

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

**February 11, 2019 MINUTES**

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, February 11, 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 President Collander to proceed with Resolution #19-112.

Council President Collander read Resolution #19-112.

**APPOINTMENTS**

**RESOLUTION #19-112**

**RESOLUTION TO EMPLOY KYLE W. CZERNIAK AS A PROBATIONARY POLICE OFFICER FOR THE BOROUGH OF CHATHAM POLICE DEPARTMENT**

**WHEREAS**, the Borough of Chatham publicly advertised the job opening for the position of a police officer and solicited resumes and applications from interested candidates; and

**WHEREAS**, the selection committee (the "Committee") conducted interviews of interested and qualified candidates; and

**WHEREAS**, after considering all interested and qualified candidates, the Chief of Police found that Kyle W. Czerniak is the best-qualified candidate and has recommended that he be hired as a Probationary Police Officer for the Borough of Chatham Police Department, at a salary of \$52,466.54 effective February 12, 2019.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Chief of Police and hereby authorize that Kyle W. Czerniak shall be hired as a Probationary Police Officer in the Chatham Borough Police Department effective February 12, 2019 and at a salary of \$52,466.54 to be pro-rated for the remainder of 2019; and

**BE IT FURTHER RESOLVED**, that the Chief of Police is hereby authorized to undertake and execute such employment documents as are necessary to implement this resolution.

Council President Collander made a motion to approve Resolution #19-112. Council Member Fife seconded the motion. A vote was taken and Resolution #19-112 was approved unanimously.

Mayor Harris asked Council President Collander to proceed with Resolution #19-113.

Council President Collander read Resolution #19-113.

### **RESOLUTION #19-113**

#### **RESOLUTION TO EMPLOY HOWARD “REID” CRAIG AS A PROBATIONARY POLICE OFFICER FOR THE BOROUGH OF CHATHAM POLICE DEPARTMENT**

**WHEREAS**, the Borough of Chatham publicly advertised the job opening for the position of a police officer and solicited resumes and applications from interested candidates; and

**WHEREAS**, the selection committee (the “Committee”) conducted interviews of interested and qualified candidates; and

**WHEREAS**, after considering all interested and qualified candidates, the Chief of Police found that Howard “Reid” Craig is the best-qualified candidate and has recommended that he be hired as a Probationary Police Officer for the Borough of Chatham Police Department, at a salary of \$52,466.54 effective February 12, 2019.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Chief of Police and hereby authorize that Howard “Reid” Craig shall be hired as a Probationary Police Officer in the Chatham Borough Police Department effective February 12, 2019 at a salary of \$52,466.54 to be pro-rated for the remainder of 2019; and

**BE IT FURTHER RESOLVED**, that the Chief of Police is hereby authorized to undertake and execute such employment documents as are necessary to implement this resolution.

Council President Collander made a motion to approve Resolution #19-113. Council Member Fife seconded the motion. A vote was taken and Resolution #19-113 was approved unanimously.

### **ADMINISTRATION OF THE OATHS OF OFFICE**

Police Chief Brian Gibbons introduced Mr. Reid Craig and provided a summary of his educational background and qualifications.

Borough Clerk, Robin R. Kline, administered the oath of office to Reid Craig, who was accompanied by his family and Police Chief Brian Gibbons. Police Chief Gibbons then presented Reid Craig with his police badge.

Mayor Harris and the Borough Council congratulated Reid Craig on his appointment and provided their well wishes.

Police Chief Brian Gibbons introduced Mr. Kyle Czerniak and provided a summary of his educational background and qualifications.

Borough Clerk, Robin R. Kline, administered the oath of office to Kyle Czerniak, who was accompanied by his family and Police Chief Brian Gibbons. Police Chief Gibbons then presented Kyle Czerniak with his police badge.

Mayor Harris and the Borough Council congratulated Kyle Czerniak on his appointment and provided their well wishes.

Mayor Harris proceeded with Resolution #19-114.

#### **RESOLUTION #19-114**

#### **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:

January 28, 2019

And,

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

January 28, 2019

Council Member Fife made a motion to approve Resolution #19-114. Council Member Weber seconded the motion. A vote was taken and Resolution #19-114 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.

Mayor Harris and Council Member Fife recused themselves on the discussion of the Post Office Plaza Redevelopment planning schedule.

#### **DISCUSSION ITEMS**

**Local Government Week** – Council Member Fife and Council Member Dempsey reported that Chatham Borough will be joining towns throughout the state in celebrating NJ Local Government Week in April. NJ Local Government Week is sponsored by the New Jersey State League of Municipalities as a weeklong celebration that raises awareness about the importance of municipal government and its daily impact on residents.

Council Member Fife and Council Member Dempsey reported that the Borough will be celebrating its first NJ Local Government Week this year with events and activities planned for Friday, April 12<sup>th</sup> and Saturday, April 13<sup>th</sup>. On Friday, an Open House is planned at Borough Hall. Municipal departments, as well as boards, commissions and committees will participate with presentations on the services provided to the public. Students attending the Milton Avenue School, the Washington Avenue School, and the ECLC school will also be invited to attend the Open House. On Saturday, events scheduled include "Coffee with a Council Member," walking the eastern portion of the Urban Track, and walking the new Riverside Trail at Shepard Kollock Park.

Council Member Fife and Council Member Dempsey reported that more information will be forthcoming as activities are finalized for April 12<sup>th</sup> and April 13<sup>th</sup>.

**Post Office Plaza Redevelopment Planning Schedule** – Mr. DeNave, Borough Engineer, and Mr. Wagner, Vice Chair of the Chatham Borough Planning Board, provided an update on the Post Office Plaza Redevelopment planning schedule. Mr. DeNave began by clarifying that the redevelopment process incorporates multiple phases and began with the creation of a redevelopment concept plan prepared by Topology, the Borough’s planner. Topology held several public presentations where public input and feedback were solicited. Mr. DeNave further reported that Topology is incorporating the public’s feedback in the creation of a redevelopment plan, which Borough officials will use in selecting a developer for the project. He confirmed that the developer, once selected, would be required to conduct studies, such as, but not limited to, traffic, parking, and impacts to schools, at their cost to collect “hard data” for appropriate redevelopment planning.

Mr. DeNave further confirmed that the Planning Board and Historic Preservation Commission would need to review the building and site plans to ensure that they are compatible with the redevelopment plan. . Once the building and site plans are approved by the Planning Board and the Borough Council, a developer’s agreement would be drafted. The developer’s agreement would include architectural details and site plan, as well as terms and conditions covering all facets and scope of the redevelopment project.

Mr. DeNave reported that Borough officials anticipate naming a developer by June of this year and that shortly thereafter, the developer would begin to undertake required studies for the redevelopment project. He added that a developer would only be interested in the project if it looked to be a good investment.

Council Member Mathiasen clarified that it is not incumbent on Borough officials to ensure that the developer makes a good investment, but rather it is incumbent upon Borough officials to negotiate in the municipality’s best interest. The sale of any Borough-owned land for the project would require Council approval.

Mr. Williams noted that the Borough’s website would be updated in a couple of weeks to include current information on the Post Office Plaza Redevelopment project and the River Road Redevelopment project.

Mayor Harris announced that a Special Joint Meeting with the Governing Body and Planning Board is being planned for March 20<sup>th</sup> and also mentioned that that the draft redevelopment plan with a proposed amended zoning ordinance would be provided to the Council at the end of the week.

Mayor Harris proceeded with opening the meeting for public comment.

## **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.

Rozella Clyde, 33 Carmine Street, commented that she looked forward to attending the Borough Hall Open House for NJ Local Government Week and suggested that Borough officials send an invitation to the Senior Center of the Chathams. She further suggested that an affordable housing component and a “community space” should be included in the Post Office Plaza Redevelopment project.

Mayor Harris confirmed that the Borough’s Fair Share Housing Plan requires a set aside of 15% of residential units as affordable housing, which would apply to the Post Office Plaza Redevelopment project.

Stewart Carr, 3 Crestwood Drive, inquired about the amended zoning ordinance needed for the Post Office Plaza Redevelopment project and questioned whether the amended zoning could be repealed if the project did not go forward. He further encouraged Borough officials to get the best deal possible for the sale of Borough-owned lands for the redevelopment of Post Office Plaza.

Mr. DeNave responded that an amended zoning ordinance could be repealed. Mayor Harris reconfirmed that all zoning is subject to change by action of the Council.

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 Member Kobylarz to proceed with Ordinance #19-01.

Council Member Kobylarz read Ordinance #19-01 entitled:

### **ORDINANCE #19-01**

#### **AN ORDINANCE AMENDING CHAPTER 165-167 ENTITLED “GUARANTEES AND INSPECTIONS” OF THE MUNICIPAL CODE OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY SO AS TO CONFORM TO AMENDMENTS TO THE MUNICIPAL LAND USE LAW**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on January 28, 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 #19-01 was introduced and passed on first reading at the January 28, 2019 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on February 11, 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 Kobylarz offered the Ordinance and moved its adoption:

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

Council 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			
Weber		X	X			
Kobylarz	X		X			
Dempsey			X			
Mathiasen			X			

Mayor Harris declared Ordinance #19-01 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 Member Weber to proceed with Ordinance #19-02.

Council Member Weber read Ordinance #19-02 entitled:

**ORDINANCE #19-02**

**AN ORDINANCE TO ADD A MUNICIPAL POSITION AND SALARY AND WAGE  
OF THE BOROUGH OF CHATHAM FOR THE YEAR 2019**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on January 28, 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 #19-01 was introduced and passed on first reading at the January 28, 2019 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on February 11, 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 offered the Ordinance and moved its adoption:

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

Council 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			
Fife			X			
Weber	X		X			
Kobylarz		X	X			
Dempsey			X			
Mathiasen			X			

Mayor Harris declared Ordinance #19-02 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**

### **COUNCIL COMMITTEES**

**Budget and Finance** - Council Member Kobylarz reported that the 2019 Operating Budget and the 2019 Capital Budget are being reviewed and finalized in anticipation of introduction at the April 22<sup>nd</sup> Mayor and Council Meeting.

**Long Range Traffic & Pedestrian Safety Planning** - Council President Collander had nothing new to report.

**Public Safety & Emergency Services** - Council President Collander reported that the Police Department will begin a promotional process to fill two Sergeant positions. He also welcomed the two new patrol officers, Kyle Czerniak and Reid Craig, and Ms. Kellie McGuire, the new Administrative Assistant/Police Records Custodian.

**Personnel** - Council Member Weber had nothing new to report.

**Public Works Planning/Community Services** - Council Member Fife had nothing new to report.

**Shared Services & 3<sup>rd</sup> Party Agreements** - Council Member Mathiasen reported that she will be reviewing the current shared services agreements to get acquainted with what services, and service levels, are being provided.

## **MAYOR'S REPORT**

Mayor Harris reported that he attended the Chatham Emergency Squad's annual Installation Dinner last Saturday and announced that Mark Spinner, known to many in the Borough as "Spanky," retired from the emergency squad after 40 years of volunteer service. He further mentioned that he had issued a Mayoral Proclamation honoring Spanky for his 40 years of volunteer service on the Chatham Emergency Squad.

## **ADMINISTRATOR'S REPORT**

Mr. Williams reported that the Department of Public Works crews have been treating Borough roads with brine and rock salt in preparation of the forecasted winter storm and that the Borough's Office of Emergency Management is monitoring the storm. He further reported that the Governor has declared a state of emergency as of midnight and encouraged motorists to keep off the roads if possible. Mr. Williams also reported that the Morris County Municipal Utilities Authority (MCMUA) has scheduled hazardous waste days for this year. Dates and locations are posted on the MCMUA website. Lastly, he reported that departmental monthly reports will be distributed to the Governing Body this week.

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 #19-115 through Resolution #19-126 have been placed on the Consent Agenda.

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

None.

## **CONTRACTS**

### **RESOLUTION #19-115**

### **AUTHORIZING SHARED SERVICES ARRANGEMENT BETWEEN THE MADISON- CHATHAM JOINT MEETING AND THE BOROUGH OF MADISON**

**WHEREAS**, the Madison-Chatham Joint Meeting ("MCJM") has a need to contract for the services of a qualified purchasing agent for the year 2019; and

**WHEREAS**, the Borough of Chatham desires to provide the services of Timothy Day, Certified Financial Officer (CFO) of the Finance Department as qualified purchasing agent to the MCJM; and

**WHEREAS**, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., municipalities within the State of New Jersey are permitted to effectuate agreement between local units of government for the provision of services; and

**WHEREAS**, the Borough and the MCJM desire to enter into a shared services arrangement for the services of Timothy Day, CFO, of the Finance Department as qualified purchasing agent to the MCJM for the year 2019; and

**WHEREAS**, the MCJM agrees to pay the Borough the annual sum of \$1.00 for said services.

**BE IT RESOLVED** that the MCJM hereby authorizes a shared services agreement with the Borough for the services of Timothy Day, CFO, of the Finance Department as qualified purchasing agent to the MCJM for the year 2019.

**BE IT FURTHER RESOLVED** that the MCJM Superintendent is hereby authorized to execute a shared services agreement in accordance with the terms and conditions of this Resolution.

## **FINANCE**

### **RESOLUTION #19-116**

#### **RESOLUTION TO APPROVE PAYMENT OF VOUCHERS**

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

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

### **RESOLUTION #19-117]**

#### **RESOLUTION APPROVING TAX APPEAL SETTLEMENT WITH LIBERO FUSCO HOLDING LLC FOR THE PROPERTY LOCATED AT 9 & 11 PERRIN STREET (BLOCK 139, LOTS 4, 5, 6 & 7 AND BLOCK 140, LOTS 2, 3 & 6)**

**WHEREAS**, appeals of the real property tax assessments for tax years 2011 through 2017 for the property located at 9 & 11 Perrin Street (Block 139, Lots 4, 5, 6 & 7 and Block 140, Lots 2, 3 & 6) have been filed by the taxpayer, Libero Fusco Holding LLC and are pending in the Tax Court of New Jersey; and

**WHEREAS**, a settlement has been negotiated with the taxpayer resolving the tax appeals for the subject property for all of the pending tax years; and

**WHEREAS**, as a result of the proposed settlement, the tax appeals for Block 139, Lot 5 are withdrawn for all years; and

**WHEREAS**, as a result of the proposed settlement, the tax appeals for 2011 through 2013 are withdrawn and the assessments for 2014 through 2017 are reduced as follows:

<u>Tax Year</u>	<u>Aggregate Original Assessment</u>	<u>Aggregate Revised Assessment</u>
2014	\$1,767,700.00	\$1,550,000.00
2015	\$1,767,700.00	\$1,550,000.00
2016	\$1,767,700.00	\$1,550,000.00
2017	\$1,767,700.00	\$1,550,000.00

And,



**WHEREAS**, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Borough Tax Assessor, Therese DePierro, and Borough Appraisal Consultant, Mark Hendricks; and

**WHEREAS**, upon the recommendation of the Borough Tax Assessor, Therese DePierro, and Borough Appraisal Consultant, Mark Hendricks, the Borough Council believes that this tax appeal settlement is in the best interest of the Borough and secures fairness and uniformity in the assessment process.

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that the Borough Council hereby approves of the above tax appeal settlement with Libero/Umberto Fusco Holding LLC for the property located at 9 & 11 Perrin Street (Block 140, Lots 4, 5, 6 & 7 and Block 140, Lots 2, 3 & 6); and

**BE IT FURTHER RESOLVED**, by the Borough Council that the Borough Tax Counsel is hereby authorized and directed to enter into the Stipulation of Settlement, which is attached and made a part of this Resolution, and to file the Stipulation and such other documents as required to implement this settlement with the Tax Court of New Jersey; and

**BE IT FURTHER RESOLVED**, 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 #19-118**

#### **RESOLUTION AUTHORIZING TRANSFERS BETWEEN CERTAIN BUDGET RESERVE APPROPRIATIONS IN THE 2018 CURRENT FUND BUDGET PURSUANT TO N.J.S.A. 40A:4-58**

**WHEREAS**, N.J.S.A. 40A:4-58 provides that transfers may be made between appropriation accounts in the General Budget in the last two months or the first three months of the next succeeding fiscal year by an authorizing resolution adopted by not less than a two-thirds (2/3) vote of the full membership of the governing body; and

**WHEREAS**, such transfers are made to cover expenses in accounts in excess of that anticipated and from accounts having expenses in lesser amounts than anticipated: and

**WHEREAS**, these transfers do not affect the total of the operations budget as originally approved in the 2018 Current Fund Budget.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham, in the County of Morris, State of New Jersey, that the Chief Financial Officer is hereby authorized to make the following line-item transfers in the 2018 Current Fund Budget with an effective date of February 12, 2019 in accordance with N.J.S.A. 40A:4-58:

Account Name	Account Number	Transfer To	Transfer From
<u>TO</u>			
Gasoline OE	8-01-31-460-000	\$6,500.00	
Telephone OE	8-01-20-440-000	\$1,500.00	
Street Lighting OE	8-01-31-435-000	\$2,000.00	
<u>FROM</u>			
Police S&W	8-01-25-240-001		\$10,000.00
Totals		\$10,000.00	\$10,000.00

And

**BE IT FURTHER RESOLVED**, that the Borough Clerk shall provide a certified copy of this resolution to the Borough Administrator and to the Chief Finance Officer.

## **LAW AND PUBLIC SAFETY**

### **RESOLUTION #19-119**

#### **RESOLUTION GRANTING PERMISSION FOR THE CHATHAM FIRE DEPARTMENT ASSOCIATION TO HOLD A PICNIC IN CHATHAM BOROUGH ON JULY 4, 2019**

**WHEREAS**, the Chatham Fire Department Association desires to hold a picnic in Chatham Borough on July 4, 2019 at Garden Park; and

**WHEREAS**, the Chatham Fire Department Association seeks to serve and dispense alcoholic beverages at the July 4<sup>th</sup> picnic; and

**WHEREAS**, the Mayor and Borough Council wish to authorize this event.

**BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham does hereby grant permission for the picnic to be conducted by the Chatham Fire Department Association on July 4, 2019 at Garden Park; and

**BE IT FURTHER RESOLVED**, that permission to dispense alcoholic beverages at the July 4, 2019 picnic is granted subject to the Chatham Borough Fire Department Association obtaining a Social Affairs Permit from the Director of the Division of Alcoholic Beverage Control pursuant to N.J.S.A. 33:1-74 and N.J.A.C. 13:2-5.1; and

**BE IT FURTHER RESOLVED**, that the Chatham Fire Department Association shall be required to submit a Facilities Use Application and required documentation to the Department of Community Services and that a certificate of insurance listing the Borough of Chatham as an additional insured and providing proof of general liability insurance in excess of at least \$1,000,000.00 shall be submitted for this event; 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 #19-120**

#### **RESOLUTION AUTHORIZING THE CHATHAM FIRE DEPARTMENT ASSOCIATION TO CONDUCT A PARADE ON JULY 4, 2019**

**WHEREAS**, the Chatham Fire Department Association desires to conduct a parade as part of the Fourth of July Celebration in the Borough of Chatham; and

**WHEREAS**, the Mayor and Borough Council wish to authorize this long-standing tradition and event; and

**WHEREAS**, the Mayor and Borough Council thanks and recognizes the Chatham Borough Fire Department Association for planning and organizing the Fourth of July Parade.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Chatham Fire Department Association is hereby granted authority to conduct a parade in the Borough on July 4, 2019 and the participants and other persons involved therein are granted permission to use the following streets, including the roadways thereof, as set forth in the parade plan namely: portions of Hillside Avenue, Red Road, Dempster Avenue, Ogden Street, Van Doren Avenue, Firehouse Plaza and Main Street (State Highway Route #124); and

**BE IT FURTHER RESOLVED**, the Chatham Borough Police Chief is authorized to establish detour routes, close roads and re-route traffic as is necessary before and during the parade; and

**BE IT FURTHER RESOLVED**, that the Chatham Fire Department Association shall be required to submit a Facilities Use Application and required documentation to the Department of Community Services and that a certificate of insurance listing the Borough of Chatham as an additional insured and providing proof of general liability insurance in excess of at least \$1,000,000.00 shall be submitted for this event; 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 #19-121**

#### **RESOLUTION AUTHORIZING A FIREWORKS DISPLAY TO BE CONDUCTED BY GARDEN STATE FIREWORKS ON JULY 4, 2019 OR SUBSEQUENT DATE IN THE EVENT OF POSTPONEMENT**

**WHEREAS**, the Chatham Fire Department Association desires to conduct a public display of fireworks as part of the Fourth of July Celebration in the Borough of Chatham; and

**WHEREAS**, Garden State Fireworks of Millington, New Jersey shall conduct the fireworks display and shall be required to file a bond as required by N.J.S.A. 21:3-5 with the Borough of Chatham and a certificate of insurance providing proof of general liability insurance in excess of at least \$1,000,000.00 as required by the New Jersey Uniform Fire Code, N.J.A.C. 5:70 et. seq.; and

**WHEREAS**, the New Jersey Uniform Fire Code, N.J.A.C. 5:70 et. seq. further requires that the governing body of the municipality must approve by resolution firework displays prior to the issuance of a permit by the Fire Official; and

**WHEREAS**, the Mayor and Borough Council wish to authorize this event.

**BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham does hereby grant permission to the Chatham Fire Department Association to conduct a public display of fireworks as part of the Fourth of July Celebration in the Borough of Chatham, or on a subsequent date in the event of postponement, contingent upon satisfaction of all requirements imposed by state laws and regulations as herein referenced; and

**BE IT FURTHER RESOLVED**, the Chatham Fire Department Association shall be required to submit a Facilities Use Application and required documentation to the Department of Community Services and that a certificate of insurance listing the Borough of Chatham as an additional insured and providing proof of general liability insurance in excess of \$1,000,000.00 as required by the New Jersey Uniform Fire Code, N.J.A.C. 5:70 et. seq. shall be submitted for this event; 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 #19-122**

#### **RESOLUTION APPOINTING TORY STROKER TO THE MAYORS' WELLNESS ADVISORY COMMITTEE FOR CALENDAR YEAR 2019**

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

**WHEREAS**, Resolution #19-24 adopted by the Mayor and Council on January 7, 2019 re-established the Mayors' Wellness Advisory Committee for calendar year 2019; and

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

**WHEREAS**, Tory Stroker has expressed her interest in being appointed to the Mayors' Wellness Advisory Committee and submitted a volunteer application.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Tory Stroker is hereby appointed to the Mayors' Wellness 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 #19-123**

#### **RESOLUTION ACCEPTING THE RESIGNATION OF MARY BETH CICCARONE AS POLICE RECORDS CUSTODIAN/ADMINISTRATIVE ASSISTANT FOR THE BOROUGH OF CHATHAM**

**WHEREAS**, Mary Beth Ciccarone has tendered her resignation as Police Records Custodian/Administrative Assistant for the Borough of Chatham effective January 25, 2019; and

**WHEREAS**, the Mayor and Council wish to thank Mary Beth Ciccarone for her service.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the resignation of Mary Beth Ciccarone from the position of Police Records Custodian/Administrative Assistant for the Borough of Chatham effective January 25, 2019 is hereby acknowledged and accepted with regret; and

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

## **OTHER**

### **RESOLUTION #19-124**

#### **RESOLUTION AUTHORIZING AN INTERNSHIP PROGRAM FOR THE BOROUGH OF CHATHAM FOR THE CALENDAR YEAR 2019**

**WHEREAS**, internships help individuals gain experience, develop skills, make connections, strengthen their resumes, learn about a professional or vocational field, and assess their interest and abilities, which facilitates a positive future; and

**WHEREAS**, internships have helped the Borough take advantage of short-term support to effectively manage workflow to accomplish immediate objectives; and

**WHEREAS**, internships help Borough staff to be more productive and frees them up to accomplish more creative tasks or those tasks requiring higher-level strategic thinking or expertise.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby authorize an internship program for the Borough for calendar year 2019; 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 #19-125**

#### **RESOLUTION AUTHORIZING THE SPRING CLEAN INITIATIVE FOR THE YEAR 2019 AND AUTHORIZING THE SOLICITATION OF CHARITABLE DONATIONS**

**WHEREAS**, Spring Clean is a Borough-wide day of volunteerism in honor of Earth Day that is focused on litter removal and neighborhood beautification in the Borough; and

**WHEREAS**, this year, the MyChathamNJ Advisory Committee, in conjunction with the Department of Community Services, will organize and hold the annual Spring Clean initiative on Saturday, May 4, 2019 from 8:00 a.m. to 1:00 p.m.; and

**WHEREAS**, by Resolution #14-88 adopted on January 6, 2014, the Borough established a dedication by rider trust fund for donations received to support the Spring Clean program in the Borough; and

**WHEREAS**, N.J.S.A. 40A:5-29 permits the Borough to use dedicated revenues anticipated during the budget year from charitable contributions in support of purposes to which contributions are made; and

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby support the Spring Clean local initiative organized by the MyChathamNJ Advisory Committee in conjunction with the Department of Community Services; and

**BE IT FURTHER RESOLVED**, that no elected or appointed official for the Borough of Chatham, nor any Borough employee or volunteers appointed to any Borough Board, Commission or Committee shall be involved in the direct solicitation of any monetary or in-kind donations for the event, except for a general mailing seeking participation; and

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

#### **RESOLUTION #19-126**

#### **RESOLUTION APPROVING AN EAGLE SCOUT SERVICE PROJECT TO CREATE BIRD SANCTUARIES AT KELLEY'S POND AND SHEPARD KOLLOCK PARK**

**WHEREAS**, Matt Castellano, a scout with Troop #8, seeks permission from the Mayor and Council of the Borough of Chatham to create bird sanctuaries, consisting of the construction of three birdhouses at Kelley's Pond and three birdhouses in Shepard Kollock Park; and

**WHEREAS**, each birdhouse would have different size holes to attract different bird species and would be mounted on a ten-foot high pole that is anchored in the ground and supported in place by concrete footings; and

**WHEREAS**, the kiosk at Kelley's Pond would also be updated to include details about local birds as part of the Eagle Scout service project; and

**WHEREAS**, the Mayor and Council recognize that Matt Castellano's Eagle Scout service project would be beneficial to the community and enjoyed by many residents.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby approve Matthew Castellano's proposed Eagle Scout service project to create bird sanctuaries, consisting of the construction and installation of three birdhouses at Kelley's Pond and three birdhouses in Shepard Kollock Park and commend him for his efforts in designing and building a project that will benefit the Chatham Borough community; and

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

#### **CONSENT AGENDA VOTE:**

Council Member Fife made a motion to approve Resolutions #19-115 through #19-126 on the Consent Agenda. The motion was seconded by Council President Collander. A vote was taken and Resolutions #19-115 through #19-126 were approved unanimously.

#### **ADD-ON RESOLUTION**

None.

#### **ORDINANCES FOR FIRST READING**

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

Council President Collander introduced Ordinance #19-03 by title as follows:

#### **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**

Council President Collander explained that this ordinance would amend Chapter 48 of the Borough Code to permit the inclusion and appointment of Class Three Special Law Enforcement Officers.

Council President Collander read:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on February 11, 2019.

**BE IT RESOLVED**, that at the Council meeting to be held on February 25, 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 President Collander offered Ordinance #19-03 and moved its adoption on first reading.

Council Member Fife seconded the motion.

Council Member Weber requested discussion on Ordinance #19-03. He suggested amending the Ordinance to authorize up to three Special Class Three Law Enforcement Officers ("SLEOs") instead of one SLEO, since the school district plans to place one SLEO in each of the three schools located in the Borough at some future time. Amending the ordinance, he mentioned, would obviate the need take further action at a future date, saving the Borough time and money.

Council Member Weber made a motion to amend Ordinance #19-03 to authorize up to three Special Class Three Law Enforcement Officers (“SLEOs”).

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

Council Member Mathiasen then commented that she disagreed with the second Whereas clause recital in the Ordinance and recommended that Ordinance #19-03 be amended to remove the second Whereas clause:

“WHEREAS, the Mayor and Council has determined it to be in the best interests of the Borough and its residents to authorize the appointment of Class Three SLEOs in accordance with N.J.S.A. 40A:14-146.8 et seq.”

Council Member Mathiasen made a motion to amend Ordinance #19-03 by removing the second Whereas clause.

Motion seconded by Council Member Fife.

Mayor Harris asked the Borough Clerk for a Roll Call Vote on the motion to amend:

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

The Borough Clerk announced that the motion to amend Ordinance #19-03 passed.

Council President Collander revised his motion to move Ordinance #19-03, as amended.

Council Member Fife seconded the motion.

Mayor Harris asked the Borough Clerk for a Roll Call Vote on Ordinance #19-03, as amended:

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

Mayor Harris declared Ordinance #19-03 passed on first reading, as amended, and requested the Borough Clerk to publish the proper notice of the second reading and public hearing of this Ordinance in the official newspapers.

Mayor Harris asked Council President Collander to introduce Ordinance #19-04.

Council President Collander introduced Ordinance #19-04 by title as follows:

**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**

Council President Collander explained that this ordinance establishes no parking along a portion of the west side of River Road from the southerly curb line of Watchung Avenue to a point 150 feet south to allow for the safe passage of vehicles using the right turn lane onto Watchung Avenue.

Council President Collander read:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on February 11, 2019.

**BE IT RESOLVED**, that at the Council meeting to be held on February 25, 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 President Collander offered Ordinance #19-04 and moved its adoption on first reading.

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 Ordinance #19-04 passed on first reading and requested the Borough Clerk to publish the proper notice of the second reading and public hearing of this Ordinance in the official newspapers.

Mayor Harris asked Council President Collander to introduce Ordinance #19-05.

Council President Collander introduced Ordinance #19-05 by title as follows:

**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**

Council President Collander explained that this ordinance establishes regulated time-limit and permit parking along a portion of South Passaic Avenue from the trestle to Second Street and also establishes no stopping or standing on the easterly side of South Passaic Avenue from Second Street to a point 20 feet south and establishes 3-hour time-limit parking from Second street to the dead end.



Council President Collander read:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on February 11, 2019.

**BE IT RESOLVED**, that at the Council meeting to be held on February 25, 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 President Collander offered Ordinance #19-05 and moved its adoption on first reading.

Council Member Fife seconded the motion.

Mayor Harris asks 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 Ordinance #19-05 passed on first reading and requested the Borough Clerk to publish the proper notice of the second reading and public hearing of this Ordinance in the official newspapers.

Mayor Harris noted that the Borough's Fee Resolution will need to be revised to include the newly established permit parking on South Passaic Avenue once Ordinance #19-05 has been passed and adopted.

Mayor Harris asked Council Member Mathiasen to proceed with Resolution #19-127.

Council Member Mathiasen read Resolution #19-127.

#### **RESOLUTION #19-127**

#### **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:

- Attorney-Client Privilege:
1. Chatham Towne Tavern, Inc. Liquor License - Mr. Lott and Ms. Kline
  2. School District Shared Service for Class III Officer – 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 Mathiasen made a motion to approve Resolution #19-127. Council President Collander seconded the motion. A vote was taken and the motion to approve Resolution #19-127 was approved unanimously.

### **ADJOURNMENT**

Having no other business to be conducted in public session, Mayor Harris adjourned into Closed Session at 9:18 p.m.

Respectfully Submitted:

*Robin R. Kline*

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