

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

**September 23, 2019 MINUTES**

Mayor Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, September 23, 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 those 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**

Stephen W. Williams, Acting 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 TAP into 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 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

Mayor Harris announced that there will be a Class III Special Law Enforcement Officer in the School District, Officer Agapito Guzman.

Council President Collander mentioned the career and merits of Officer Guzman. Chief Gibbons gave a brief speech of Mr. Guzman, acknowledging his decades of work and experience in law enforcement. Chief Gibbons personally thanked and welcomed Mr. Guzman to the Chatham Police Department. Council President Collander read the following Resolution:

## **Resolution #19-275**

### **RESOLUTION TO EMPLOY AGAPITO GUZMAN AS A PROBATIONARY CLASS III SPECIAL LAW ENFORCEMENT OFFICER (SLEO) FOR THE BOROUGH OF CHATHAM POLICE DEPARTMENT**

**WHEREAS**, on November 30, 2016, Governor Chris Christie signed into law P.L. 2016, c. 68 which established Class III Special Law Enforcement Officers for retired law enforcement officers under 65 years of age to provide security in public and nonpublic schools and county colleges; and

**WHEREAS**, the School District of the Chatham's and Borough of Chatham wishes to hire Agapito Guzman as a Class III SLEO for the 2019/2020 school year; and

**WHEREAS**, the Chief of Police has recommended that Agapito Guzman be employed as Probationary Class III SLEO for the Borough of Chatham Police Department, at a salary of \$35.00 per hour effective September 24, 2019.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Agapito Guzman be appointed as a Probationary Class III SLEO at a salary of \$35.00 per hour effective September 24, 2019; and

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

A motion was made by Council President Collander and seconded by Council Member Weber to APPROVE the resolution. A vote taken on Resolution 19-275 was unanimously approved.

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Mr. Guzman was sworn in as a Special Law Enforcement Officer, by Acting Municipal Clerk Stephen Williams. Mayor Harris congratulated Mr. Guzman and welcomed him to the Chatham Police Department.

### **DISCUSSION ITEMS**

Mayor Harris introduced Council Member Kobylarz to make a presentation on the Economic Development Advisory Committee initiative.

### **ECONOMIC DEVELOPMENT ADVISORY COMMITTEE (EDAC) PRESENTATION BY: COUNCIL MEMBER KOBYLARZ**

Council Member Kobylarz provided a quick overview from his March report and an update on the developments with respect to the Economic Development Advisory Committee. He stated that the initiative is to make Chatham Borough a destination for commercial businesses, primarily attracting technology and innovation start-up firms.

The branding campaign for the County is called, "Start-Up Move-Up Morris,"; whereas the Borough of Chatham slogan is, "Start-Up Move-Up Chatham." The MDEC has spent over \$10,000 towards

“Start-Up Move-Up Chatham,” stated Councilman Kobylarz. The web pages for the County and the Borough are being worked on and business outreach is in the planning stage.

In August of 2019, Governor Phil Murphy signed into law a Bill that will allow municipalities to designate certain areas as innovation districts. Assemblyman Kennedy who conceived of the bill, toured the Borough of Chatham and was excited by its potential for technology and innovative firms (especially, in the River Road development area).

Council Member Kobylarz explained the responsibilities of the Committee. He stated that residents are invited to serve as volunteers on the Economic Development Advisory Committee. He reported that seven (7) residents have responded; however, the Committee would like to have nine (9) members. Applications for membership were sent out on September 17, 2019. A resolution may be introduced by the next scheduled meeting [October 15, 2019], stated Council Kobylarz.

Any interested volunteers should complete the standard Volunteer Application, which is accessible on the Borough’s website, stated Mayor Harris.

Council Member Fife inquired about volunteers. Council Member Kobylarz explained that the Committee is looking for volunteers with expertise in technology, finance, economics, marketing, and seeking entrepreneurs and small business owners.

Mayor Harris thanked Council Member Kobylarz for his presentation.

## **FISHAWACK PRESENTATION BY: JANICE PICCOLO**

Mayor Harris introduced Janice Piccolo, Director of Community Services, who gave an update on the Fishawack Festival, held on June 8, 2019.

Ms. Piccolo reported that the event had 10,000 attendees and the greatest number of vendors and businesses participating this year. She reported on the budget and stated the event brought in \$2,500 more in revenue than in 2018. The Department has focused on curtailing expenses, stated Ms. Piccolo.

Mayor Harris thanked Ms. Piccolo for her comprehensive presentation and work on the event.

Council Member Weber reiterated the support for the event and commended Ms. Piccolo and her staff. Council Member Fife also reported safety concerns from last year, and stated the event was more cohesive. Council Member Fife thanked Police Officer George for making the necessary changes to address the safety concerns.

Mayor Harris mentioned that the car show was very popular this year. He proposed adopting a resolution to approve moving forward with Fishawack in 2020.

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## **MEETING OPEN TO THE PUBLIC NOTICE OF PUBLIC COMMENT TIME LIMIT**

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

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### **Rosella Clyde – 33 Carmine Street**

Ms. Clyde thanked Ms. Piccolo for the successful Fishawack event and Sustainability Fair. Ms. Clyde is a member of the Green Team, so she mentioned that the Plastic Bag Ordinance is timely, especially since the United Nation (UN) was discussing climate change. She praised the Ordinance on the agenda and stated that the initiative is a positive move for the community.

Ms. Clyde discussed Council Member Kobylarz' s Economic Development Presentation and the forthcoming Committee. The Committee needs an idea for a master plan, and an end goal, stated Ms. Clyde. She further stated that the research conducted should be incorporated into the proposal. Ms. Clyde expressed concerns about the effects on existing businesses.

### **Nyla Ismael - Senior at Chatham High School**

Ms. Ismael read a report from her Girl Scout Gold Award on Plastic Bag pollution and its impact. She spent six months collecting over 80,000 plastic bags. Ms. Ismael's project focuses on limiting plastic usage and its proper disposal in Chatham Borough.

### **Deborah Smith – 166 N. Passaic Avenue**

Ms. Smith wanted to memorialize her objection to the sidewalk installed in front of her house. Mr. Williams informed Ms. Smith to contact the Borough Engineer, Mr. DeNave. Ms. Smith recommends the Borough build a parking deck to ensure adequate parking within the area.

Mayor Harris said that there is a long vetting process for sidewalks and safety is paramount.

### **Stuart Carr - 3 Crestwood Drive, Chatham Township**

Mr. Carr wanted to follow-up on two questions from the previous Council Meeting:

1. Will there be public questions with respect to the Post Office Plaza redevelopment?
2. Secondly, would the Council Members recuse themselves from financially benefitting from the Post-Office Plaza initiative?

Mr. Williams stated that Mr. Carr's questions were submitted verbatim to Mr. Goldsmith and Mr. Hague.

Mayor Harris stated that it is not feasible to add a referendum on the Ballot this year. However, there will be opportunities for public input.

Mr. Carr stated that Council Member Kobylarz's Economic Development initiative is a good idea.

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## **ORDINANCE FOR SECOND READING**

Mayor Harris asks Council President Collander to proceed with Ordinance #19-13.

Council President Collander reads Ordinance #19-13 entitled:

**ORDINANCE #19-13**

**AN ORDINANCE AMENDING ORDINANCE #18-11 TO ADD THE POSITION OF  
SPECIAL LAW ENFORCEMENT OFFICER III TO THE 2019 SALARY ORDINANCE FOR THE  
BOROUGH OF CHATHAM**

The Ordinance was introduced and passed on first reading at a regular Council meeting held on September 9, 2019.

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

The Acting Borough Clerk states: A legal notice was published indicating that Ordinance #19-13 was introduced and passed on first reading at the September 9, 2019 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on September 23, 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: The meeting is now open for a public hearing on the Ordinance and any member of the public may be heard.

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

Council President Collander: I offer the following Ordinance and move its adoption:

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

Council Member Weber seconds the motion.

Mayor Harris asks the Acting 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: I declare this Ordinance adopted and finally passed and request the Acting 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 last committee meeting was held in August. The Committee intends to meet monthly until April 2020. Mr. Williams and Mr. Hollberg are working on the Budget schedule.

**Long Range Traffic and Pedestrian Safety Planning** - Council President Collander reported that the curbing project on N. Passaic Avenue is almost complete. The sidewalks are 80% complete, whereas the drainage is 90% complete. Milling and paving will be complete within two weeks. Council President Collander commended Mr. DeNave and the County for their work.

**Public Safety and Emergency Services** - Council President Collander reported that he met with Chief Gibbons regarding his request to purchase and replace outdated firearms. A resolution is scheduled for adoption at tonight's meeting to replace the department's firearms, stated Council President Collander.

**Personnel** - Council Member Weber reported that the Borough has filled the vacant positions for a Municipal Clerk, Deputy Clerk and a Confidential Administrative Assistant to the Borough Administrator. All three employees are scheduled to start in October, stated Councilman Weber.

**Public Works Planning/Community Services** - The next meeting will be scheduled for October, reported Council Member Fife.

**Shared Service & 3<sup>rd</sup> Party Agreements** - Council Member Mathiasen reported that the Borough has an agreement with a software company that the Borough of Madison uses, which will allow pet licensing and permits to be accessible and processed online.

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## **MAYOR'S REPORT**

Mayor Harris stated that a joint meeting with the Planning Board is scheduled for this Thursday with the Council and the redeveloper for the River Road project, who will give a presentation and demonstrate the preliminary design of the proposed structure. The public is invited to attend, stated Mayor Harris.

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## **ADMINISTRATOR'S REPORT**

- Mr. Williams introduced the newly appointed Borough Clerk, Tamar Lawful.
- The Pingry Agreement was signed, and the parents are pleased, stated Mr. Williams.
- Last Wednesday, September 18, 2019, the Borough Hall was open for Voter Registration. The Clerk's Office has voter registration applications and absentee ballots.
- Last Thursday night into Friday morning, there was a substantial water main break on Watchung Avenue that closed the westbound lanes. The DPW was able to fix the issue while the Fire Department handled other emergency matters. Mr. Williams stated that both departments did a wonderful job on these projects that evening.

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## **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 #19-276 through Resolution #19-288 have been placed on the Consent Agenda.

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## **RESOLUTION[S] REMOVED FROM THE CONSENT AGENDA**

### **FOR DISCUSSION AND VOTE:**

NONE

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## **APPOINTMENTS**

### **RESOLUTION #19-276**

**Now therefore it be resolved**, by the Mayor and Borough Council that Karen Brodsky is hereby appointed as the Borough of Chatham QPA on a temporary basis for the sole purpose of reviewing the Non-Fair and Open Process Professional Service Contract with Phoenix Consulting Group, LLC. This temporary appointment as QPA will terminate automatically upon approval of Resolution #19-277.

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## **CONTRACTS**

### **RESOLUTION #19-277**

### **RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROCESS PROFESSIONAL SERVICE CONTRACTS WITH PHOENIX CONSULTING GROUP, LLC FOR THE REMAINDER OF 2019**

**WHEREAS**, there exists a need to enter into non-fair and open professional service contracts for Financial Services pursuant to the provisions of N.J.S.A. 40A:11-5(1)(a); and

**WHEREAS**, such services constitute professional services as defined by the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i) and N.J.S.A. 19:44A-20.5, which may be awarded without advertisement for bids or bidding in that the required services must be performed by persons authorized by law to practice a recognized profession, whose practice is regulated by law, of the performance of which requires knowledge of an advanced and specialized type; and

**WHEREAS**, Phoenix Consultants possess the experience necessary in their respective profession and the Mayor and Council have determined that the award of the contract would be in the best interests of the Borough; and

**WHEREAS**, each of the herein referenced professional service contractors, its subsidiaries, assigns or principals controlling in excess of 10% of the firm have submitted to the Borough a Business Entity Disclosure Certification pursuant to the New Jersey Pay-to-Play Act, N.J.S.A. 19:44A-1 et seq., a completed Disclosure of Investment Activities in Iran pursuant to Public Law 2012, C.25, a New Jersey Business Registration Certificate, a completed affirmative action report (Form AA-302) and a completed W-9 form; and

**WHEREAS**, the Acting Chief Financial Officer has certified that sufficient funds are available for the purpose of awarding the herein referenced professional service contract.

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that the following professional service contract is hereby awarded for the remainder of 2019 retroactive to June 26, 2019:

**Phoenix Consulting Group Financial Services, Maximum Contract Amount: \$30,000.00**

And,

**BE IT FURTHER RESOLVED**, that the Borough Council authorizes the Mayor to enter into a contract with the referenced professional service contractor as provided herein, provided that their Business Disclosure Entity Certification and Determination of Value of the contract be placed on file by the business entity or individual with this resolution.

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## **FINANCE**

### **RESOLUTION #19-278**

#### **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.

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### **RESOLUTION #19-279**

#### **RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT**



**WHEREAS**, the Tax Collector for the Borough of Chatham has advised that the mortgage company made a duplicate property tax payment for the herein referenced property resulting in an overpayment of property taxes; and

**WHEREAS**, the Tax Collector has further advised that a refund for the property tax overpayment is to be made as follows:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>YEAR/QTR.</u>
48/36	S J Highlands, LLC 21 Cornell Place <b>*make check payable &amp; mail to:</b>  Chase Attn: Property Tax Refund Department/R. Rice P.O. Box 961227 Fort Worth, TX 76161	\$2,646.23	2019/2 <sup>nd</sup> Qtr.

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#### **RESOLUTION # 19-280**

#### **RESOLUTION REFUNDING REDEMPTION OF TAX SALE CERTIFICATE #2011-3**

**WHEREAS**, the Tax Collector for the Borough of Chatham has advised that the following tax sale redemption refund should be made to the lienholder:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>
54/27	Kretten, Kurt 16 N. Summit Avenue  <b>*Make check payable &amp; mail to:</b>  John Venutolo 25 Hughes Place Summit, NJ 07901	\$18,093.40    Redemption

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Borough Tax Collector is hereby authorized to issue a refund for the redemption of Tax Sale Certificate #2011-3 as herein referenced.

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#### **LAW AND PUBLIC SAFETY**

#### **RESOLUTION #19-281**

#### **RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF FIREHOUSE PLAZA FOR THE FIRE PREVENTION OPEN HOUSE ON SATURDAY, OCTOBER 12, 2019**

**WHEREAS**, the Chatham Borough Volunteer Fire Department will be holding a Fire Prevention Open House at the Firehouse on Saturday, October 12 from 8:00 a.m. to 1:00 p.m.; and

**WHEREAS**, the Chatham Borough Volunteer Fire Department seeks permission to temporarily close Firehouse Plaza during this period; and

**WHEREAS**, the Mayor and Borough Council wish to authorize the closure of Firehouse Plaza for the Fire Prevention Open House event.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that approval is hereby given to the Chatham Borough Volunteer Fire Department to temporarily close Firehouse Plaza on Saturday, October 12, 201 from 8:00 a.m. to 1:00 p.m. for the Fire Prevention Open House; and

**BE IT FURTHER RESOLVED**, that the Chatham Borough Police Department is authorized to close Firehouse Plaza during this period as necessary for public safety; 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.

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## **RESOLUTION #19-282**

### **A RESOLUTION AUTHORIZING PURCHASE OF TEN (10) COLT M-4 LE6920 SEMI-AUTOMATIC RIFLES**

**WHEREAS**, Chief Gibbons has expressed the need to replace (5) Beretta CX4 Storm .45cal patrol rifles and (10) Benelli Super 90 - 12ga shotguns;

**WHEREAS**, the Chief has recommended the purchase of (10) Colt LE6920 M-4 rifles with (10) adjustable carrying handles and (10) 30-round magazines; and

**WHEREAS**, Atlantic Tactical, Inc. is an approved arms dealer in the State of New Jersey holding the State Contract for the desired rifles; and

**WHEREAS**, Atlantic Tactical, Inc. is able to provide the (10) Colt M-4 rifles with (10) carrying handles and (10) 30-round magazines, under State Contract (#17-FLEET-00732) for a price of ten thousand, two hundred ninety-nine dollars and ninety cents (\$10,299.90); and

**WHEREAS**, Atlantic Tactical, Inc. will accept the trade-in value for (5) Beretta CX4 Storm .45cal rifles in the amount of \$1,825.00 and (10) Benelli Super 90 – 12ga shotguns in the amount of \$2,600.00; therefore, the total funds required for this purchase will be \$5,874.90; and

**WHEREAS**, the Acting Chief Finance Officer has certified the availability of funds for this purchase; and

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Chatham that the police Chief is authorized to purchase the (10) Colt LE6920 M-4 rifles with (10) adjustable carry handles and (10) 30-round magazines.

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**PERSONNEL**

**RESOLUTION #19-283**

**A RESOLUTION ACKNOWLEDGING THE DECLINE OF APPOINTMENT BY ANTHULA GOKAS**

**Now therefore be it resolved**, the Mayor and Borough Council do hereby acknowledge that Anthula Giokas declined the appointment to the position of Confidential Administrative Assistant made on September 9, 2019.

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**RESOLUTION #19-284**

**A RESOLUTION APPOINTING MELANIE POLITI AS THE BOROUGH OF CHATHAM CONFIDENTIAL ADMINISTRATIVE ASSISTANT**

**WHEREAS**, there currently exists a vacancy in the office of the Borough Administrator for a Confidential Administrative Assistant; and

**WHEREAS**, the Borough Administrator publicly advertised and solicited resumes from candidates who expressed an interest in appointment to the position of the Confidential Administrative Assistant; and

**WHEREAS**, the Borough Administrator and Borough Engineer/Zoning Official conducted interviews of interested and qualified candidates; and

**WHEREAS**, the Borough Administrator and the Borough Engineer/Zoning Official, after considering all interested and qualified candidates find Ms. Melanie Politi the best qualified candidate for appointment to the office of the Confidential Administrative Assistant; and

**WHEREAS**, Borough Administrator recommends to the Mayor and Council of the Borough of Chatham in the County Morris, New Jersey, the appointment of Ms. Melanie Politi to the office of the Confidential Administrative Assistant; and

**NOW THEREFORE BE IT RESOLVED**, that Ms. Melanie Politi is appointed as Chatham Borough Confidential Administrative Assistant effective October 7, 2019; and

**BE IT FURTHER RESOLVED**, Ms. Politi's salary as Chatham Borough Confidential Administrative Assistant shall be fixed at Fifty-eight thousand dollars (\$58,000.00) per year which shall be pro-rated over the remainder of fiscal year 2019 and thereafter paid in such amounts and at such times as set forth in the Borough of Chatham salary ordinance; 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.

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**RESOLUTION #19-285**

**RESOLUTION ACCEPTING THE RESIGNATION OF SAMUEL PIETRATUONO AS DPW SERVICEMAN FOR THE BOROUGH OF CHATHAM**

**WHEREAS**, Samuel Pietrantuono has tendered his resignation as Serviceman for the Borough of Chatham effective September 10, 2019; and

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby accept the resignation of Samuel Pietrantuono for the Borough of Chatham, with the effective date of September 10, 2019 and wish him well in his future endeavors; 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.

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**OTHER**

**RESOLUTION #19-286**

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

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

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

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Holy Night Society is hereby granted permission to install and display the Nativity Scene at its own expense as part of the Borough's Holiday Display at Reasoner Park from December 1, 2019 until January 11, 2020; and

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

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

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

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

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#### **RESOLUTION #19-287**

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

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

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

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Chabad of Southeast Morris County is hereby granted permission to install and display a Menorah at its own expense as part of the Chatham Borough Holiday Display at Reasoner Park from December 1, 2019 until January 11, 2020; and

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

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

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

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

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#### **RESOLUTION #19-288**

#### **RESOLUTION ACCEPTING THE DONATION OF HOLIDAY DECORATIONS IN THE VALUED AMOUNT OF \$1,800.00 FROM THE CHATHAM GIRL SCOUT TROOP # 96141**

**WHEREAS**, N.J.S.A. 40A:5-29 authorizes a municipality to accept bequests, legacies and gifts made to a local municipal unit; and

**WHEREAS**, the Chatham Girl Scout Troop # 96141, under the leadership of Roubi Stavropoulos, has offered to donate holiday décor in the valued amount of \$1,800.00 to the Borough for the purpose of supporting the holiday decorations and festivities in Chatham for all ages to enjoy; and

**WHEREAS**, the Mayor and Council wish to accept the holiday décor donation and acknowledge and thank the Chatham Girl Scouts Troop #96141 for their generosity.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby accept the donation valued at \$1,800.00 from the Chatham Girl Scouts Troop #96141 to the Borough;

**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.

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**CONSENT AGENDA VOTE:**

Mayor Harris asked Council Member Kobylarz to proceed with the Resolutions listed on the Consent agenda: Resolutions #19-276 through #19-288.

Council Member Kobylarz motioned to approve the resolutions placed on this evening's Consent Agenda, seconded by Council Member Collander.

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**ADD-ON RESOLUTION[S]**

**NONE**

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**ORDINANCES FOR FIRST READING**

Mayor Harris asks Council Member Mathiasen to introduce Ordinance #19-14

Council Member Mathiasen introduces Ordinance #19-14 by title as follows:

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, MORRIS COUNTY, NEW JERSEY CREATING CHAPTER 181, SINGLE USE BAGS AT RETAIL ESTABLISHMENTS, OF THE CODE OF CHATHAM BOROUGH**

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

Council Member reads:

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

**BE IT RESOLVED**, that at the Council meeting to be held on October 15, 2019 at 7:30 p.m. prevailing time, at Borough Hall, the Chatham Borough Council will further consider this Ordinance for a second reading, public hearing and final passage; and

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

Council Member Mathiasen moved to introduce the first reading of the ordinance, seconded by Council Member Fife. All were in favor.

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

## **DISCUSSION**

Council Member Weber expressed concerns about the department designated to handle the enforcement of the Ordinance # 19-14. Mr. Lott stated that the Borough has the burden of proof, and the Police Officer can make the determination.

Council Member Mathiasen stated that clarification and training should take place. Mayor Harris stated the Ordinance will take effect in March of 2020. The Borough has until then to sort out any concerns.

Council Member Weber stated that the Ordinance does not specify that the Police Department is required to issue a Summons [in the event there is a violation of Ordinance # 19-14]. Council Member Weber expressed concerns with the Police Department being tasked with writing Summons.

Council Member Weber made a motion, seconded by Council President Collander to amend the ordinance to remove the Police Department from being the enforcing authority for this ordinance and to task the responsibility to the Recycling Enforcement Officer. After a brief discussion, a vote was taken. The motion failed to carry.

Council Member Collander then recommended adding another designated entity to enforce the ordinance. Mr. Lott suggested adding the language that the recipient of the summons has the right to contest before the Municipal Court.

Mayor Harris stated that the ordinance will be scheduled for a Public Hearing on October 15, 2019.

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## **RESOLUTION #19-289**

### **RESOLUTION TO ADJOURN INTO CLOSED SESSION**

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that it shall adjourn into closed session to discuss the following subject matter(s) without the presence of the

public in accordance with the provisions of R.S. 10:4-12b:

1. Attorney Client Privilege - Proposed Florham Park Rezoning – Mr. Lott
2. Attorney Client Privilege - Property Acquisition – 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.

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**ADJOURNMENT**