

AGENDA
November 26, 2018

Regular Meeting
Mayor and Borough Council

Borough of Chatham
54 Fairmount Avenue
Chatham, NJ 07928

**CALL MEETING
TO ORDER**

The meeting will be called to order at 7:30 p.m.

SALUTE TO FLAG

MOMENT OF SILENCE

**STATEMENT OF
ADEQUATE NOTICE**

Pursuant to the requirements of the Open Public Meetings Act, adequate notice of this meeting has been provided by including same in the Annual Notice, copies of which were posted on the official bulletin board on the main floor of Borough Hall, emailed to the Daily Record, the Star Ledger, the Chatham Courier, the Chatham Patch, and TAPinto Chatham and was filed with the Borough Clerk, all on January 11, 2018.

ROLL CALL

Mayor Bruce A. Harris
Council Member James J. Collander
Council Member Victoria Fife
Council President Leonard Resto
Council Member Peter J. Hoffman
Council Member Robert A. Weber, Sr.
Council Member Thaddeus J. Kobylarz
Stephen W. Williams, Borough Administrator
James L. Lott, Jr., Borough Attorney
Robin R. Kline, Borough Clerk

PRESENTATION

Chief of Police Association

RESOLUTION #18-330

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:

November 12, 2018

And,

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

November 12, 2018

RECUSALS

Recusals or abstentions submitted for the record.

DISCUSSION ITEMS

1. Bradley Proposal – Mr. Bradley
 2. River Road Area in Need of Redevelopment – Mr. Abramson
 3. Organic Treatment of Borough Lawns/Fields – Council President Resto
 4. Business Incubator – Council Member Kobylarz
 5. Marijuana Survey – Council Member Weber
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MEETING OPEN TO THE PUBLIC

NOTICE OF PUBLIC COMMENT TIME LIMIT

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

ORDINANCE FOR SECOND READING

Mayor Harris asks Council President Resto to proceed with Ordinance #18-11.

Council President Resto reads Ordinance #18-11 entitled:

ORDINANCE #18-11

AN ORDINANCE TO AMEND THE SALARIES AND WAGES FOR CERTAIN MUNICIPAL POSITIONS 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 November 12, 2018.

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

The Borough Clerk states: A legal notice was published indicating that Ordinance #18-11 was introduced and passed on first reading at the November 12, 2018 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on November 26, 2018 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Harris: The meeting is now open for a public hearing on the Ordinance and any member of the public may be heard.

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

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

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

Council Member _____ seconds the motion.

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

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

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

REPORTS

COUNCIL COMMITTEES

Budget and Finance

Council Member Peter J. Hoffman

Long Range Traffic & Pedestrian Safety Planning

Council Member James J. Collander

Public Safety & Emergency Services

Council Member James J. Collander

Personnel

Council President Leonard Resto

Public Works Planning/Community Services

Council Member Victoria Fife

Shared Services & 3rd Party Agreements

Council Member Robert A. Weber, Sr.

MAYOR'S REPORT

ADMINISTRATOR'S REPORT

RESOLUTIONS (NON-ROUTINE REQUIRING SEPARATE ACTION)

RESOLUTION #18-331

**RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY,
DESIGNATING AN AREA OF THE BOROUGH ON RIVER ROAD AS MORE
PARTICULARLY DESCRIBED HEREIN AS "AN AREA IN NEED OF REDEVELOPMENT"
PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW**

WHEREAS, on August 13, 2018, the Mayor and Council adopted Resolution No. 18-265, requesting and authorizing the Planning Board to undertake a preliminary investigation to determine if all or a portion of certain real property within the Borough of Chatham, specifically, Block 135, Lots 9, 10, 11 & 12 on River Road as identified on the Official Tax Map of the Borough of Chatham (collectively, the “River Road Study Area”) to determine if such properties qualify as a “non-condemnation” area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1*, et seq. (the “Redevelopment Law”); and

WHEREAS, Resolution No. 18-265 provides in part that the powers of eminent domain may not be applied to the Study Area; and

WHEREAS, the Planning Board retained the services of Topology NJ, LLC, a professional planning firm (“Topology”) to assist in conducting the necessary investigations and analysis to determine whether the River Road Study Area does or does not qualify as an area in need of redevelopment under the criteria set forth in the Redevelopment Law; and

WHEREAS, Topology conducted such investigations and prepared a report of its investigations entitled “*Preliminary Investigation River Road North, Chatham Borough, New Jersey*” (the “Redevelopment Investigation Report”); and

WHEREAS, the Redevelopment Investigation Report concludes that the River Road Study Area exhibits conditions which conform with various redevelopment criterion under Section 5 of the Redevelopment Law, *N.J.S.A. 40A:12A-5*, as more specifically set forth in the Redevelopment Investigation Report; and

WHEREAS, on November 7, 2018, the Planning Board conducted a duly-noticed public hearing, pursuant to *N.J.S.A. 40A:12A-6*, at which time it heard a presentation of the Redevelopment Investigation Report by Philip A. Abramson, the primary author of the Redevelopment Investigation Report, as well as comments from members of the public in attendance; and

WHEREAS, Mr. Abramson responded to questions from the Planning Board members and members of the public; and

WHEREAS, based upon the Redevelopment Investigation Report, Mr. Abramson’s testimony concerning the Redevelopment Investigation Report, and the comments from the public, on November 7, 2018, the Planning Board adopted a Memorializing Resolution accepting the findings of the Redevelopment Investigation Report, concluding that Block 135, Lots 9, 10, 11 & 12 on River Road meet the criteria for designation as a non-condemnation area in need of redevelopment under the Redevelopment Law, and recommending that the Mayor and Council designate the River Road Study Area as a non-condemnation area in need of redevelopment, pursuant to the Redevelopment Law; and

WHEREAS, the Mayor and Council accept the conclusions of the Redevelopment Investigation Report and the Planning Board’s recommendation and wish to designate the River Road Study Area as a non-condemnation area in need of redevelopment.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that the River Road Study Area described herein be and hereby is designated as a Non-Condensation Redevelopment Area, pursuant to *N.J.S.A. 40A:12A-5* and *N.J.S.A. 40A:12A-6*.

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

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

RESOLUTION #18-332

RESOLUTION AUTHORIZING TRANSFERS BETWEEN CERTAIN BUDGET RESERVE APPROPRIATIONS IN THE 2017 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 of the 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 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 November 28, 2018 in accordance with N.J.S.A. 40A:4-58:

Account Name	Account Number	Transfer To	Transfer From
<u>TO</u>			
Fire Safety S&W	8-01-25-266-010	\$4,000.00	
Gasoline OE	8-01-31-460-000	\$17,000.00	
Human Resources OE	8-01-20-105-200	\$9,000.00	
DPW - S&W - FT/OT	8-01-26-290-001	\$35,000.00	
DPW - OE	8-01-26-290-200	\$15,000.00	
<u>FROM</u>			
Police S&W	8-01-25-240-001		\$30,000.00
Police OE	8-01-25-240-200		\$19,000.00
Emergency Management S&W	8-01-25-252-000		\$6,000.00
Clerk S&W	8-01-20-120-010		\$25,000.00
Totals		\$80,000.00	\$80,000.00

And

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

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

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

RESOLUTION #18-333

RESOLUTION OF THE MAYOR AND COUNCIL, BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY OPPOSING SECTION 9101 OF H.R. 2, THE AGRICULTURE AND NUTRITION ACT OF 2018

WHEREAS, local governments play an important role in protecting children’s health, local communities, and the environment from the risks of pesticide exposure; and

WHEREAS, the Mayor and Council of the Borough of Chatham believe there is nothing more important than creating safe and healthy environments and protecting the health of our residents and individuals young and old to achieve the greatest health possible; and

WHEREAS, numerous studies have shown that the use of chemical fertilizers and pesticides present a clear and present danger to our residents and pets; and

WHEREAS, the use of harmful fertilizers and pesticides leech into our soil and reach our Buried Valley Aquifer, the sole source of drinking water for the residents of Chatham Borough; and

WHEREAS, the policy rider included in the House-passed farm bill, known as Section 9101 of H.R. 2, the Agriculture and Nutrition Act of 2018 (“Sec. 9101”), would preempt cities, counties, and communities—such as ours—from adopting our own rodenticide, herbicide, or fungicide regulations, including on private property or public places like parks and playgrounds where children might be exposed to these toxic chemicals; and

WHEREAS, Section 9101 has been opposed by the National League of Cities, the National Association of County Officials, the American Academy of Pediatrics, and countless environmental organizations, including the Chatham Borough Environmental Commission; and

WHEREAS, if enacted, Sec. 9101 would allow only the federal Environmental Protection Agency (EPA) and state agencies like New Jersey Department of Environmental Protection (NJDEP) to regulate rodenticides, herbicides, and fungicides and any failure or slowness to act on the part of the federal government or the state of New Jersey could result in unnecessarily exposing our community—especially our children who are still growing and who play outside on fields far more often than adults—to toxic chemicals.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby vigorously object to the inclusion of Sec. 9101 in the current farm bill and strongly urge the Congressional Farm Bill Conference Committee to remove Sec. 9101 in its entirety; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall forward a certified copy of this Resolution together with the Governing Body’s letter to the Congressional Farm Bill Conference Committee, House Committee on Agriculture in Washington, DC.

CONSENT AGENDA

The following items are considered to be routine by the Chatham Borough Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

Resolution #18-334 through Resolution #18-335 have been placed on the Consent Agenda.

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

RESOLUTION #18-

FINANCE

RESOLUTION #18-334

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.

OTHER

RESOLUTION #18-335

RESOLUTION APPROVING DOWNTOWN DOLLARS PROMOTION AND AUTHORIZING ACCEPTANCE OF DONATION FROM INVESTORS BANK

WHEREAS, as part of Chatham's Shop Small Saturday program, the Chatham Borough Department of Community Services is running a Downtown Dollars promotion to promote downtown retail stores in the Borough; and

WHEREAS, the Downtown Dollars can be used during the holiday season at select downtown retail stores in the Borough on November 24, December 1, 8, 15 and 22, 2018; and

WHEREAS, Downtown Dollar contest tickets will be provided free of charge to any person registering for the Downtown Dollars promotion; and

WHEREAS, residents are encouraged to donate needed pantry items to the Interfaith Food Pantry and Resource Center in connection with the Downtown Dollars promotion; and

WHEREAS, the Mayor and Council wish to approve of the Downtown Dollars promotion; and

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

WHEREAS, the Mayor and Council wish to accept a donation from Investors Bank in the amount of \$600.00 to be used to purchase gift cards that can be used at select downtown retail stores in connection with the Downtown Dollars promotion; and

WHEREAS, the Mayor and Borough Council wish to thank Investor Bank for its generosity and accept the donation as in the best interest of the Borough and its residents.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Downtown Dollars promotion is hereby approved and the donation of \$600.00 from Investors Bank to be used to purchase gift cards that can be used at select downtown retail stores in connection with said promotion is hereby accepted.

BE IT FURTHER RESOLVED, that this Resolution shall be effective immediately upon passage and shall be construed to ratify and approve any earlier actions taken by Borough employees and officials in connection with the Downtown Dollars promotion.

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.

CONSENT AGENDA VOTE:

Mayor Harris asks Council Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions #18-334 through #18-335.

Council Member _____: I would like to make a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Council.

Seconded by Council Member:_____.

ADD-ON RESOLUTION[S]

ORDINANCE FOR FIRST READING

Mayor Harris asks Council Member Hoffman to introduce Ordinance #18-12.

Council Member Hoffman introduces Ordinance #18-12 by title as follows:

ORDINANCE #18-12

BOND ORDINANCE TO AUTHORIZE THE FUNDING OF A PORTION OF THE COST OF THE IMPROVEMENT OF THE MADISON-CHATHAM JOINT MEETING'S MOLITOR WATER POLLUTION CONTROL FACILITY IN, BY AND FOR THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,730,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Council Member Hoffman reads:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on November 26, 2018.

BE IT RESOLVED, that at the Council meeting to be held on December 10, 2018 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 Hoffman: I offer Ordinance #18-12 and move its adoption on first reading.

Council Member _____ seconds the motion.

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

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

RESOLUTION #18-336

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:

Personnel Matter: 1. Personnel Salaries – Borough Administrator Williams and
Council President Resto

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

ADJOURNMENT