

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

**February 25, 2019 MINUTES**

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, February 25, 2019 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 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**

On a call of the roll, the following officials were present:

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  
Robin R. Kline, Borough Clerk

Mayor Harris asked Council Member Fife to proceed with Resolution #19-128.

Council Member Fife read Resolution #19-128.

**PROCLAMATION**

**RESOLUTION #19-128**

**CELEBRATING NATIONAL NUTRITION MONTH® IN THE MONTH OF MARCH**

**WHEREAS**, National Nutrition Month® is a nutrition education and information campaign created annually in March by the Academy of Nutrition and Dietetics to focus attention on the importance of making informed food choices and developing sound eating and physical activity habits; and

**WHEREAS**, National Nutrition Month® encourages us to achieve the numerous benefits healthy eating habits offer, but it also urges us to find ways to cut back on food waste; and

**WHEREAS**, the Mayor's Wellness Advisory Committee was established to work with Mayors and key leaders to promote healthy behaviors and shape healthier lifestyles for the men, women and children in their communities, and

**WHEREAS**, the Mayor's Wellness Advisory Committee recognizes that food is the substance by which life is sustained and the type, quality, and amount of food that individuals consume each day plays a vital role in their overall health and physical fitness; and

**WHEREAS**, there is a need for continuing nutrition education and a wide-scale effort to encourage healthy eating practices.

**BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham, together with the Mayor's Wellness Advisory Committee, encourage all citizens to celebrate National Nutrition Month® during the month of March and in doing so, become more informed about their food choices and nutrition, and develop sound eating and physical activity habits, to achieve optimum health for both today and tomorrow.

Council Member Fife made a motion to approve Resolution #19-128. Council Member Kobylarz seconded the motion. A vote was taken and Resolution #19-128 was approved unanimously.

Council Member Fife presented the National Nutrition Month® Resolution to Tory Stoker, a registered dietician with ShopRite of Chatham Township and a member of the Mayors' Wellness Advisory Committee. Ms. Stoker thanked Mayor Harris and the Borough Council for the proclamation supporting National Nutrition Month and encouraged everyone to participate in the free healthy nutrition programs sponsored by ShopRite.

Mayor Harris asked Council Member Dempsey to proceed with Resolution #19-129.

Council Member Dempsey read Resolution #19-129.

#### **RESOLUTION #19-129**

#### **RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM RECOGNIZING NJ LOCAL GOVERNMENT WEEK AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES IN THE BOROUGH ON APRIL 12<sup>TH</sup> AND APRIL 13<sup>TH</sup>, 2019.**

**WHEREAS**, local government is the government closest to most citizens, and the one with the most direct daily impact upon its residents; and

**WHEREAS**, local government provides services and programs that enhance the quality of life for residents, making their municipality their home; and

**WHEREAS**, local government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

**WHEREAS**, local government officials and employees share the responsibility to pass along the understanding of public services and their benefits; and

**WHEREAS**, NJ Local Government Week offers an important opportunity for elected officials and local government staff to spread the word to all citizens of New Jersey that they can shape and influence this branch of government; and

**WHEREAS**, the New Jersey State League of Municipalities and its member municipalities have joined together to teach citizens about municipal government through a variety of activities; and

**WHEREAS**, Borough officials encourage the continued partnerships between Borough government and our schools, houses of worship, and community civic groups organizations in the Borough.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that all residents, school students, local government officials and Borough employees are encouraged to participate in events to be held in the Borough on April 12<sup>th</sup> and April 13<sup>th</sup>, 2019 that recognize and celebrate NJ Local Government Week and promote the services and programs that enhance the quality of life for all Borough residents.

Council Member Dempsey made a motion to approve Resolution #19-129. Council President Collander seconded the motion. A vote was taken and Resolution #19-129 was approved unanimously.

Mayor Harris proceeded with Resolution #19-130.

### **RESOLUTION #19-130**

#### **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:

February 11, 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:

February 11, 2019

Council member Mathiasen made a motion to approve Resolution #19-130. Council Member Kobylarz seconded the motion. A vote was taken and Resolution #19-130 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.

### **DISCUSSION ITEMS**

**Future City** – Chatham Middle School 7<sup>th</sup> grade students Aiden Bernstein, Sophia Melgarejo, Natalie Yen, and Tanya Mouline presented their "Future City" project to the Mayor and Council. The students' "Future City" entry won First Place in the New Jersey competition held at Rutgers University and won Third Place in the 2019 National competition finals, which included competitors from 47 states. "Future City" is a Science, Technology, Engineering, and Math (STEM) project-based learning program where middle school students research, design, and build cities of the future.

The students' project featured a model that was made with all recyclable materials representing a future island city located in Japan in the East China Sea. In their presentation, they explained all of the components featured in their "Future City." Electrical power and energy needs are provided by sustainable geothermal, tidal, wind and solar energy generation. Power not used is stored in batteries. To help protect the residents from a natural disaster, an advanced tsunami protection system was designed that includes coral reefs, mangrove forests, a tsunami protection gate and buildings that allow flood

waters to pass through. A micropower grid distribution system using magnetic induction can withstand and quickly recover from the impacts of a tsunami. Elevated buildings and an elevated superhighway were engineered to help prevent loss of life in the event a tsunami should occur.

Mayor Harris and the Borough Council applauded the students for their achievement and encouraged their continued studies in the science, technology, engineering, and math fields.

**Acceptable Sewer Materials** – Mr. Williams reported that paper towels, wipes and other hygiene products should never be disposed of in the sanitary sewer system, but rather these items should be disposed of with household garbage. In his presentation, he showed photographs of how these products can clog and damage sanitary sewer lines and pumps, causing costly repairs. Mr. Williams cautioned that although these products are advertised as flushable, they do not degrade in the sanitary sewer system and must be physically removed.

Mayor Harris proceeded with opening the meeting for public comment on other matters.

## **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.

Richard Driscoll, 74 South Gate Road, New Providence, voiced his objections to Resolution #19-136. He commented that a pending Division of Alcoholic Beverage Control investigation has charged the business with several violations that could lead to suspension or revocation of the liquor license and commented that he did not believe the liquor license is in good standing.

Peter Schwab, 30 Edgewood Road, Madison, introduced himself as one of the owners of Chatham Towne Tavern, the liquor licensee that is the subject of Resolution #19-136. He commented that Mr. Driscoll had been involved in a fight at his establishment and has not been allowed to return. Mr. Schwab further commented that his business is a family-oriented one and mentioned that he is cooperating with the Division of Alcoholic Beverage Control in its investigation.

Mr. Lott advised the Mayor and Council that the pending Division of Alcoholic Beverage Control has no bearing on the action to be taken concerning Resolution #19-136.

Bill Heap, Hillside Avenue, questioned whether school students would be statistically safer with police officers carrying guns in the schools. He voiced his opposition to the hiring and placement of special law enforcement officers in the schools and encouraged more public discussion on this issue.

Rozella Clyde, 33 Carmine Street, voiced her objection to Ordinance #19-03 and commented that law enforcement officers with guns do not belong in schools. She further suggested that students should be heard on this subject before Borough officials proceed further with the Ordinance.

Duncan Carmichael, 59 Chatham Street, a student at Seton Hall Preparatory School in West Orange, commented that guns have an intimidating presence and do not belong in schools and voiced his objection to law enforcement officers having guns in the schools.

Seeing no one else wishing to comment, Mayor Harris closed the meeting to the public and proceeded with the Council Committee Reports.

## **ORDINANCES FOR SECOND READING**

Mayor Harris asked Council President Collander to proceed with Ordinance #19-03.

Council President Collander read Ordinance #19-03 entitled:

### **ORDINANCE #19-03**

#### **AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 48 OF THE BOROUGH CODE TO AUTHORIZE THE APPOINTMENT OF CLASS THREE SPECIAL LAW ENFORCEMENT OFFICERS**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on February 11, 2019.

Council President Collander mentioned that this Ordinance creates the Class III Special Law Enforcement Officer position in the Police Ordinance.

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 #19-03 was introduced and passed on first reading at the February 11, 2019 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on February 25, 2019 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.

Rozella Clyde, 33 Carmine Street, questioned how many Class III Police Officers would be designated.

Mayor Harris responded that the Ordinance specifies that no more than one person shall be designated as a Class III special law enforcement officer.

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

Council Member Weber reminded those present that the Governing Body had begun discussing the matter of Special Law Enforcement Officers (SLEOs) in March 2018 at the time when the Board of Education began its discussion. He reported that Borough officials received a letter from the Superintendent of the School District of the Chathams in April 2018, which sought a SLEO in each school. Council Member Weber further mentioned that the Board of Education is the policy-making body for the school district and encouraged residents to make their objections known to the Board of Education. He also mentioned that the school district would be paying the cost of the SLEOs, whose primary role in addition to providing additional security and safety in the schools would be to develop a trust with students so that they would be comfortable reporting something heard or seen on social media.

Council Member Weber, Council Member Kobylarz, Council President Collander, Council Member Fife and Council Member Dempsey each expressed their support for the Ordinance, citing, among other things, that the core mission of a SLEO is preventing school shooting incidents from happening. They also agreed that public safety in schools is of paramount importance to ensure the protection, security and safety of the faculty and students.

Council Member Mathiasen commented that because the SLEO would be a member of the Chatham Borough Police Department and would report to the Chief of Police, the Governing Body becomes part of the decision-making process and mentioned there has not been enough public dialogue on the issue. She reported statistical data concerning school shootings and gun crimes in the country mentioned that New

Jersey's strict gun laws have proven to be effective when compared nationally. She further commented that the SLEO would have no role in discipline, dealing with fights, drugs, or other routine security or behavioral issues in the school and voiced her opposition to the Ordinance.

Mayor Harris clarified that the Ordinance simply creates the Class III special law enforcement position on the police force and mentioned that this issue will come before the Governing Body again at the time the shared services agreement with the Board of Education will be acted on.

Council President Collander offered the following 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 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      |        | X   |    |         |        |
| Fife      |        |        | X   |    |         |        |
| Weber     |        | X      | X   |    |         |        |
| Kobylarz  |        |        | X   |    |         |        |
| Dempsey   |        |        | X   |    |         |        |
| Mathiasen |        |        |     | 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 asked Council President Collander to proceed with Ordinance #19-04.

Council President Collander reads Ordinance #19-04 entitled:

**ORDINANCE #19-04**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 139 OF THE  
BOROUGH CODE TO REGULATE PARKING ON A PORTION OF RIVER ROAD**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on February 11, 2019.

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 #19-04 was introduced and passed on first reading at the February 11, 2019 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on February 25, 2019 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 President Collander offered the following 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 Member Fife seconded the motion.

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

| Name      | Motion | Second | Yes | No | Abstain | Absent |
|-----------|--------|--------|-----|----|---------|--------|
| Collander | X      |        | X   |    |         |        |
| Fife      |        | X      | X   |    |         |        |
| Weber     |        |        | X   |    |         |        |
| Kobylarz  |        |        | X   |    |         |        |
| Dempsey   |        |        | X   |    |         |        |
| Mathiasen |        |        | 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 asked Council President Collander to proceed with Ordinance #19-05.

Council President Collander reads Ordinance #19-05 entitled:

**ORDINANCE #19-05**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING VARIOUS SECTIONS OF  
CHAPTER 139 OF THE BOROUGH CODE RELATED TO PARKING**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on February 11, 2019.

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 #19-05 was introduced and passed on first reading at the February 11, 2019 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on February 25, 2019 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 Weber commented that the Ordinance, as written, would only apply to residents living at 49 South Passaic Avenue and sought to amend the Ordinance so that any resident with a South Passaic Avenue address would be able to apply for a parking permit on South Passaic Avenue if they could show a justifiable need.

In its discussion, several Council Members mentioned that the single-family residences on South Passaic Avenue each had driveways and that the other multiple-unit building had ample on-site parking and questioned if there was a need to amend to the Ordinance.

Mayor Harris closed Council discussion and asked if there is a motion to amend Ordinance #19-05.

Council Member Weber made a motion to amend Ordinance #19-05 §139-10 C. by omitting the reference to “49” and “(Block 118, Lot 37)” and to add “who can demonstrate a justifiable need to the Borough Zoning Officer.”

There was no second to the motion and the motion failed.

Council President Collander offered the following 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 Member Fife seconded the motion.

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

| Name      | Motion | Second | Yes | No | Abstain | Absent |
|-----------|--------|--------|-----|----|---------|--------|
| Collander | X      |        | X   |    |         |        |
| Fife      |        | X      | X   |    |         |        |
| Weber     |        |        | X   |    |         |        |
| Kobylarz  |        |        | X   |    |         |        |
| Dempsey   |        |        | X   |    |         |        |
| Mathiasen |        |        | 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.

## REPORTS

### BOARD & COMMISSION MEMBERS & LIAISON REPORTS

**Shade Tree Commission** - Council President Collander reported that JCP&L has notified the Borough that crews will be performing tree-trimming activities and will be removing 54 ash trees due to the emerald ash borer and yellow ash blight disease. Borough officials will be meeting with JCP&L representatives to further discuss this matter.

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

**Traffic & Pedestrian Safety Advisory Committee** - Council President Collander had nothing new to report.

**Farmers’ Market Advisory Committee** - Council Member Fife had nothing new to report.

**Historic Riverside Trail Advisory Committee** - Council Member Fife had nothing new to report.

**Mayor’s Wellness Advisory Committee** - Council Member Fife reported that the committee is waiting to hear the results on its Healthy Town application that was submitted last month.

**MyChathamNJ Advisory Committee** - Council Member Fife reported that the committee has begun its planning for this year’s Spring Clean and Fishawack Festival.

**Municipal Pool Advisory Committee** - Council Member Fife reported that a meeting is being scheduled.

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

**Public Arts Council Advisory Committee** - Council Member Fife had nothing new to report.



**Senior Center of the Chathams** - Council Member Fife reported that she and other Borough officials attended a luncheon at the senior center that was sponsored by Jim Connelly and Julie Reich, the new Executive Director.

**Board of Health** - Council Member Weber reported that the board held its rescheduled 2019 Reorganization Meeting on February 14<sup>th</sup> and welcomed its newest member, Andrew Zoltan.

**Joint Recreation Advisory Committee** - Council Member Weber reported that the February 12<sup>th</sup> meeting was cancelled due to the weather.

**9/11 Memorial Advisory Committee** - Council Member Weber had nothing new to report.

**Madison Chatham Joint Meeting** - Council Member Weber reported that the 2019 budget is being prepared. Budget expenditures will be allocated based on a 62% split to Madison Borough and a 38% split to Chatham Borough.

**Undergrounding Advisory Committee** - Council Member Kobylarz reported that the committee's inaugural meeting was held on February 15<sup>th</sup>. Len Resto was appointed as Chair.

**Planning Board** - Council Member Kobylarz reported that the Planning Board approved the application of a French bakery and café on Main Street at the February 20<sup>th</sup> meeting.

**Joint Community Gardens Advisory Committee** - Council Member Kobylarz reported that garden plots are still available and that there is one Borough vacancy on the committee's executive board that should be filled. A gardeners meeting will be held at the Library of the Chathams on March 26<sup>th</sup>.

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

**Historic Preservation Commission** - Council Member Dempsey reported that the Commission met with Topology to discuss the Post Office Plaza redevelopment planning project. She further reported that the Commission is considering designating additional historic landmarks in town and mentioned that Shepard Kollock Park will be explored.

**Board of Education** - Council Member Dempsey reported that the school district is discussing the creation of a full-time Kindergarten pilot program.

**Municipal Alliance of the Chathams** - Council Member Dempsey reported that the Municipal Alliance of the Chathams participated in a "Keep it Legal" alcohol prevention program at local liquor stores before Superbowl Sunday.

**Open Space & Historic Preservation Trust Advisory Committee** - Council Member Carolyn Dempsey had nothing new to report.

**Environmental Commission** - Council Member Jocelyn Mathiasen reported that the Commission met on February 13<sup>th</sup> and will be working on an RFP with Chatham Township for chemical-free maintenance of sports fields. She further reminded residents that only those plastic items marked as PET "1", "2", and "5" can be recycled. Other plastics and plastic bags cannot be recycled and should be disposed of in the garbage.

**Communications & Technology Advisory Committee** - Council Member Jocelyn Mathiasen reported that the committee met on February 13<sup>th</sup> and discussed ways to improve public engagement through communication, automated practices and TV programming initiatives.

## **MAYOR'S REPORT**

Mayor Harris reminded the Council to review the proposed 2019 Goals and Objectives and to provide their comments before they are finalized.

## **ADMINISTRATOR'S REPORT**

Mr. Williams reported that two trees fell during the high wind event on Sunday. He also reported that PSE&G's Low-Income Home Energy Assistance Program (LIHEAP) provides assistance to its customers with heating costs. Information about the program is posted on the Borough website. Mr. Williams thanked the Public Works Department crews for their good work in clearing the roads during the recent snow and ice events.

Mayor Harris proceeded with the Consent Agenda.

## **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 #19-131 through Resolution #19-138 have been placed on the Consent Agenda.

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

Council Member Weber requested to remove Resolution #19-136 from the Consent Agenda for discussion and vote.

## **RESOLUTION #19-136**

### **RESOLUTION APPROVING THE PLACE-TO-PLACE (EXPANSION OF PREMISES) TRANSFER FOR CHATHAM TOWNE TAVERN, INC., LICENSE NO. 1404-33-002-005**

**WHEREAS**, Chatham Towne Tavern, Inc., doing business as The River Grille, (the "Applicant") filed a 12-page application with the Borough of Chatham seeking a Place-to-Place (Expansion of Premises) Transfer for Plenary Retail Consumption License #1404-33-002-005 for the purpose of expanding the premises located at 34 River Road, Chatham, New Jersey for the authorized sale, service and storage of alcoholic beverages; and

**WHEREAS**, the Borough Clerk has verified that the subject license is in good standing for the current 2018-2019 licensing term and has confirmed that the Applicant's 12-page application has been deemed complete in all respects, that all applicable fees have been paid, and that the New Jersey Division of Taxation has issued the required Tax Clearance Certificate; and

**WHEREAS**, the Borough Clerk has confirmed that the Applicant had published the required public notice in the Daily Record, a newspaper with a daily general circulation in the County of Morris, on August 30, 2018 and on September 6, 2018, stating that the Applicant applied to the Borough of Chatham for a Place-to-Place (expansion of premises) transfer and that objections to the application, if any, should be made in writing and addressed to the Borough Clerk as required by law; and

**WHEREAS**, the Borough Clerk has further confirmed that no objections were filed, either written or in person, with respect to the Place-to-Place (Expansion of Premises) Transfer of the herein referenced liquor license; and

**WHEREAS**, the Detective Bureau of the Chatham Borough Police Department has completed fingerprinting and background investigations for all parties having an ownership interest in the liquor license and has confirmed that all parties having an ownership interest in the liquor license have been fully qualified; and

**WHEREAS**, a public health inspection was duly conducted at the Applicant's premises in accordance with N.J.S.A. 33:1-24 and the Borough of Chatham Board of Health regulations; and

**WHEREAS**, the Place-to-Place (Expansion of Premises) Transfer of the subject license will include the entire basement area of the premises for the storage of alcoholic beverages and the first floor and front outdoor dining patio of the premises for the storage, sales and service of alcoholic beverages as the licensed premises, which is contingent upon the approval of the Mayor and Council.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby approve the Place-to-Place (Expansion of Premises) Transfer for Chatham Towne Tavern, Inc., doing business as The River Grille, for Plenary Retail Consumption License #1404-33-002-005; and

**BE IT FURTHER RESOLVED**, that in accordance with law, the Borough Clerk shall attach a sketch of the licensed premises, a copy of which is attached hereto as Exhibit A and made part of this resolution, and to endorse the license certificate for the expansion of the licensed premises as follows:

“The Place-to-Place (Expansion of Premises) Transfer for this license and licensed premises located at 34 River Road, Chatham, NJ 07928, is hereby approved effective February 26, 2019 as detailed on the attached sketch of the licensed premises and subject to all of its terms and conditions.”

And,

**BE IT FURTHER RESOLVED** that the rear patio area is not included as part of the licensed premises; and

**BE IT FURTHER RESOLVED** that the Borough Clerk shall file a certified copy of this Resolution with the Director of the Division of Alcoholic Beverage Control and take all other action necessary and appropriate to effectuate the terms of this Resolution.

Council Member Weber made a motion to approve resolution #19-136.

Council Member Dempsey seconded the motion.

Council Member Weber opposed the licensing of the front outdoor dining area as part of the designated licensed premises for the liquor license, especially, he said, in light of the pending Division of Alcoholic Beverage enforcement action. He concurred that the pending enforcement action by the Division of Alcoholic Beverage Control would not prevent Resolution #19-136 moving forward, however, he believed that the pending eight violations and possible revocation of the liquor license should be taken into consideration. He noted that the original licensed premises only included the interior of the building and expressed his position that the licensed premises should not be expanded to include the front outdoor dining area.

Council President Collander and Council Member Mathiasen expressed support in including the front outdoor dining area as part of the licensed premises, stating that the business should be given a path forward to legalize their situation and allow them to operate in compliance.

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

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

## **FINANCE**

### **RESOLUTION #19-131**

#### **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.

## **BOARDS, COMMISSIONS & COMMITTEES**

### **RESOLUTION #19-132**

#### **RESOLUTION APPOINTING RONALD PARTIZIAN TO THE COMMUNICATIONS AND TECHNOLOGY ADVISORY COMMITTEE FOR CALENDAR YEAR 2019**

**WHEREAS**, Resolution #19-021 adopted by the Mayor and Council on January 7, 2019, re-established the Communications and Technology Advisory Committee for calendar year 2019; and

**WHEREAS**, the Communications and Technology Advisory Committee works with the Mayor and Council with respect to planning and implementing initiatives concerning communications and information technology matters for the Borough, including, but not limited to, public access television, the Borough website, social media, and SaaS (Software as a Service) initiatives; and

**WHEREAS**, Ronald Partizian has expressed his interest in being appointed to the Communications and Technology Advisory Committee and submitted a volunteer application.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Ronald Partizian is hereby appointed to the Communications and Technology Advisory Committee for calendar year 2019; 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 #19-133**

#### **RESOLUTION APPOINTING IRENE TRELOAR TO THE COMMUNICATIONS AND TECHNOLOGY ADVISORY COMMITTEE FOR CALENDAR YEAR 2019**

**WHEREAS**, Resolution #19-021 adopted by the Mayor and Council on January 7, 2019, re-established the Communications and Technology Advisory Committee for calendar year 2019; and

**WHEREAS**, the Communications and Technology Advisory Committee works with the Mayor and Council with respect to planning and implementing initiatives concerning communications and information technology matters for the Borough, including, but not limited to, public access television, the Borough website, social media, and SaaS (Software as a Service) initiatives; and

**WHEREAS**, Irene Treloar has expressed her interest in being appointed to the Communications and Technology Advisory Committee and submitted a volunteer application.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Irene Treloar is hereby appointed to the Communications and Technology Advisory Committee for calendar year 2019; 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 #19-134**

#### **RESOLUTION APPOINTING ROZELLA CLYDE TO THE COMMUNICATIONS AND TECHNOLOGY ADVISORY COMMITTEE FOR CALENDAR YEAR 2019**

**WHEREAS**, Resolution #19-021 adopted by the Mayor and Council on January 7, 2019, re-established the Communications and Technology Advisory Committee for calendar year 2019; and

**WHEREAS**, the Communications and Technology Advisory Committee works with the Mayor and Council with respect to planning and implementing initiatives concerning communications and information technology matters for the Borough, including, but not limited to, public access television, the Borough website, social media, and SaaS (Software as a Service) initiatives; and

**WHEREAS**, Rozella Clyde has expressed her interest in being appointed to the Communications and Technology Advisory Committee and submitted a volunteer application.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Rozella Clyde is hereby appointed to the Communications and Technology Advisory Committee for calendar year 2019; 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.

#### **PERSONNEL**

#### **RESOLUTION #19-135**

#### **RESOLUTION TO SET THE ANNUAL RATE OF COMPENSATION FOR THE SENIOR DEPUTY OEM COORDINATOR POSITION FOR THE YEAR 2019**

**WHEREAS**, Ordinance #19-02, adopted by the Mayor and Council of the Borough of Chatham on February 11, 2019, established the minimum and maximum rate of pay for the Senior Deputy Senior Deputy OEM Coordinator position in the Borough of Chatham; and

**WHEREAS**, specific rates of pay must be established for each individual employee of the Borough.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the following rates of pay shall be established:

| <b><u>POSITION</u></b>        | <b><u>RATE OF PAY</u></b> |
|-------------------------------|---------------------------|
| Senior Deputy OEM Coordinator | \$5,500.00                |

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.

#### **OTHER**

**RESOLUTION #19-136** was removed for separate discussion and vote.

## **RESOLUTION #19-137**

### **RESOLUTION APPROVING A SOCIAL AFFAIRS PERMIT APPLICATION TO DISPENSE AND SERVE ALCOHOLIC BEVERAGES AT THE FISHAWACK FESTIVAL ON JUNE 8, 2019**

**WHEREAS**, Chatham Borough will be holding its Fishawack Festival on June 8, 2019; and

**WHEREAS**, pursuant to N.J.S.A. 33:1-74, the Senior Center of the Chathams has submitted an Application to the Division of Alcoholic Beverage Control for a Social Affairs Permit to dispense and serve alcoholic beverages for consumption at this year's Fishawack Festival.

**BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham hereby grant permission to the Senior Center of the Chathams to dispense and serve alcoholic beverages for consumption at the Fishawack Festival on June 8, 2019, contingent upon the approval of a Social Affairs Permit issued by the Division of Alcoholic Beverage Control; 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 #19-138**

### **RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE CHATHAM HISTORICAL SOCIETY**

**WHEREAS**, the Chatham Historical Society has asked to use a portion of Borough Hall, located at 54 Fairmount Avenue, Chatham, for office space and storage purposes and to display exhibitions showcasing the history of the Borough of Chatham; and

**WHEREAS**, the Borough Attorney has prepared a License Agreement setting forth the terms and conditions of said license. The agreement shall be in substantially the same form as the attached License Agreement; and

**WHEREAS**, the License Area within the Municipal Building is not needed for public use; and

**WHEREAS**, the Mayor and Borough Council finds that it is in the best interest of the Borough to grant the Chatham Historical Society a license as set forth in the License Agreement.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Borough hereby grants a license to the Chatham Historical Society to use a portion of Borough Hall for office space and storage purposes and to display exhibitions showcasing the history of the Borough of Chatham; and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to execute a License Agreement in the substantially the same form as the agreement attached hereto and made a part hereof this Resolution and to the satisfaction of the Borough Attorney.

### **CONSENT AGENDA VOTE:**

Council Member Fife made a motion to approve Resolutions #19-131 through #19-135 and Resolutions #19-137 and #19-138 on the Consent Agenda. Resolution #19-136 was removed for separate discussion and vote. The motion was seconded by Council President Collander. A vote was taken and Resolutions #19-131 through #19-135 and Resolutions #19-137 and #19-138 on the Consent Agenda. were approved unanimously.

## **ADD-ON RESOLUTION**

None.

## **ORDINANCE FOR FIRST READING**

Mayor Harris asked Council President Collander to introduce Ordinance #19-06.

Council President Collander introduced Ordinance #19-06 by title as follows:

### **ORDINANCE #19-06**

#### **AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM AMENDING CHAPTER 139, §139-28 OF THE CODE OF THE BOROUGH OF CHATHAM EXCLUDING VEHICLES OVER 4 TONS FROM CERTAIN STREETS WITHIN THE BOROUGH**

Council President Collander explained that this Ordinance will amend Chapter 139, §139-28 to extend the regulation of vehicles over four tons on the following streets within the Borough:

| <b>Name of Street</b> | <b>Location</b>                        |
|-----------------------|--|
| Chatham Street        | Lafayette Avenue to Dead End           |
| Dunbar Street         | Entire Length                          |
| Essex Road            | Entire Length                          |
| E. Coleman Avenue     | Entire Length                          |
| Hillside Avenue       | From Ogden Street to Watchung Avenue   |
| Hillside Avenue       | From Watchung Avenue to Borough line   |
| Longwood Avenue       | Entire Length                          |
| Meadowbrook Road      | Entire Length                          |
| Myrtle Avenue         | Entire Length                          |
| Rose Terrace          | Entire Length                          |
| W. Coleman Avenue     | West Coleman Avenue      Entire Length |
| Washington Avenue     | From Main Street to Longwood Avenue    |

And,

The ordinance will remove the four-ton vehicle regulation on the following streets:

|                  |                                     |
|------------------|-------------------------------------|
| Hillside Avenue  | From Main Street to Watchung Avenue |
| Lafayette Avenue | From Main street to Watchung Avenue |

Council President Collander moved Ordinance #19-06 for introduction on First Reading.

Council President Collander read:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on February 25, 2019.

**BE IT RESOLVED**, that at the Council meeting to be held on March 11, 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 Collander offered Ordinance #19-06 and moved its adoption on first reading.

Council Member Kobylarz seconded the motion.

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

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

Mayor Harris asked Council Member Mathiasen to proceed with Resolution #19-139.

Council Member Mathiasen read Resolution #19-139.

**RESOLUTION #19-139**

**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:

Real Property: 1. Proposed Acquisition of Real Property – Mr. Williams

**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 Mathiasen made a motion to approve Resolution #19-139. Council Member Fife seconded the motion. A vote was taken and the motion to approve Resolution #19-139 was approved unanimously.

**ADJOURNMENT**

Having no other business to be conducted in public session, Mayor Harris adjourned into Closed Session at 9:52 p.m.

Respectfully Submitted:

*Robin R. Kline*

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