

AGENDA
September 11, 2018

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 7:45 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 11, 2018.

ROLL CALL

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

PROCLAMATION

RESOLUTION #18-281

RESOLUTION ENCOURAGING SUPPORT FOR THE THIRD ANNUAL “OUT OF THE DARKNESS” WALK ON SEPTEMBER 22, 2018

WHEREAS, the Borough of Chatham is committed to increasing awareness of suicide prevention and wishes to recognize the importance of suicide awareness in our community; and

WHEREAS, a suicide attempt is made every minute of every day, resulting in nearly one million attempts made annually, with an increasing number of teens and pre-teens, members of the military and the protective services of Police, Fire and Emergency Management Technicians being most at risk; and

WHEREAS, the scourge and stigma of mental illness causes many to keep suicide and attempted suicides unspoken of in the community, even in Chatham; and

WHEREAS, the American Foundation for Suicide Prevention is a multi-faceted organization made up of esteemed scientists, dedicated survivors of suicide loss, people with mental disorders and their families, those who wish to bring suicide and mental illness out of the shadows, and an expansive network of business and community leaders that advocates and supports policies that contribute to reducing and preventing suicides nationwide and encourages individuals who may be in crisis to call the National Suicide Prevention Lifeline at 1-800-273-TALK (8255); and

WHEREAS, the Borough of Chatham supports the American Foundation for Suicide Prevention to host “Talk Saves Lives” community-based presentations on suicide prevention, and the “Out of the Darkness” walk to raise funds for same; and

WHEREAS, the third annual “Out of The Darkness” walk will take place on September 22, 2018 at 4:30 P.M. at Cougar Field to increase awareness of suicide prevention and raise funds for the American Foundation for Suicide Prevention, an endeavor which the Borough of Chatham fully supports with Council President Resto co-chairing the effort and participating in the walk; and

WHEREAS, in 2016 the “Out of the Darkness” walk in the Chathams raised \$70,001 and last year’s event raised \$76,314; and

BE IT RESOLVED that the Mayor and Council of the Borough of Chatham encourage as many of our residents as possible to show their support of this important cause by either registering to walk, raise funds, or attend the “Out of the Darkness” event on September 22nd at Cougar Field.

RESOLUTION #18-282

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:

August 13, 2018

And,

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

August 13, 2018

RECUSALS

Recusals or abstentions submitted for the record.

DISCUSSION ITEMS

1. 4 Watchung LLC v. Borough of Chatham – Mr. Lott, Esq,
 2. Capital Projects Update – Vince DeNave
 3. River Road Widening Project – Vince DeNave
 4. Local Impact of the Effort to Legalize the Recreational Use of Marijuana
- Council Member Robert Weber, Sr.
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MEETING OPEN TO THE PUBLIC

NOTICE OF PUBLIC COMMENT TIME LIMIT

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

ORDINANCE FOR SECOND READING

Mayor Harris asks Council Member Fife to proceed with Ordinance #18-10.

Council Member Fife reads Ordinance #18-10 entitled:

ORDINANCE #18-10

ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 79, ENTITLED ANIMALS AND RABIES CONTROL, OF THE CODE OF THE BOROUGH OF CHATHAM

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on August 13, 2018.

Mayor Harris asks the Borough Clerk to give a summary of the legal notice.

The Borough Clerk states: A legal notice was published indicating that Ordinance #18-10 was introduced and passed on first reading at the August 13, 2018 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on September 11, 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: The meeting is now open for a public hearing on the Ordinance and any member of the public may be heard.

Mayor Harris: Seeing no one else wishing to be heard, I will now close the public hearing.

Council Member Fife: I offer the following Ordinance and move its adoption:

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

Council Member _____ seconds the motion.

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

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

Mayor Harris: I declare this Ordinance adopted and finally passed and request the Borough Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

REPORTS

BOARD & COMMISSION MEMBERS & LIAISON REPORTS

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

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 #18-283 through Resolution #18-289 have been placed on the Consent Agenda.

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

RESOLUTION #18-

FINANCE

RESOLUTION #18-283

RESOLUTION TO APPROVE PAYMENT OF VOUCHERS

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

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

RESOLUTION #18-284

RESOLUTION AUTHORIZING THE RELEASE AND RETURN OF A CASH PERFORMANCE BOND TO ISTVAN NYILAS FOR WORK COMPLETED AT 37 GARDEN AVENUE

WHEREAS, Istvan Nyilas submitted a cash performance bond in the amount of \$1,000.00 to the Borough of Chatham for driveway paving work to be performed at 37 Garden Avenue; and

WHEREAS, the Borough Engineer has received a request from Istvan Nyilas seeking the Borough's release of the \$1,000.00 cash performance bond; and

WHEREAS, the Borough Engineer has reviewed the subject property and has determined that all conditions set forth in his letter dated April 20, 2018 has 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 Istvan Nyilas 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 #18-285

RESOLUTION AUTHORIZING THE RELEASE AND RETURN OF A CASH PERFORMANCE BOND TO CALUSA PARTNERS IV LLC FOR WORK COMPLETED AT 9 ORCHARD ROAD

WHEREAS, Calusa Partners IV LLC submitted a cash performance bond in the amount of \$1,000.00 to the Borough of Chatham for driveway paving work to be performed at 9 Orchard Road; and

WHEREAS, the Borough Engineer has received a request from Calusa Partners IV LLC seeking the Borough's release of the \$1,000.00 cash performance bond; and

WHEREAS, the Borough Engineer has reviewed the subject property and has determined that all conditions set forth in his letter dated April 20, 2018 has 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 Calusa Partners IV LLC 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.

BOARDS, COMMISSIONS & COMMITTEES

RESOLUTION #18-286

RESOLUTION APPOINTING PAUL DANENBERG TO THE CHATHAM BOROUGH FARMERS' MARKET ADVISORY COMMITTEE

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; and

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

WHEREAS, Paul Danenberg 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 Paul Danenberg 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 #18-287

RESOLUTION GRANTING PERMISSION TO THE HOLY NIGHT SOCIETY TO INSTALL AND DISPLAY A NATIVITY SCENE AT REASONER PARK DURING THE HOLIDAY SEASON

WHEREAS, the Holy Night Society, an unaffiliated local taxpayer organization, has requested permission to install and display a Nativity Scene at Reasoner Park during the holiday season; and

WHEREAS, the Nativity Scene to be installed and displayed shall consist of an eight-foot square manger, which includes a life-size figure of Mary and Joseph and the baby Jesus in a crib positioned within the manger, and a star placed on top of the manger, increasing its height by approximately two feet.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Holy Night Society is hereby granted permission to install and display the Nativity Scene at its own expense as part of the Borough's Holiday Display at Reasoner Park from December 1, 2018 until January 7, 2019; and

BE IT FURTHER RESOLVED, that the Holy Night Society shall be required to post a sign clearly identifying itself as the sponsor of the Nativity Scene and that the Nativity Scene is not supported or sponsored by any government entity or official; and

BE IT FURTHER RESOLVED, that the Holy Night Society shall be responsible for the installation and removal of the Nativity Scene, and shall indemnify and hold the Borough harmless for any property damage or property loss to its display; and

BE IT FURTHER RESOLVED that the name and address of the responsible person on behalf of the Holy Night Society is Mary McNiff, 53 Lincoln Avenue, Chatham, New Jersey; and

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

RESOLUTION #18-288

RESOLUTION GRANTING PERMISSION TO CHABAD OF SOUTHEAST MORRIS COUNTY TO INSTALL AND DISPLAY A MENORAH AT REASONER PARK DURING THE HOLIDAY SEASON

WHEREAS, the Chabad of Southeast Morris County has requested permission to install and display a Menorah at Reasoner Park during the holiday season; and

WHEREAS, the Menorah to be installed and displayed is approximately six feet tall and five feet wide.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Chabad of Southeast Morris County is hereby granted permission to install and display a Menorah at its own expense as part of the Chatham Borough Holiday Display at Reasoner Park from November 26, 2018 until December 14, 2018; and

BE IT FURTHER RESOLVED, that the Chabad of Southeast Morris County shall be required to post a sign clearly identifying itself as the sponsor of the Menorah and that the Menorah is not supported or sponsored by any government entity or official; and

BE IT FURTHER RESOLVED, that the Chabad of Southeast Morris County shall be responsible for the installation and removal of the Menorah and shall indemnify and hold the Borough harmless for any property damage or property loss to its display; and

BE IT FURTHER RESOLVED that the name and address of the responsible person on behalf of the Chabad of Southeast Morris County is Rabbi Shalom Lubin, 42 Park Avenue, Madison, New Jersey; and

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

RESOLUTION #18-289

RESOLUTION CELEBRATING THE OBSERVANCE OF CONSTITUTION WEEK SEPTEMBER 17 THROUGH 23, 2018

WHEREAS, on September 17, 1787, the United States Constitution was approved by the Constitutional Convention, laying the framework for our country's laws and government; and

WHEREAS, the United States Constitution stands as a testament to the tenacity of Americans throughout history to maintain their liberties, freedoms and inalienable rights; and

WHEREAS, today this document continues to protect the liberties of the people and provides our nation with a unique form of government that stands as an outline for an effective democracy; and

WHEREAS, the tradition of celebrating the Constitution was started by the Daughters of the American Revolution in 1955 when the DAR petitioned Congress to set aside September 17th through-23rd annually to be dedicated for the observance of Constitution Week, and the resolution was later adopted by the United States Congress and signed into public law on August 2, 1956 by President Dwight D. Eisenhower; and

WHEREAS, as we celebrate the anniversary of the signing of our Constitution, we commemorate the foresight and commitment of our Founding Fathers and their hard work in ensuring a system that would carry our country for centuries to come; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation and to officially recognize the patriotic celebrations, which will commemorate the occasion.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that in observance of Constitution Week, September 17th through September 23rd, 2018, they hereby encourage all citizens to read and study the Constitution, and to reflect on the privilege of being an American with all the rights and responsibilities, which that privilege involves and by remembering that lost rights may never be regained.

CONSENT AGENDA VOTE:

Mayor Harris asks Council Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions #18-283 through #18-289.

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]

RESOLUTION #18-290

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: 1. 4 Watchung LLC v. Borough of Chatham – Mr. Lott

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

ADJOURNMENT