues

Rents and Fees \$ 1,500,500.00

Appropriations

Expenses \$ 1,500,500.00

Solid Waste Budget

Revenues

Rents and Fees \$ 609,900.00

Appropriations

Expenses \$ 609,900.00

Mayor Harris opened the public hearing on the 2018 Municipal Budget and invited any member of the public to be heard.

Rozella Clyde, 33 Carmine Street, inquired why the budget document contains “xxxxxx’s” in many of the dollar amount fields throughout the budget document and referenced page10a in the budget document as an example.

Mr. Bud Jones, the Borough Auditor, responded that the budget document is a state form and intentionally reserves certain budget lines items so that municipalities cannot insert budget numbers.

Mayor Harris seeing no one else wishing to be heard, Mayor Harris closed the public hearing.

Council Member Hoffman offered the 2018 Municipal Budget Resolution #18-180 and moved its adoption:

**BE IT RESOLVED**, that this Budget Resolution 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.

Mayor Harris asked the Borough Clerk for a Roll Call Vote.

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

Mayor Harris declared the 2018 Municipal Budget adopted and finally passed and requested the Borough Clerk to send a certified copy of the adopted budget to the Director of the Department of Local Government Services and to send a certified copy to the Morris County Board of Taxation in accordance with the law.

Mayor Harris thanked all Department Heads and the Budget and Finance Committee for their efforts in preparing the 2018 budget.

## **REPORTS**

### **COUNCIL COMMITTEES**

**Budget and Finance** - Council Member Hoffman reported that the budget had been adopted at tonight's meeting. The 2019 budget process is scheduled to begin in the month of August.

**Long Range Traffic & Pedestrian Safety Planning** - Council Member Collander reported that the Department of Transportation's variable message board located on westbound Route 24 is back in service. He further reported that traffic data collected by the Police Department's Traffic Safety Unit suggests that the variable message board has a positive impact on reducing traffic exiting on to Main Street from Route 24.

**Public Safety & Emergency Services** - Council Member Collander reported that the state has mandated that all municipalities designate a police officer as a Humane Law Enforcement Officer ("HELO") for the enforcement of animal cruelty laws. There will be no state funding provided for this mandate.

**Personnel** - Council President Resto reported that the Borough has begun the recruitment and selection process for a Police Chief.

**Public Works Planning/Community Services** - Council Member Fife reported that Trans Options had completed the Borough's Walkability Assessment earlier in the day for the Urban Track project. Trans Options will be providing a copy of the assessment report to the Borough to address as needed pedestrian improvements.

**Shared Services & 3<sup>rd</sup> Party Agreements** - Council Member Weber had nothing new to report.

Council Member Collander reported that the new Shade Tree Protection and Preservation Ordinance would be placed on the next meeting agenda for Council discussion and first reading.

### **MAYOR'S REPORT**

Mayor Harris reported that on April 12<sup>th</sup>, the Board of Public Utilities (BPU) held a public hearing in Parsippany regarding responses to JCP&L's power outages during the winter storms and aftermath in the month of March. He along with Council President Resto, Council Member Kobylarz and Mr. Williams attended the public hearing and each of the Borough's elected officials provided comments. He mentioned that the public hearing was not well attended by the public; however, the BPU will accept written comments until May 31<sup>st</sup>. He encouraged the public to submit their written comments.

Mayor Harris also reported that mayors in Morris County met with Governor Murphy in Parsippany earlier in the day. Topics such as school funding and infrastructure, particularly NJ Transit, were discussed. He further reported that after the meeting he had an opportunity to speak with the Governor's liaison group about the traffic problems along Route 24/Route 124. He said they were aware of the problems and stated that most complaints coming from local officials are about the Department of Transportation not being responsive or failing to follow up on an issue.

### **ADMINISTRATOR'S REPORT**

Mr. Williams reported that he met with the Borough's auditor, Mr. Bud Jones, regarding the 2017 audit report. Mr. Jones will attend the May 14<sup>th</sup> Mayor and Council Meeting to provide a brief presentation on the audit. He further reported that NJ Transit is reviewing the request to expand the hours of the train station waiting room and that he has notified the NJ Transit Operations Department of the Schindler Court resident's complaint regarding the train horn. Mr. Williams also confirmed that NJ Transit has finished repair work on the Fairmount Avenue bridge and will begin repair work on the Hillside Avenue bridge.

Council Member Hoffman noted that the railroad station platform needs repair and asked that NJ Transit be notified.

Mayor Harris noted that the issue is the cost of complying with ADA when substantial repairs are made. ADA compliance has been an ongoing issue with NJ Transit and would require costly upgrades. He confirmed that Borough officials will continue to follow up with NJ Transit.

Mayor Harris proceeded with his appointment of Carolyn Dempsey to the Historic Preservation Commission.

## **MAYORAL APPOINTMENT**

### **APPOINTING CAROLYN DEMPSEY AS A CLASS C REGULAR MEMBER TO THE HISTORIC PRESERVATION COMMISSION**

**WHEREAS**, there currently exists a regular member vacancy on the Historic Preservation Commission due to the resignation of William Tackaberry, Sr., with a four-year term expiring December 31, 2019; and

**WHEREAS**, N.J.S.A. 40:55D-107 and Chapter 165-69 of the Code of the Borough of Chatham sets forth that appointments to the Historic Preservation Commission shall be made by the Mayor; and

**WHEREAS**, Carolyn Dempsey has expressed interest in being appointed to the Historic Preservation Commission and has submitted a volunteer application for consideration; and

**NOW, THEREFORE**, as Mayor, I, Bruce A. Harris do hereby appoint Carolyn Dempsey as a designated Class C regular member to the Historic Preservation Commission to fill the vacant four-year term, with such term expiring December 31, 2019 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 #18-181 through Resolution #18-194 have been placed on the Consent Agenda.

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

None.

## **APPOINTMENTS**

### **RESOLUTION #18-181**

### **RESOLUTION APPOINTING OFFICERS OF THE CHATHAM BOROUGH VOLUNTEER FIRE DEPARTMENT FOR THE YEAR 2018**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the following officers shall be appointed to the Chatham Borough Volunteer Fire Department for the year 2018:

Engine Company #2

Lieutenant:

Tim Carey

Wardens Company  
Lieutenant:

Donald Kidd

## **CONTRACTS**

### **RESOLUTION #18-182**

#### **RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO LTI, INC. FOR GRASS AND PROPERTY MAINTENANCE SERVICES FOR CALENDAR YEAR 2018**

**WHEREAS**, the Director of Public Works solicited proposals from qualified contractors for grass and property maintenance services for the 2018 calendar year; and

**WHEREAS**, the following two (2) quotations were received:

<u>VENDOR</u>	<u>QUOTE AMOUNT</u>
LTI, Inc.	\$ 39,650.00
Advanced Land Management, Inc.	\$ 51,840.00

And,

**WHEREAS**, the value of this contract will exceed 15% of the bid threshold, but will be 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**, this contract is awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, the Qualified Purchasing Agent has reviewed and approved the quotation specification and has reviewed all quotes that were received with the Director of Public Works; and

**WHEREAS**, the Director of Public Works recommends that an award of the contract be made to LTI, Inc., 70-76 Passaic Avenue, Florham Park, NJ 07932 in the amount of \$39,650.00; and

**WHEREAS**, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$39,650.00 and that funds are currently available for the purpose of awarding this contract from Current Fund Accounts #8-01-28-375-258 and #8-01-28-375-224.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby authorize the Mayor to execute the contract with LTI, Inc., in the amount of \$39,650.00, 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 #18-183**

#### **RESOLUTION AUTHORIZING CONTRACT WITH FIELD TURF USA, INC. UNDER ESCNJ CONTRACT MRESC/AEPA16-G FOR ATHLETIC SURFACES - SYNTHETIC TURF IN AN AMOUNT NOT TO EXCEED TO \$395,502.71**

**WHEREAS**, in accordance with the Local Public Contracts Law, the Borough of Chatham may by resolution and without advertising for bids, purchase goods or services through the New Jersey State Approved Co-op #65MCESCCPS, Educational Services Commission of New Jersey (ESCNJ) Cooperative System; and

**WHEREAS**, the Borough has the need to purchase replacement turf and installation for Lum Field in the Borough utilizing ESCNJ cooperative contracts; and

**WHEREAS**, ESCNJ Contract MRESC/AEPa16-G for Athletic Surfaces - Synthetic Turf was awarded to four (4) vendors, including Field Turf USA, Inc., 19600 SW 129<sup>th</sup> Ave, Tualatin, OR 97602; and

**WHEREAS**, the Borough Engineer recommends the utilization of this contract on the grounds that Field Turf USA, Inc. can provide the quality of product at the most reasonable price; and

**WHEREAS**, upon the recommendation of the Borough Engineer and Qualified Purchasing Agent, the Borough intends to purchase replacement turf and installation for Lum Field from Field Turf USA, Inc., in an amount not to exceed \$395,502.71, under ESCNJ Contract MRESC/AEPa16-G; and

**WHEREAS**, the Chief Financial Officer has certified that funds are currently available for the purpose of awarding this contract from the following accounts:

Account	Amount
C-04-55-917-901	\$384,500.00
C-04-55-917-007	<u>\$ 11,002.71</u>
	\$395,502.71

**BE IT RESOLVED** by the Council of the Borough of Chatham that they hereby approve the purchase of replacement turf and installation for Lum Field from Field Turf USA, Inc., in an amount not to exceed \$395,502.71, under ESCNJ Contract MRESC/AEPa16-G. The Mayor and Borough Clerk are hereby authorized and directed to execute a purchase order and/or contract with Field Turf USA, Inc.; and

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

#### **RESOLUTION #18-184**

#### **RESOLUTION AUTHORIZING THE AWARD OF THE CONTRACT FOR THE WESTON AVENUE ROAD CAPITAL IMPROVEMENT PROJECT TO AMERICAN ASPHALT & MILLING SERVICES LLC IN THE AMOUNT NOT TO EXCEED \$277,130.95**

**WHEREAS**, the Borough of Chatham advertised for the receipt of sealed competitive bids to be received on April 5, 2018 at 10:00 a.m. for the Weston Avenue Road Capital Improvement Project as per the bid specifications; and

**WHEREAS**, the Borough received seven (7) bids for this contract; and

**WHEREAS**, all bids have been reviewed by the Borough Engineer; and

**WHEREAS**, the Borough Attorney reviewed the bid from the lowest bidder; and

**WHEREAS**, the Local Public Contracts Law requires that competitive bidding contracts be awarded to the lowest, responsible, and responsive bidder; and

**WHEREAS**, American Asphalt & Milling Services LLC, 125 Oakwood Avenue, Kearny, NJ 07032 was the lowest, responsible and responsive bidder, submitting a base bid in the amount of \$267,130.95 and a bid option for reset castings (inlets and manholes) in the amount of \$10,000.00, for a total bid submission in the amount of \$277,130.95; and

**WHEREAS**, the Borough Engineer has found the bid submission to be in proper form and is in compliance with the bid specifications, as written, and in accordance with the provisions of N.J.S.A. 40A:11-23.1 and N.J.S.A. 40A:11-23.2; and

**WHEREAS**, the Borough Clerk has found the bid submission to be in compliance with affirmative action laws and regulations of the State of New Jersey (N.J.S.A. 10:5-31 et seq and N.J.A.C. 17:27.) and with the Americans with Disabilities Act of 1990 (42 U.S.C. S121 01 et seq.); and

**WHEREAS**, the Borough Engineer recommends that an award of the contract should be made to American Asphalt & Milling Services LLC, 125 Oakwood Avenue, Kearny, NJ 07032 in the amount of \$267,130.95; and

**WHEREAS**, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$277,130.95 and that funds are currently available for the purpose of awarding this contract from the following Capital Accounts:

<u>Account</u>	<u>Amount</u>
C-04-55-917-005	\$187,326.00
C-04-55-915-002	\$ 6,616.00
C-04-55-916-002	\$ 15,959.00
C-04-55-916-101	\$ 45,366.00
C-04-55-918-002	<u>\$ 21,863.95</u>
	<b><u>\$277,130.95</u></b>

**BE IT RESOLVED** by the Council of the Borough of Chatham that they hereby authorize the Mayor and Borough Clerk to execute the contract with American Asphalt & Milling Services LLC, in the amount of \$277,130.95, in accordance with its bid for the Weston Avenue Road Capital Improvement Project; 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 #18-185**

#### **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.

## **LAW AND PUBLIC SAFETY**

### **RESOLUTION #18-186**

#### **RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SEAT BELT ENFORCEMENT GRANT APPLICATION WITH THE STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF HIGHWAY TRAFFIC SAFETY**

**WHEREAS**, the most effective device for preventing deaths and injuries in motor vehicle crashes is the seat belt. When used consistently, seat belts save lives and reduce serious injuries; and

**WHEREAS**, in 2015, there were more than 3,500 motor vehicle crashes in New Jersey where a motorist or passenger was not wearing a seat belt, resulting in 117 fatalities and accounting for 21 percent of motor vehicle deaths; and

**WHEREAS**, the State of New Jersey, Department of Law and Public Safety, Division of Highway Traffic Safety is offering law enforcement agencies throughout New Jersey and the nation an opportunity to participate in a federally-funded grant program sponsored by the National Highway Traffic Safety Administration to implement a targeted seat belt campaign as part of a nationwide “Click It or Ticket” seat belt mobilization from May 21 through June 3, 2018 to increase seat belt usage by motorists and passengers; and

**WHEREAS**, funding offered by the National Highway Traffic Safety Administration is a reimbursable grant requiring the municipality to fund its seat belt enforcement campaign upfront; and

**WHEREAS**, the Borough of Chatham is desirous of participating in the seat belt enforcement campaign and is requesting \$5,500.00 in grant funding; and

**WHEREAS**, if the grant request is approved, the Chief Financial Officer has certified that sufficient funds have been included in the 2018 Budget submission in the amount of \$5,500.00 in Account # 8-01-25-240- 012 for Borough Council approval for this reimbursable grant program.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that they hereby approve the submission of a grant application and authorize the Mayor to execute the State of New Jersey, Department of Law and Public Safety, Division of Highway Traffic Safety grant application for the seat belt enforcement campaign from May 21 through June 3, 2018; 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 #18-187**

#### **RESOLUTION APPOINTING DETECTIVE DANIEL WALSH AND DETECTIVE ANDREW CHASE AS MUNICIPAL HUMANE LAW ENFORCEMENT OFFICERS FOR THE BOROUGH OF CHATHAM**

**WHEREAS**, the New Animal Cruelty Enforcement Law, P.L. 2017 c. 331, (the “New Law”) was signed into law on January 16, 2018; and

**WHEREAS**, the New Law revises the enforcement of animal cruelty laws in the State of New Jersey by transferring the power of humane law enforcement from the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) and county societies for the prevention of cruelty to animals (county societies) to a county prosecutor animal cruelty task force in each county, and a municipal humane law enforcement officer appointed in each municipality; and

**WHEREAS**, the New Law requires the governing body of each municipality to appoint at least one municipal humane law enforcement officer, approved by the chief law enforcement officer of the municipality, who is responsible for animal welfare within the jurisdiction of the municipality, and who is to enforce and abide by the animal cruelty laws of the State and ordinances of the municipality; and

**WHEREAS**, Captain Brian Gibbons, Command Officer for the Chatham Borough Police Department recommends the appointment of Detective Daniel Walsh and Detective Andrew Chase to serve as the municipal humane law enforcement officers for the Borough.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby concur with the recommendation of Captain Brian Gibbons, Command Officer for the Chatham Borough Police Department, and appoint Detective Daniel Walsh and Detective Andrew Chase to serve as the municipal humane law enforcement officers for the Borough; 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.

## **BOARDS, COMMISSIONS & COMMITTEES**

### **RESOLUTION #18-188**

#### **RESOLUTION APPOINTING SHELLIAM LEE TO THE CHATHAM BOROUGH BOARD OF HEALTH AS THE ALTERNATE NO. 2 MEMBER**

**WHEREAS**, there currently exists an Alternate No. 2 member vacancy on the Chatham Borough Board of Health with the term of January 1, 2018 through December 31, 2019; and

**WHEREAS**, N.J.S.A. 26:3-5 sets forth that the alternate members of the Board of Health shall be appointed by the Mayor with the advice and consent of the Council and in the event of a vacancy, the term of appointment shall be only for the unexpired term; and

**WHEREAS**, Chapter 23 of the Revised Codes of the Borough of Chatham, §23-2, sets forth that alternate members shall be designated at the time of appointment as either "Alternate No. 1" or "Alternate No. 2" and that the term shall be for two years; and

**WHEREAS**, Shelliam Lee has expressed interest in being appointed to the Chatham Borough Board of Health; and

**WHEREAS**, Mayor Bruce Harris wishes to appoint Shelliam Lee to the Chatham Borough Board of Health to fill the vacant, unexpired 2-year Alternate No. 2 member position, with such term expiring on December 31, 2019.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that the Mayoral appointment of Shelliam Lee to the Chatham Borough Board of Health as the Alternate No. 2 member, as herein referenced is hereby approved with the advice and consent of the Council; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution in accordance with N.J.S.A. 40A:9-9.2a and the Code of the Borough Chatham, Chapter 3, §3.3.

### **RESOLUTION #18-189**

#### **RESOLUTION APPOINTING NICOLE O'BRIEN TO THE MAYOR'S WELLNESS ADVISORY COMMITTEE FOR CALENDAR YEAR 2018**

**WHEREAS**, the Mayor and Borough Council support initiatives that promote healthy behaviors and lifestyles among Borough residents and employees; and

**WHEREAS**, Resolution #18-17 adopted by the Mayor and Council on January 2, 2018 re-established the Mayor's Wellness Advisory Committee for calendar year 2018; and

**WHEREAS**, the Mayor's Wellness Advisory Committee works with the Mayor and the Borough Council, along with key community leaders to plan and organize initiatives that promote and shape healthier lifestyles for all citizens in the community; and

**WHEREAS**, Nicole O'Brien has expressed her interest in being appointed to the Mayor's Wellness Advisory Committee and has submitted a volunteer application.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Nicole O'Brien is hereby appointed to the Mayor's Wellness Advisory Committee for calendar year 2018; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution in accordance with N.J.S.A. 40A:9-9.2a and the Code of the Borough Chatham, Chapter 3, §3.3.

## **RESOLUTION #18-190**

### **RESOLUTION APPOINTING BRIAN KLATT TO THE CHATHAM BOROUGH FARMERS' MARKET ADVISORY COMMITTEE**

**WHEREAS**, Resolution #18-15, adopted by the Borough Council on January 2, 2018, re-established the Chatham Borough Farmers' Market Advisory Committee; and

**WHEREAS**, the Chatham Borough Farmers' Market depends on a volunteer force to assist with the set-up and operation of the Farmers' Market, as well as perform tasks as may be directed by the Farmers' Market Manager.

**WHEREAS**, Brian Klatt has expressed interest in being appointed to the Chatham Borough Farmers' Market Advisory Committee and has submitted a Volunteer Application to the Mayor and Borough Council for consideration.

**BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Chatham that Brian Klatt is hereby appointed to the Chatham Borough Farmers' Market Advisory Committee; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution in accordance with N.J.S.A. 40A:9-9.2a and the Code of the Borough Chatham, Chapter 3, §3.3.

## **OTHER**

## **RESOLUTION #18-191**

### **RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A 2018 NATIONAL AARP COMMUNITY CHALLENGE GRANT APPLICATION**

**WHEREAS**, the AARP supports the efforts of towns, cities and counties nationwide to become great places for people of all ages; and

**WHEREAS**, communities that provide safe, walkable streets, affordable and accessible housing and transportation options, and access to needed services provide opportunities for residents to participate in community life; and

**WHEREAS**, the AARP is offering government agencies and qualifying nonprofit organizations and community organizations an opportunity to participate in the 2018 National AARP Community Challenge grant program for small grants that support projects that improve sidewalks and crosswalks, activate public spaces and other community elements that support great livable communities for people of all ages; and

**WHEREAS**, the Borough of Chatham is desirous of participating in the 2018 National AARP Community Challenge grant program to support the Mayors Wellness Advisory Committee Urban Track project in partnership with TriTown 55+ and is requesting \$51,800.00 in grant funding; and

**WHEREAS**, there is no cash match requirement for this grant program.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that they hereby approve the submission of a grant application and authorizes the Mayor to execute the 2018 National AARP Community Challenge grant program application and Memorandum of Understanding between the AARP and the Borough of Chatham for the grant funding; 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 #18-192**

### **RESOLUTION AUTHORIZING THE TEMPORARY SUSPENSION OF THE RECREATION PROGRAM TENNIS COURT FEES**

**WHEREAS**, Resolution #18-64 adopted by the Mayor and Council on January 2, 2018 set forth a schedule of fees for permits, fees, applications, and miscellaneous services of the Borough for calendar year 2018; and

**WHEREAS**, the Recreation Coordinator has recommended that, due to the condition of the courts and low usage, the following fees established for the Tennis Recreation Program should be suspended:

Recreation Program, Tennis, Chatham Borough Resident	\$ 75.00
Recreation Program, Tennis, Chatham Borough Resident, Senior Citizen	\$ 45.00
Recreation Program, Tennis, Chatham Township Resident	\$100.00

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby authorize the suspension of fees for the Borough's Recreation Tennis Program for calendar year 2018; 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 #18-193**

### **RESOLUTION AUTHORIZING INCREASE TO THE ORIGINAL CONTRACT AMOUNT WITH STAVOLA CONSTRUCTION MATERIALS THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL FOR THE 2017 ROAD RESURFACING PROGRAM**

**WHEREAS**, by Resolution #17-264 adopted on September 11, 2017, the Mayor and Borough Council authorized the award of a contract to Stavola Construction Materials through the Morris County Cooperative Pricing Council for the 2017 Road Resurfacing Program, in an amount not to exceed \$100,000.00; and

**WHEREAS**, the Borough Engineer has advised that additional tonnage was required during the performance of the contract to mill and repave beyond the limits of Duchamp Place; and

**WHEREAS**, an asphalt adjustment, permitted under the Morris County Cooperative Pricing Council contract, was not accounted for in the original contract amount; and

**WHEREAS**, upon the recommendation of the Borough Engineer, the Mayor and Council wish to amend Resolution #17-264 to increase the original contract amount with Stavola Construction Materials to \$112,132.82 in order to account for these items; and

**WHEREAS**, the Chief Financial Officer has certified that funds are currently available for the purpose of increasing the original contract amount to \$112,132.82 from Capital Account C-04-55-917-006.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby authorize an increase to the original contract amount with Stavola Construction Materials through the Morris County Cooperative Pricing Council for the 2017 Road Resurfacing Program to \$112, 132.82; and

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

## **RESOLUTION #18-194**

### **RESOLUTION AUTHORIZING THE SUSTAINABILITY FAIR TO BE HELD ON SATURDAY, SEPTEMBER 8, 2018**

**WHEREAS**, our residents desire a healthy, stable, and sustainable future for themselves and future generations and have the desire to take steps to sustain their quality of life over the long term; and

**WHEREAS**, since 2008, the Chatham Borough Environmental Commission and the Chatham Township Environmental Commission have organized and co-hosted the *Green Fair of the Chathams*, a collaborative effort promoting eco-friendly organizations, companies and products that offer wide-ranging, affordable environmental solutions to sustain our community; and

**WHEREAS**, the Mayors' Wellness Campaign of the Chathams Committee, a joint committee with Chatham Township, in collaboration with the Chatham Borough Farmers' Market Advisory Committee, has been working with the Mayors and key leaders promoting healthier lifestyles for all citizens in their communities by championing practices and organizing programs that promote active living; and

**WHEREAS**, the Chatham Borough Environmental Commission, the Chatham Township Environmental Commission, the Mayors' Wellness Committee and the Chatham Borough Farmers' Market Advisory Committee wish to collaboratively organize and hold a *Sustainability Fair* on Saturday, September 8, 2018 at the Chatham Borough Farmers' Market, Railroad Plaza South, from the hours of 8:00 a.m. to 1:00 p.m.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby support the collaborative initiative and authorize the *Sustainability Fair* to be held on Saturday, September 8, 2018 at the Chatham Borough Farmers' Market, Railroad Plaza South, from the hours of 8:00 a.m. to 1:00 p.m., subject to compliance and approval of police and public safety directives; 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

### **CONSENT AGENDA VOTE:**

Council President Resto made a motion to approve Resolution #18-181 through Resolution #18-194 on the Consent Agenda. The motion was seconded by Council Member Hoffman. A vote was taken and Resolution #18-181 through Resolution #18-194 were approved unanimously.

### **ADD-ON RESOLUTIONS**

None.

### **ADJOURNMENT**

Having no other business to be conducted in public session, Council Member Kobylarz made a motion to adjourn. Council President Resto seconded the motion. A vote was taken and the motion to adjourn was approved unanimously.

Meeting adjourned at 9:23 p.m.

Respectfully Submitted:

*Robin R. Kline*

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