

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

September 11, 2018 MINUTES

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Tuesday, September 11, 2018 at 7:45 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 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

Council Member Peter J. Hoffman was absent.

Mayor Harris asked Council President Resto to proceed with Resolution #18-281.

Council President Resto read Resolution #18-281.

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.

Council President Resto made a motion to approve Resolution #18-281. Council Member Collander seconded the motion. A vote was taken and Resolution #18-281 was approved unanimously.

Mayor Harris thanked Council President Resto for his involvement in helping to organize events and raise funds for the American Foundation for Suicide Prevention for this important issue.

Mayor Harris proceeded with Resolution #18-282.

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

Council Member Fife made a motion to approve Resolution #18-282. Council Member Weber seconded the motion. A vote was taken and Resolution #18-282 was approved unanimously.

RECUSALS

Mayor Harris asked if there were 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

4 Watchung LLC v. Borough of Chatham – Mayor Harris mentioned that the Governing Body has received several emails from a Chatham Township resident who believes that the Borough does not enforce its Green Acres public lands along the Passaic River. Mayor Harris confirmed that that is not the case and advised that the Borough has been taking enforcement actions against several property owners over the past years. He further advised that the Superior Court had recently issued a decision concerning zoning enforcement actions taken by the Borough against 4 Watchung LLC and asked Mr. Lott to provide a brief history on this matter.

Mr. Lott reported that the 4 Watchung Avenue property is adjacent to the Passaic River and has a history of being used for the outdoor storage of new and used vehicles for a car dealership in Summit, New Jersey. Since there was no record showing that the Borough had granted a variance for the non-permitted use, the Borough issued several Notices of Violation in 2013 and 2014 to the property owner, 4 Watchung LLC. 4 Watchung LLC appealed the Notices of Violations to the Borough's Zoning Board of Adjustment ("Zoning Board") and hearings were conducted in 2015 through 2017. He reported that 4 Watchung LLC contended that the property was a pre-existing non-conforming use that pre-dated the Borough's current zoning ordinance and further contended that the Zoning Board had granted a variance in 1971 that allowed the outdoor storage of 125 automobiles. In their appeal before the Zoning Board, Mr. Lott reported that 4 Watchung LLC also sought an expansion of the use to permit the outdoor storage of 282 automobiles. The Zoning Board denied the appeal and 4 Watchung LLC filed a complaint in Superior Court.

Mr. Lott reported that he had argued in Superior Court that there was no record of a variance being granted to 4 Watchung LLC. Although late in the discovery process, an unsigned/unredacted resolution was discovered that suggested the Zoning Board back in 1971 had recommended to the Borough Council that a variance be granted (the land use laws at the time required that use variances be approved by the Borough Council). Mr. Lott confirmed that there was no evidence that the Borough Council had taken action on the Zoning Board's recommendation and that the variance was never granted.

Mr. Lott commented that he was disappointed with the court's ruling in that it was based on the inference that the Zoning Board's vote on the 1971 variance allowed for the storage of 125 automobiles. He also advised that the court ruling further remanded the matter to the Zoning Board to reconsider 4 Watchung LLC's request to expand the variance to allow the outdoor storage for 282 cars.

Mr. Williams informed the Mayor and Council that a recent examination of Google maps showed that there are currently over 300 cars stored on the property.

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

1. The Weston Avenue Road Reconstruction project has been completed. A punch list of items is being addressed. Mr. DeNave will be coordinating with the Shade Tree Commission for the replanting of eight shade trees that were removed as part of the project.

2. The 2018 Road Microsurfacing Project has been completed. Microsurfacing will seal and extend the life of a street for a period of 5-7 years.
3. The 2018 Curb and Sidewalk program will begin in Zone 6 this month.
4. Five carp have been introduced into Kelley's Pond for the aquatic control of duckweed. The state's Division of Fish and Wildlife recommends that five additional carp should be acquired for Kelley's Pond every other year.
5. Phase I of the new trail and plantings have been completed at Shepard Kollock Park.
6. Morris County has finalized the design specifications of the North Passaic Avenue Road Construction project. Mr. DeNave will be meeting with residents regarding street tree removals and impacts to driveways. It is anticipated that the county will bid out the project next month.

River Road Widening Project – Vince DeNave reported that to alleviate some of the traffic congestion backing up on River Road at the Watchung Avenue intersection, a right-hand turn lane has been created on River Road at Watchung Avenue. He mentioned that the left-hand turn lane on River Road has been offset to better accommodate trucks making the left turn on Watchung Avenue. Mr. DeNave further reported that in the long-term, plans would need to be made to widen River Road. The roadway is currently 33 feet wide curb-to-curb, with utility poles located on the curb line.

Local Impact of the Effort to Legalize the Recreational Use of Marijuana - Council Member Weber reported that several bills are pending in the state legislature that would expand the state's medical marijuana program and legalize recreational use of marijuana in New Jersey. He mentioned that the press has reported that the Governor would like to sign the legislation into law before the end of September. Council Member Weber further reported that 30 New Jersey municipalities have adopted legislation, either by ordinance or resolution, to prohibit retail marijuana dispensaries and urging Trenton lawmakers to oppose the legalization of recreational marijuana.

Council Member Weber mentioned that the Borough has received an inquiry from a company interested in establishing a marijuana dispensary in the Borough. He also informed the Governing Body that the state has issued six licenses under the medical marijuana program, but once recreational marijuana is legalized as many as 200 licenses could be issued throughout the state. Council Member Weber mentioned that as a drug prosecutor for the county for 18 years, he observed first-hand the ruined lives that come from drug use and stated that he does not believe that the arguments made supporting the use of recreational marijuana outweigh the risks associated with such use. He encouraged the Governing Body to act now in opposing the legalization of recreational marijuana use and not wait to find out what bill is signed into law. He also inquired if the Borough's current zoning code would allow retail marijuana sales as a permitted use, which Mr. DeNave confirmed would be a permitted use as a retail trade.

Mayor Harris clarified that many towns had received the same letter from the law firm representing a medical marijuana dispensary company and that the letter was not solely targeted to the Borough. He also informed the Council that, while several bills have been introduced in Trenton, there is yet to be a consensus bill. Mayor Harris reported that one of the pending Senate bills would allow a municipality to opt-out within 180 days of the enactment of the law by adopting an ordinance. If a municipality did not opt-out within the 180-day timeframe, it would be prohibited from doing so for a period of 5 years.

Mr. Lott advised that that Senate bill is commonly referred to as the "Scutari-Sweeney bill," which would permit recreational marijuana use. The bill, he advised, does not address medical marijuana licensing. He further advised that under the medical marijuana program, licensees must comply with local zoning, however, he cautioned that one of issues associated with medical marijuana is that most local zoning codes do not address growing and manufacture operations.

Council President Resto, who is the Borough's liaison to the Municipal Alliance of the Chathams, commented that much time and resources are being devoted to educating teens on the dangers of substance abuse, whether it be alcohol, opioids, vaping or other drugs, and further commented that allowing a marijuana dispensary in town would send a wrong message.

Council Member Collander stated that, putting individual opinions aside, he would like to get a sense of what the community wants.

Mayor Harris briefly mentioned a recent article published in the *New Yorker* periodical that discussed the addictive and dangerous issues concerning vaping products, which are legal. Council Member Weber added that vaping devices are also being used to inhale other drug derivatives and that school officials remain vigilant to under age use of vaping devices.

Council Member Kobylarz inquired about the time frame the Governing Body would need to work within in their efforts to canvass public opinion with respect to this issue and suggested two options: (i) hold a public hearing on the subject, or (ii) solicit public feedback using an online survey tool such as PlanetCivic or SeeClickFix. Mayor Harris asked Mr. Williams and Ms. Kline to investigate whether either platform would be available for this purpose.

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.

Rozella Clyde, 33 Carmine Street, urged the Governing Body not to rush to a conclusion with respect to prohibiting the sale of recreational marijuana in the Borough. She encouraged the Governing Body to solicit feedback from the community and suggested holding public hearings on this matter. Dr. Clyde further mentioned that the Sustainability Fair was a wonderful event and was well-attended.

Fran Drew, 27 Inwood Road, commented on JCP&L's Reliability Plus Program and questioned several facts presented by Mr. Walton, JCP&L Area Manager, during his August 13th presentation to the Mayor and Council. Mrs. Drew presented information on how the town of Fort Collins, Colorado adopted a policy to move all existing overhead lines underground. She further commented that many towns in New Jersey such as Madison, Summit, and Spring Lake have moved utility lines underground and urged the Governing Body to insist that JCP&L seriously begin to consider moving its utility lines underground and that the utility provide legitimate cost estimates.

Mayor Harris mentioned that the Board of Public Utilities will be holding hearings on JCP&L's Reliability Plus Program proposal. Although he reported that dates and times of the hearing have not yet been determined, he encouraged residents to attend and provide their comments. He also informed the public that representatives from PSE&G will be making a presentation to the Mayor and Council at the October 22nd meeting.

Joseph Basralian, 24 Fairfax Terrace, Chatham Township, thanked the Governing Body for its discussion of legalized recreational use of marijuana. He then inquired about the Borough's potential designation of three properties on River Road as an area in need of redevelopment and inquired what developer requested the designation. Mr. Basralian also sought assurances from each Council Member that they do not have any potential conflicts of interest should this redevelopment project move forward.

Mr. Williams informed Mr. Basralian that the property owner is Chatham River Road, LLC.

Seeing no one else wishing to comment, Mayor Harris closed the meeting to the public.

Mayor Harris asked Council President Resto to comment on the September 5th meeting organized by Assemblywoman DeCroke for mayors in the 25th and 26th Legislative District to directly meet and discuss their concerns with JCP&L President Jim Fakult. He noted that he was unable to attend and therefore had asked the Council President to attend in his stead.

Council President Resto reported that he and Mr. Williams had attended the September 5th meeting and mentioned that Mr. Fakult presented much of the same information that Mr. Walton had made to the Mayor and Council on August 13th. He further mentioned that he had requested information on the cost of putting utilities underground and suggested that JCP&L strongly consider implementing “smart” meters. Mr. Fakult asked the Mayors to please pass resolutions of their governing bodies supporting JCP&L’s rate hike to the BPU. Council President Resto indicated that Chatham Borough’s support is conditioned on receiving any studies available that would show the figures associated with burying utility wires. Mr. Fakult promised to have such documentation sent by the end of that week.

ORDINANCE FOR SECOND READING

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

Council Member Fife read 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 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 #18-10 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 opened the public hearing on the Ordinance and invited any member of the public to be heard. Seeing no one else wishing to be heard, Mayor Harris closed the public hearing.

Council Member Fife offered Ordinance #18-10 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 Member Weber 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		X			
Resto			X			
Hoffman						X
Weber		X	X			
Kobylarz			X			

Mayor Harris declared Ordinance #18-10 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.

REPORTS

BOARD & COMMISSION MEMBERS & LIAISON REPORTS

Affordable Housing Advisory Committee - Council Member Collander had nothing new to report.

Shade Tree Commission - Council Member Collander reported that the Shade Tree Commission will be asking its arborist to coordinate with JCP&L's contracted tree trimming company any tree trimming activities that are to be taken in the Borough. The next meeting of the Shade Tree Commission is scheduled for September 18th.

Traffic & Pedestrian Safety Advisory Committee - Council Member Collander reported that the Police Department is focusing on back-to-school pedestrian safety. He urged pedestrians to always use crosswalks and to follow safe practices when crossing streets.

Madison-Chatham Joint Meeting – Council Member Hoffman was absent.

Farmers' Market Advisory Committee - Council Member Fife reported that the Farmers' Market hosted the Sustainability Fair on Saturday. The Farmers' Market continues through mid-November.

Mayor's Wellness Advisory Committee - Council Member Fife reported that approximately 40 participants walked the 1-mile inaugural section of the new Urban Track during the Sustainability Fair. She thanked Council President Resto for leading the walk and Council Member Hoffman and Council Member Weber for participating.

MyChathamNJ Advisory Committee - Council Member Fife had nothing new to report.

Project Community Pride - Council Member Fife had nothing new to report.

Public Arts Council Advisory Committee - Council Member Fife reported that the Public Arts Council will be holding its first Steering Committee meeting to discuss the Washington Avenue train underpass mural project.

Senior Center of the Chathams - Council Member Fife reported that fall activities and events are being planned.

Environmental Commission - Council President Resto reported that the Green Team has completed the Borough's Sustainable Jersey® silver certification submission.

Historic Riverside Trail Advisory Committee - Council President Resto had nothing new to report.

Municipal Alliance of the Chathams - Council President Resto reported that the next meeting is scheduled for September 12th.

Open Space & Historic Preservation Trust Advisory Committee - Council President Resto had nothing new to report.

Pilgrim Pipeline Advisory Committee - Council President Resto reported that Millburn Township has joined the Municipal Pipeline Group.

Planning Board – Mayor Harris reported that the Planning Board adopted the River Road redevelopment study resolution.

Joint Municipal Court - Council Member Kobylarz had nothing new to report.

9/11 Memorial Advisory Committee - Council Member Weber reported that the Borough's 9/11 Remembrance Ceremony was held at 7:00 p.m. and thanked the 9/11 Memorial Committee. This year marked the Borough's 10th year 9/11 Remembrance Ceremony.

Board of Education - Council Member Weber reported that the September 17th meeting, and all future meetings, of the Board of Education will be held at the Chatham High School Media Center. Meetings will also be livestreamed and broadcast on public TV. At the Board's October 1st meeting, Chief Gibbons and Chief Miller will be presenting on Class III police officers.

Board of Health - Council Member Weber reported that the next meeting of the Board of Health is scheduled for September 13th.

Joint Recreation Advisory Committee - Council Member Weber reported that the next committee meeting is scheduled for September 18th.

Communications & Technology Advisory Committee - Council Member Kobylarz reported that a presentation by PlanetCivic was given by Javier Guardo at its August 23rd committee's meeting.

Historic Preservation Commission - Council Member Kobylarz had nothing new to report.

Joint Community Gardens Advisory Committee - Council Member Kobylarz reported that the garden fence is being repaired and further reported that the gardeners' end-of-season garden party will be held on September 16th.

Municipal Pool Advisory Committee- Council Member Kobylarz reported that the Memorial Community Pool has closed for the season. He further reported that the 2018 season ended with 379 members, up from 353 members in 2017.

MAYOR'S REPORT

Mayor Harris reported that several New Jersey mayors, including himself, joined together and wrote a letter to New Jersey Transit listing several complaints. He mentioned that the letter has been posted on the Borough website for everyone's review. Mayor Harris further reported that the Chatham Post Office held an Open House on August 15th, which he and many other Borough officials attended, as well as 30-40 residents. He also mentioned that information has been posted on the website and encouraged residents to contact the Chatham Post Office should they have any concerns.

ADMINISTRATOR'S REPORT

Mr. Williams recognized the 9/11 Memorial Committee for organizing the Borough's 9/11 Remembrance Ceremony. He also reported that storm protocols have been reviewed with the police, Fire, DPW and OEM departments in anticipation of Hurricane Florence. County and state assets would be available if needed.

Mr. Williams advised of a motor vehicle accident that damaged the fence and landscaping at Liberty Park. Barricades and caution tape have been installed as a safety measure until repairs can be made. He also advised that the Department of Public Works will begin some repair work to the decorative trim and railings of the gazebo in Reasoner Park.

Mr. Williams further reported that the League of Women Voters will hold a Candidates Night at Borough Hall on October 25th at 7:00 p.m. He also informed everyone that the Westfield Department of Health is conducting a Community Voice Survey in efforts to develop a Community Health Plan specifically for Chatham Borough and encouraged residents to complete the survey on the Borough website. Lastly, Mr. Williams reported that NJ Transit work crews will be repairing the asphalt under the steel train trestles.

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

None.

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:

Council Member Collander made a motion to approve Resolutions #18-283 through #18-289 on the Consent Agenda. The motion was seconded by Council Member Fife. A vote was taken and Resolutions #18-283 through #18-289 were approved unanimously.

ADD-ON RESOLUTION

None.

Mayor Harris asked Council Member Kobylarz to proceed with Resolution #18-290.

Council Member Kobylarz read Resolution #18-290.

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.

Council Member Kobylarz made a motion to approve Resolution #18-290. Council Member Fife seconded the motion. A vote was taken and the motion to approve Resolution #18-290 was approved unanimously.

ADJOURNMENT

Having no other business to be conducted in public session, Mayor Harris adjourned into Closed Session at 9:50 p.m.

Respectfully Submitted:

Robin R. Kline

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