

AGENDA
June 24, 2019

Regular Meeting
Mayor and Borough Council

Borough of Chatham
54 Fairmount Avenue
Chatham, NJ 07928

**CALL MEETING
TO ORDER**

The meeting will be called to order at 7:30 p.m.

SALUTE TO FLAG

MOMENT OF SILENCE

**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 official 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 was filed with the Borough Clerk, all on January 17, 2019.

ROLL CALL

Mayor Bruce A. Harris
Council President James J. Collander
Council Member Victoria Fife
Council Member Robert A. Weber, Sr.
Council Member Thaddeus J. Kobylarz
Council Member Carolyn Dempsey
Council Member Jocelyn Mathiasen
Stephen W. Williams, Borough Administrator
James L. Lott, Jr., Borough Attorney

PRESENTATION

1. Community Volunteer Award and Commendation – Lucy Malatesta

RECUSALS

Recusals or abstentions submitted for the record.

APPOINTMENT

RESOLUTION #19-220

RESOLUTION APPOINTING BENJAMIN L. ZINN AS A PROBATIONARY FIREFIGHTER FOR THE CHATHAM BOROUGH VOLUNTEER FIRE DEPARTMENT

WHEREAS, the Mayor and Council of the Borough of Chatham recognize the valuable contributions volunteer firefighters make to our community every day of every year; and

WHEREAS, Benjamin L. Zinn has expressed interest in becoming a Probationary Firefighter with the Chatham Borough Volunteer Fire Department; and

WHEREAS, the Fire Chief has recommended that Benjamin L. Zinn should be appointed as a Probationary Firefighter to the Chatham Borough Volunteer Fire Department, Engine 1 Company.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Benjamin L. Zinn is hereby appointed as a Probationary Firefighter to the Chatham Borough Volunteer Fire Department, Engine 1 Company; and

BE IT FURTHER RESOLVED, that Benjamin L. Zinn application for membership to the Chatham Borough Volunteer Fire Department is hereby approved.

RESOLUTION #19-221

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 28, 2019

And,

BE IT FURTHER RESOLVED, by the Council of the Borough of Chatham that the minutes from the following Closed Session meeting(s) are approved as prepared and shall be filed as a permanent record in the Borough Clerk's office:

May 28, 2019

RECUSALS

Recusals or abstentions submitted for the record.

DISCUSSION ITEMS

1. Single Use Plastic – Mrs. Mathiasen and Mr. Resto

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.

ORDINANCE FOR SECOND READING

REPORTS

BOARD & COMMISSION MEMBERS & LIAISON REPORTS

Shade Tree Commission	Council President James J. Collander
Affordable Housing Advisory Committee	Council President James J. Collander
Traffic & Pedestrian Safety Advisory Committee	Council President James J. Collander
Farmers' Market Advisory Committee	Council Member Victoria Fife
Historic Riverside Trail Advisory Committee	Council Member Victoria Fife
Mayor's Wellness Advisory Committee	Council Member Victoria Fife
MyChathamNJ Advisory Committee	Council Member Victoria Fife
Municipal Pool Advisory Committee	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
Board of Health	Council Member Robert A. Weber, Sr.
Joint Recreation Advisory Committee	Council Member Robert A. Weber, Sr.
9/11 Memorial Advisory Committee	Council Member Robert A. Weber, Sr.
Madison-Chatham Joint Meeting	Council Member Robert A. Weber, Sr.
Undergrounding Advisory Committee	Council Member Thaddeus J. Kobylarz
Planning Board	Council Member Thaddeus J. Kobylarz
Joint Municipal Court	Council Member Thaddeus J. Kobylarz
Joint Community Gardens Advisory Committee	Council Member Thaddeus J. Kobylarz
Historic Preservation Commission	Council Member Carolyn Dempsey
Board of Education	Council Member Carolyn Dempsey
Municipal Alliance of the Chathams	Council Member Carolyn Dempsey
Open Space & Historic Preservation Trust Advisory Committee	Council Member Carolyn Dempsey
Environmental Commission	Council Member Jocelyn Mathiasen
Communications & Technology Advisory Committee	Council Member Jocelyn Mathiasen

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 #19-222 through Resolution #19-233 have been placed on the Consent Agenda.

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

RESOLUTION #19-

CONTRACTS

RESOLUTION #19-222

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO NORTH AMERICAN
PIPELINE SERVICES FOR SEWER PIPE RE-LINING - HILLSIDE AVENUE PROJECT**

WHEREAS, the Director of Public Works solicited proposals from qualified contractors for the re-lining of sanitary sewer pipes off of Hillside Avenue; 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, the following two (2) quotations were received:

<u>VENDOR</u>	<u>TOTAL CONTRACT AMOUNT</u>
North American Pipeline Services, LLC	\$35,994.00
EN Tech Corp	\$42,850.00

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 specifications and has reviewed all quotes that were received; and

WHEREAS, the Director of Public Works recommends that an award of the contract be made to North American Pipeline Services, LLC, 210 Bennett Road, Freehold, New Jersey 07728 in the amount of \$35,994.00 subject to the review and approval by the Qualified Purchasing Agent; and

WHEREAS, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$35,994.00 and that funds are currently available for the purpose of awarding this contract from Capital Accounts #C-04-55-919-201;

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby authorize the Mayor to execute the contract with North American Pipeline Services, LL. in the amount of \$35,994.00, in accordance with the specifications upon which quotations were received; 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 #19-223

RESOLUTION TO APPROVE PAYMENT OF VOUCHERS

WHEREAS, vouchers for payment have been submitted to the Borough Council by the various municipal departments.

BE IT RESOLVED, by the Council of the Borough of Chatham that all vouchers approved by the Finance Chairman be paid subject to the certification of the availability of funds by the Chief Financial Officer.

RESOLUTION #19-224

RESOLUTION AUTHORIZING THE RELEASE AND RETURN OF A CASH PERFORMANCE BOND TO INNOVATIVE CONSTRUCTION AND DESIGN FOR WORK COMPLETED AT 19 CARMINE STREET

WHEREAS, Innovative Construction and Design submitted a cash performance bond in the amount of \$1,000.00 to the Borough of Chatham for work to be performed at 19 Carmine Street; and

WHEREAS, the Borough Engineer has received a request from Innovative Construction and Design seeking the Borough's release of the cash performance bond in the amount of \$1,000.00; and

WHEREAS, the Borough Engineer has reviewed the subject property and has determined that all conditions set forth in his letter dated January 18, 2019 have been satisfactorily completed.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby authorize the release of the cash performance bond in the amount of \$1,000.00 to Innovative Construction and Design by escrow check; 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 #19-225

RESOLUTION AUTHORIZING THE RELEASE AND RETURN OF A CASH PERFORMANCE BOND TO ARRON AUE FOR WORK COMPLETED AT 15 VINCENT STREET

WHEREAS, Arron Aue submitted a cash performance bond in the amount of \$1,500.00 to the Borough of Chatham for work to be performed at 15 Vincent Street; and

WHEREAS, the Borough Engineer has received a request from Arron Aue seeking the Borough's release of the cash performance bond in the amount of \$1,500.00; and

WHEREAS, the Borough Engineer has reviewed the subject property and has determined that all conditions have been satisfactorily completed.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby authorize the release of the cash performance bond in the amount of \$1,500.00 to Aaron Aue by escrow check; 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 #19-226

RESOLUTION INSERTING AN ITEM OF REVENUE IN THE ADOPTED 2019 MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item or appropriation for an equal amount.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the Borough of Chatham hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the adopted 2019 Municipal Budget in the sum of \$17,437.99, which items are now available as a revenue from a Grant received from the State of New Jersey pursuant to the provisions of the herein referenced statute; and

BE IT FURTHER RESOLVED that the sum of \$17,437.99, be made and the same is hereby appropriated under the caption of: CLEAN COMMUNITITES - 2019, Account# G-01-41-770-201, amount \$17,437.99; and

BE IT FURTHER RESOLVED that the insertion of the item of revenue is the result of monies being provided to the municipality pursuant to N.J.S.A. 40A:4-87; and

BE IT FURTHER RESOLVED that two certified copies of this resolution be forwarded to the Office of the Director of Local Government Services as required by law.

PERSONNEL

RESOLUTION #19-227

RESOLUTION APPOINTING ADDITIONAL SUMMER MEMORIAL PARK POOL STAFF FOR THE 2019 SEASON

WHEREAS, the Chatham Borough Recreation Program has a need to hire additional summer pool staff for the 2019 season; and

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

Name	Hourly Pay Rate	Position
Barton, Carol	\$10.00	Substitute
Kressler, Kyle	\$10.00	Substitute
Christie, Colton	\$10.00	Substitute
Christie, Alastair	\$10.00	Substitute
Conklin, Benjamin	\$10.00	Substitute

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they concur with the recommendations of the Recreation Coordinator and hereby approve the hiring of the individuals referenced herein as summer pool staff for the 2019 season at the respective positions and

rates of pay, contingent upon the Recreation Coordinator verifying that all paperwork requirements have been completed prior to employment; and

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

RESOLUTION #19-228

RESOLUTION ACCEPTING THE RESIGNATION OF TIMOTHY B. DAY AS CHIEF FINANCIAL OFFICER FOR THE BOROUGH OF CHATHAM

WHEREAS, Timothy B. Day, has tendered his resignation as Chief Financial Officer/QPA of the Borough of Chatham effective June 28, 2019; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby accept the resignation of Timothy B. Day, Chief Financial Officer/QPA for the Borough of Chatham, with the effective date of June 28, 2019 and wish him well in his future endeavors; and

BE IT FURTHER RESOLVED, that the Mayor and Council thank Tim Day for his service to this community; 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.

OTHER

RESOLUTION #19-229

RESOLUTION DESIGNATING CHATHAM RIVER ROAD PARTNERS, LLC AS THE REDEVELOPER FOR THE RIVER ROAD NORTH REDEVELOPMENT AREA SUBJECT TO CONDITIONS

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1*, et seq., as amended and supplemented (“LRHL”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, in accordance with the LRHL, the Council for the Borough of Chatham (the “Council”) designated properties located at River Road and shown on the Borough’s Tax Map as Block 135, Lots 9, 10 and 11, as an area in need of redevelopment (the “Redevelopment Area”); and

WHEREAS, the Council adopted a Redevelopment Plan by Ordinance No. 19-11, adopted on June 10, 2019, for the Redevelopment Area (the “Redevelopment Plan”) which sets forth, *inter alia*, the plan for the redevelopment of the Redevelopment Area; and

WHEREAS, Chatham River Road Partners, LLC (the “Redeveloper”), an affiliate of BNE Real Estate Group of Livingston, New Jersey, has proposed that it be named the redeveloper for the River Road North Redevelopment Area subject to conditions given their site control and ability to develop consistent with the Redevelopment Plan; and

WHEREAS, BNE Real Estate Group is an experienced developer of mixed use commercial and residential developments; and

WHEREAS, the Council desires that the Redevelopment Area be redeveloped by the Redeveloper in accordance with the Redevelopment Plan; and

WHEREAS, the Council is authorized to exercise all powers under the LRHL, pursuant to *N.J.S.A. 40A:12A-8*, including but not limited to ability to negotiate with developers to undertake redevelopment projects; and

WHEREAS, the Council requires that prospective redevelopers, including Chatham River Road Partners, LLC, pay or reimburse the Borough all reasonable costs and fees incurred by the Borough associated with reviewing and evaluating the prospective redeveloper's proposal, preparing and negotiating a Redevelopment Agreement, should a Redevelopment Agreement ultimately be executed, and all other expenses related to the matter, prior to either the execution of a Redevelopment Agreement or a determination by the Council that a Redevelopment Agreement cannot be executed, as applicable; and

WHEREAS, the Borough has prepared a form of Interim Cost and Conditional Designation Agreement whereby the redeveloper shall pay or reimburse the Borough all reasonable costs and fees incurred by the Borough associated with reviewing and evaluating the Proposal, preparing and negotiating a Redevelopment Agreement, should such an agreement be reached, and all other expenses related to this matter, prior to either the execution of a Redevelopment Agreement or a determination by the Council that a Redevelopment Agreement cannot be executed, as applicable; and

WHEREAS, the Council and the Redeveloper shall have a period of six (6) months until December 24, 2019 to agree on a specific development proposal and enter into a Redevelopment Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council for the Borough of Chatham as follows:

1. Chatham River Road Partners, LLC is hereby designated as the Redeveloper for the Redevelopment Area subject to conditions.
2. The Mayor and Council are hereby authorized to negotiate a Redevelopment Agreement with the Redeveloper.
3. The Mayor is hereby authorized to execute an Interim Cost and Conditional Designation Agreement between the Borough of Chatham and in the form attached hereto as Exhibit A or in a form substantially similar thereto.
4. Staff and consultants to the Borough are hereby authorized and directed to take all other administrative actions to implement this Resolution as may be necessary and appropriate to accomplish its goals and intent.

BE IT FURTHER RESOLVED that this Resolution shall be effective for a period of six (6) months from the date adopted until December 24, 2019, after which time it shall be of no further force and affect.

RESOLUTION #19-230

RESOLUTION APPROVING THE MAY 20, 2019 MINUTES OF THE MADISON-CHATHAM JOINT MEETING

WHEREAS, the approval of the minutes for the May 20, 2019 Regular Meeting of the Madison-Chatham Joint Meeting was listed on the June 17, 2019 agenda of the Madison-Chatham Joint Meeting;

and

WHEREAS, the Borough of Chatham did not have a quorum present at the June 17, 2019 meeting of the Madison-Chatham Joint Meeting; and

WHEREAS, it is necessary for the Borough of Chatham to approve the May 20, 2019 Regular Meeting minutes of the Madison-Chatham Joint Meeting.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the minutes of the May 20, 2019 Regular Meeting of the Madison-Chatham Joint Meeting are hereby approved.

RESOLUTION #19-231

RESOLUTION APPROVING THE JUNE 17, 2019 OPERATING BUDGET - CHECK REGISTER AND PURCHASE ORDERS RENDERED BY THE MADISON-CHATHAM JOINT MEETING

WHEREAS, the approval of the June 2019 Operating Budget - Check Register and Purchase Orders Rendered were presented on the June 17, 2019 agenda of the Madison-Chatham Joint Meeting for approval; and

WHEREAS, the Borough of Chatham did not have a quorum present at the June 17, 2019 Regular meeting of the Madison-Chatham Joint Meeting; and

WHEREAS, it is necessary for the Borough of Chatham to approve the June 2019 Operating Budget - Check Register and Purchase Orders Rendered for the Madison-Chatham Joint Meeting in the amount totaling \$106,398.54.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the June 2019 Operating Budget - Check Register and Purchase Orders Rendered for the Madison-Chatham Joint Meeting in the amount totaling \$106,398.54 are hereby approved.

RESOLUTION #19-232

RESOLUTION APPROVING THE JUNE 17, 2019 PERPETUAL BUDGET - CHECK REGISTER AND PURCHASE ORDERS RENDERED BY THE MADISON-CHATHAM JOINT MEETING

WHEREAS, the approval of the June 2019 Perpetual Budget - Check Register and Purchase Orders Rendered were presented on the June 17, 2019 agenda of the Madison-Chatham Joint Meeting for approval; and

WHEREAS, the Borough of Chatham did not have a quorum present at the June 17, 2019 Regular meeting of the Madison-Chatham Joint Meeting; and

WHEREAS, it is necessary for the Borough of Chatham to approve the June 2019 Perpetual Budget - Check Register and Purchase Orders Rendered for the Madison-Chatham Joint Meeting in the amount totaling \$5,048.16.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the June 2019 Perpetual Budget - Check Register and Purchase Orders Rendered for the Madison-Chatham Joint Meeting in the amount totaling \$5,048.16 are hereby approved.

RESOLUTION #19-233

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF INTENT FOR THE SUBMISSION OF A MORRIS COUNTY TRAIL CONSTRUCTION GRANT PROGRAM APPLICATION FOR THE CONSTRUCTION OF A GARDEN PARK PEDESTRIAN WALKING PATH

WHEREAS, the Borough of Chatham is desirous of submitting a Morris County Trail Construction Grant Program application for the construction of a Garden Park Pedestrian Walking Path project; and

WHEREAS, applicants are required to submit a completed Letter of Intent to the Morris County Park Commission on or before June 28, 2019, which verifies property ownership, estimates project costs, and approves the municipality's pursuit and future submission of a Morris County Trail Construction Grant Program Application; and

WHEREAS, the Director of the Department of Community Services and the Borough Engineer have prepared the Letter of Intent in accordance with the grant program requirements, which has been approved by the Borough Administrator.

BE IT RESOLVED, by the Council of the Borough of Chatham that they hereby approve the Borough's pursuit and future submission of a Morris County Trail Construction Grant Program Application for the construction of a Garden Park Pedestrian Walking Path, and authorize the Mayor to execute the Letter of Intent; 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 #19-222 through #19-233.

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 RESOLUTION[S]

ORDINANCES FOR FIRST READING

Mayor Harris asks Council Member Fife to introduce Ordinance #

Council Member Fife introduces Ordinance #19-12 by title as follows:

ORDINANCE #19-12

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 75 OF THE BOROUGH CODE TO REGULATE THE SALE OF ALCOHOLIC BEVERAGES

Council Member Fife explains the purpose of the Ordinance and moves for introduction on First Reading.

Council Member Fife reads:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on June 24, 2019.

BE IT RESOLVED, that at the Council meeting to be held on July 8, 2019 at 7:30 p.m. prevailing time, at Borough Hall, the Chatham Borough Council will further consider this Ordinance for a second reading, public hearing and final passage; and

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

Council Member Fife: I offer Ordinance #19-12 and move its adoption on first reading.

Council Member _____ seconds the motion.

Mayor Harris asks the Borough Clerk for a Roll Call Vote:

Name	Motion	Second	Yes	No	Abstain	Absent
Collander						
Fife						
Weber						
Kobylarz						
Dempsey						
Mathiasen						

RESOLUTION #19-234

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:

1. Personnel
 - Chief Financial Officer
 - Clerk
2. Contract Negotiations
 - Selection of Post Office Plaza Redeveloper

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

