

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

**January 22, 2018**

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, January 22, 2018 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, Municipal 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 The Alternative Press and was filed with the Borough Clerk, all on January 11, 2018.

**ROLL CALL**

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

Mayor Bruce A. Harris  
Council Member James J. Collander  
Council Member Victoria Fife  
Council President Leonard Resto  
Council Member 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

Mayor Harris proceeded with Resolution #18-84.

**PROCLAMATIONS**

**RESOLUTION #18-84**

**RESOLUTION SUPPORTING THE 5<sup>TH</sup> ANNUAL AMERICAN CANCER SOCIETY'S RELAY FOR LIFE EVENT IN CHATHAM BOROUGH**

**WHEREAS**, Relay for Life is the signature activity of the American Cancer Society, whose mission is to raise funds to improve cancer survival, decrease the incidence of cancer, and improve the quality of life for cancer patients and their caretakers; and

**WHEREAS**, at Relay for Life events, communities in the United States and across the globe come together to raise funds to help make a difference in the fight against cancer; and

**WHEREAS**, in its fifth year, Chatham Borough residents will be joining almost 4 million people in over 5,000 communities throughout the United States in organizing Relay for Life events to celebrate cancer survivors and remember loved ones who are no longer with us, and to raise much-needed funds for American Cancer Society's research grants and programs to find cures and provide community and patient support programs to help those undergoing treatment; and

**WHEREAS**, over the past four years, Chatham Borough residents have raised close to \$499,000.00 for the American Cancer Society's Relay for Life fundraising program.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby support the American Cancer Society's Relay for Life programs and encourage all residents to participate in Chatham Borough's 5<sup>th</sup> annual Relay for Life event scheduled for Saturday, June 2, 2018 at Haas Field at the Chatham Middle School, from 5:00 p.m. to 12:00 midnight, to celebrate cancer survivors and remember loved ones who are no longer with us, and to help in raising funds to make a difference in the fight against cancer. Together will we find a cure.

Council Member Fife made a motion to approve Resolution #18-84. Council Member Collander seconded the motion. A vote was taken and Resolution #18-84 was approved unanimously.

Mayor Harris presented the American Cancer Society's Relay for Life Resolution to Kyra Miller, Senior Community Development Manager for the American Cancer Society Northeast Region. Ms. Miller thanked Mayor Harris and the Council for the Borough's support year after year in bringing awareness to the fight against cancer. She invited residents to participate in Chatham Borough's 5<sup>th</sup> Relay of Life event scheduled for Saturday, June 2, 2018 and referred residents who were interested in volunteering their help for Chatham's event to visit the American Cancer Society's website [www.relayforlife.org](http://www.relayforlife.org).

Mayor Harris asked Council Member Fife to proceed with Resolution #18-85.

Council Member Fife read Resolution #18-85.

#### **RESOLUTION #18-85**

#### **RESOLUTION SUPPORTING THE MAYOR'S WELLNESS ADVISORY COMMITTEE IN CELEBRATING THE MONTH OF FEBRUARY AS AMERICAN HEART MONTH AND OBSERVING FRIDAY, FEBRUARY 2, 2018 AS NATIONAL WEAR RED DAY®**

**WHEREAS**, maintaining a strong heart is key to a long and healthy life; and

**WHEREAS**, cardiovascular disease is the number one killer of men and women in the United States and is responsible for one out of every four deaths; and

**WHEREAS**, while anyone can develop heart disease, those with high blood pressure or high cholesterol, as well as those who smoke, are at greater risk. Risk factors like diabetes, obesity, poor diet, physical inactivity, and excessive alcohol use can also increase the likelihood of developing heart disease; and

**WHEREAS**, the volunteers of the Mayor's Wellness Advisory Committee remain committed in their efforts to increase awareness in our community of the importance of cardiovascular health by promoting healthy habits, such as getting regular exercise, eating diets rich in fruits and vegetables and low in salt, saturated fat, and cholesterol, and not smoking to help reduce one's risk of developing cardiovascular disease; and

**WHEREAS**, the month of February is American Heart Month; and

**WHEREAS**, the first Friday in February is National Wear Red Day®, a day when many people wear red to show their support for the awareness of heart disease.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham, that they hereby support and join the Mayor's Wellness Advisory Committee in their efforts to increase awareness of cardiovascular health in the Borough by celebrating the month of February as American Heart Month and encourage all citizens to show their support and solidarity for those struggling with heart disease by wearing red on National Wear Red Day®.

Council Member Fife made a motion to approve Resolution #18-85. Council President Resto seconded the motion. A vote was taken and Resolution #18-85 was approved unanimously.

Mayor Harris presented the National Wear Red Day® Resolution to Brian George, Chair of the Mayor's Wellness Advisory Committee. Mr. George thanked Mayor Harris and the Council for the Borough's continued efforts in bringing awareness to cardiovascular health. Mr. George mentioned that the Saint Barnabas Medical Center will be providing information containing heart healthy facts for posting in Borough Hall to help promote American Heart Month.

Mayor Harris proceeded with Resolution #18-86.

#### **RESOLUTION #18-86**

#### **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 2, 2018 Reorganization Meeting

Council President Resto made a motion to approve Resolution #18-86. Council Member Collander seconded the motion. A vote was taken and Resolution #18-86 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.

Council Member Fife recused herself from Resolution #18-98.

#### **DISCUSSION ITEMS**

**2018 Fishawack** – Council Member Fife asked Mr. Williams to provide a follow-up report on the revised workforce-related costs associated with the 2017 Fishawack Festival.

Mr. Williams reported that the workforce-related costs associated with the 2017 Fishawack Festival have been revised to reflect the actual costs of Police/School Guards who worked the day of the event and further clarified that the budget presentation provided to the Mayor and Council last November had reflected the anticipated personnel costs for Police/Crossing Guards, not the actual costs. He also mentioned that the workforce-related costs for the Department of Community Services were adjusted to reflect all regular work day hours that were devoted to the planning of Fishawack, plus the costs for staff who worked the day of the event. Total Borough workforce-related costs totaled \$33,829.17.

Mr. Williams further summarized that Fishawack generated \$51,511.00 in revenue, less general expenses totaling \$31,698.41 and Borough workforce-related costs totaling \$33,829.17, resulting in a net deficit of \$14,016.57 for the event.

Council Member Fife reported that historically the Borough always absorbed public works and police personnel costs associated with Fishawack, as well as other Borough events such as the 2014 Train Centennial and the 2015 Borough Tricentennial. The Borough assumed the planning and running of Fishawack in 2016 when the non-profit organization disbanded.

Mayor Harris questioned whether the event remains beneficial to local businesses in the way it was initially intended to be, and mentioned that in past years when the event was run by volunteers, surplus revenues generated from Fishawack were donated to local community organizations. Since the Borough inherited the event, donations to our community organizations have ceased. He also mentioned that food establishments lose business on the day of Fishawack. Mayor Harris further commented that Borough employees should not be soliciting donations from local businesses and mentioned that several businesses have told him they have been directly approached for a donation.

Council Member Collander questioned whether the Borough should run Fishawack, stating that planning and running the event is becoming costly to the Borough both financially and in human resources. He mentioned that over \$19,000.00 in personnel costs were devoted to Fishawack last year.

During the discussion, the Mayor and Council agreed that the Borough's involvement in running the Fishawack Festival should not simply focus on whether the event is profitable or not, but rather should define what the Borough's role should be with respect to Fishawack – that of a facilitator or organizer?

Council Member Hoffman pointed out that Madison's Bottle Hill Day is run by a 501(c)(3) organization and suggested that the Borough review how the Bottle Hill Day event is organized and operated by the non-profit and what role Madison Borough may have in the event. He also requested that a budget line item account should be established for Fishawack, especially because of a tight budget process. Based on the approved budget for Fishawack, he said, it can be determined if vendor fees should be increased to offset costs of running the event.

Mayor Harris and the Borough Council requested that the members of the MyChathamNJ Advisory Committee work with other volunteers to create a 501(c)(3) entity to run Fishawack and for more volunteers to be recruited to help plan and run the event.

In closing the discussion, Mayor Harris asked that a resolution be scheduled for the February 12<sup>th</sup> meeting approving the Borough's running of the Fishawack Festival for this year and mentioned that the resolution should stipulate that the Borough employees and volunteers will not solicit for donations. Lastly, Mayor Harris stated that Borough officials would continue to evaluate the Borough's role in Fishawack and asked the Council to talk to local merchants to gain their feedback.

**Proposed Tree Ordinance Presentation** – Council Member Collander stated that the purpose of the presentation is to allow the Council to begin the policy decision-making process with respect to establishing procedures and rules that will provide for the preservation and restoration of the Borough's tree canopy. He mentioned that everyone in the community has a mutual aesthetic and economic stake in the preservation and restoration of the Borough's tree canopy, stating that tree-lined streets with homes having mature beautiful trees are more attractive and more economically valuable than those neighborhoods without.

Based on the outcome of the Council's policy decision, Council Member Collander reported that the Borough Attorney will draft an ordinance. He reminded everyone that Mr. Lott had advised the Mayor and Council some time ago that a number of changes were needed in the Borough's existing Tree Ordinance relating to trees on private property. Mr. Lott further advised that the existing ordinance needed to be taken out of the Land Development Regulation and codified into its own chapter in the Borough Code.

Council Member Collander cautioned that any new legislation or regulation governing tree preservation on private property must be balanced with the public benefits that may be derived from the preservation and restoration of trees on private property.

He reported that a working group comprised of the Borough Administrator, Borough Engineer, Public Works Director, Shade Tree Commission Chair, the Borough's Arborist/Licensed Tree Expert, and himself have been meeting throughout the second half of 2017 to discuss changes to the current ordinance. At the core of the proposed ordinance will be the regulation of tree removals through a new Tree Removal Permit process, which will be administered and enforced by the Tree Enforcement Officer. In addition, all Planning Board and Zoning Board of Adjustment resolutions will include conditions that development activity is subject to the Borough's tree removal application requirements under the new ordinance.

Council Member Collander further reported that the collection of permit fees would offset the Borough's administrative and enforcement costs associated with the regulation of tree removal on private property. In addition, a permit issued for the "convenience removal" of a tree by the owner would require either a one-for-one compensatory replanting of a tree or a contribution to the "Chatham Borough Tree Replacement Fund." In certain instances, the removal of a tree may be exempt from the regulation altogether. At the completion of the work, the Tree Enforcement Officer would issue a Tree Removal Completion Certificate to the property owner evidencing the satisfactory completion of work.

Mr. Lott confirmed that the proposed ordinance would be legally enforceable. He further advised that the proposed ordinance and permitting process would allow a property owner who wanted to remove a tree for convenience could do so, provided that the owner replaces the tree (one-for-one) or pays a replacement fee in lieu of the on-site compensatory planting. Dead, diseased or dying trees would be exempt from the provision.

At the conclusion of the presentation and discussion, Mayor Harris inquired how much it costs the Shade Tree Commission to plant a tree. Ms. Truppo, Shade Tree Commission Chair, responded that the Commission pays \$300 to \$350 per tree, which includes the cost of the tree and labor for planting.

## **MEETING OPEN TO THE PUBLIC**

### **NOTICE OF PUBLIC COMMENT TIME LIMIT**

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

Mayor Harris opened the meeting to the public.

John Grobert, 7 Hedges Avenue, confirmed that surplus funds raised from Fishawack were donated to local community organizations, but since the Borough has taken on the event the donations have stopped. He agreed with the Mayor and Council that the Borough should transition the control of Fishawack to a new group of volunteers. Mr. Grobert also expressed his support for the proposed tree ordinance, but urged Borough officials to consider eliminating the provision requiring tree contractors to be registered with the Borough.

Bill Heap, Hillside Avenue, thanked the Borough for supporting the Chatham Jaycees Christmas Tree Sale, which sold out of trees earlier this year than in past years. He further commented that Fishawack is a great community event and would like the festival to continue. He confirmed that the Chatham Jaycee's will be hosting its annual 5k Fishawack race on June 9<sup>th</sup>, regardless whether the Borough proceeds with the Fishawack Festival.

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

## **REPORTS**

### **BOARD & COMMISSION MEMBERS & LIAISON REPORTS**

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

**Shade Tree Commission** - Council Member Collander had nothing new to report.

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

**Madison Chatham Joint Meeting** - Council Member Hoffman reported that the Madison Chatham Joint Meeting is preparing for its capacity expansion. A meeting will be scheduled next week to discuss financing options for the project.

**Environmental Commission** - Council President Resto reported that a January 30<sup>th</sup> meeting will be held to discuss the Borough's progress on its Sustainable Jersey certification and to discuss the Quiet Communities program initiative.

**Historic Riverside Trail Advisory Committee** - Council President Resto reported that the construction of the trail looks great.

**Municipal Alliance of the Chathams** - Council President Resto reported that he was not able to attend the last meeting and will provide a report at the next meeting.

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

**Pilgrim Pipeline Advisory Committee** - Council President Resto reported that the Borough continues its participation in the Municipal Pipeline Group; however, he mentioned that given Pilgrim Pipeline's lack of activity, the Municipal Pipeline Group would continue this year but would re-evaluate if there is a need to continue the Municipal Pipeline Group in 2019.

**Farmers' Market Advisory Committee** - Council Member Fife reported that the committee will host an Open House on March 13<sup>th</sup> at Borough Hall to recruit new volunteers.

**Mayor's Wellness Advisory Committee** - Council Member Fife reported that the committee continues to work on the "Urban Track" initiative.

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

**Project Community Pride** - Council Member Fife reported that last year Project Community Pride had 119 referrals to its program; 43 referrals came from Chatham.

**Public Arts Council Advisory Committee** - Council Member Fife reported that she recently met with Jen Kaplan and was advised that they would be in touch when the committee begins to discuss its next project.

**Senior Center of the Chathams** - Council Member Fife reported that the Senior Center recently launched a new slogan "Be active, Be connected" and is currently undergoing renovations to its facility. She further reported that the Senior Center of the Chathams will be hosting its Bi-annual Glorious Garden Tour fundraiser on Saturday, June 2<sup>nd</sup>.

**Planning Board** – Council Member Hoffman reported that at the January 17<sup>th</sup> Planning Board meeting, the Planning Board passed a resolution declaring Post Office Plaza as an Area in Need of Redevelopment. Topology will be scheduled to make a presentation of the Preliminary Investigation Report at the February 12<sup>th</sup> meeting of the Mayor and Council.

**Joint Municipal Court** - Council Member Hoffman reported that he and Council Member Kobylarz attended the Joint Municipal Court Reorganization Meeting last week and further reported that the Borough's court operations came in under budget last year. A \$10,000 refund will be remitted to the Borough.

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

**Board of Education** - Council Member Weber reported that the Board of Education held its Mid-Season Reorganization meeting. He announced that the Board of Education will host an Open Curriculum Meeting on February 5<sup>th</sup> at the Chatham Township Municipal Building from 6:30 p.m. to 7:30 p.m. The meeting will include an informative presentation from the Student Assistance Counseling Department on topics concerning Suicide Prevention, Substance Abuse, and Anxiety and Depression and all are welcome to attend. Council Member Weber further reported that the School District of the Chathams will be redistricting elementary school students amongst the various elementary schools based on increasing enrollment numbers for the 2019-2020 school year. He also announced that the next Board of Education meeting has been rescheduled to February 5<sup>th</sup> to avoid a scheduling conflict with the February 12<sup>th</sup> Chatham Borough Mayor and Council meeting.

**Board of Health** - Council Member Weber reported that the Board of Health held its Reorganization meeting on January 11<sup>th</sup>. The Board discussed the need to establish a new ordinance to license the selling of electronic cigarettes in the Borough. He will have more information at a future meeting.

**Joint Recreation Advisory Committee** - Council Member Weber reported that the committee recently held a special meeting to meet with the owner of the Sports Dome in Florham Park, who indicated that he intends on opening the facility to local recreation programs. A second presentation was made at that meeting by the Chatham Athletic Foundation (CAF) to discuss if there is a need for the CAF organization to continue. The committee's consensus was that CAF serves an important role in youth recreation and should continue the foundation's mission.

**Communications & Technology Advisory Committee** - Council Member Kobylarz had nothing new to report.

**Historic Preservation Commission** - Council Member Kobylarz reported that the Commission held a meeting on January 16<sup>th</sup> and commented that there are currently three vacancies available for appointment. The next Commission meeting is scheduled for February 20<sup>th</sup>.

**Joint Community Gardens Advisory Committee** - Council Member Kobylarz reported there are garden plots available for the 2018 season. Residents interested in applying for a garden plot can visit the Borough's website for an application.

**Municipal Pool Advisory Committee** - Council Member Kobylarz had nothing new to report.

## **MAYOR'S REPORT**

Mayor Harris reported that he will be co-hosting the New Jersey Mayors' Climate Summit scheduled for February 3<sup>rd</sup> from 8:30 a.m. until noon at the Rutgers University Bloustein School of Planning and Public Policy. Panelists will be discussing the impact of climate change. He further reported that he is receiving inquiries from Scouts who are beginning to work towards their Eagle Scout Awards, asking what community projects they could work on in the Borough. He welcomed the Council to provide ideas for Eagle Scout projects. Lastly, Mayor Harris announced that the Beekeeper's Club will be scheduling a meeting in late February.

## **ADMINISTRATOR'S REPORT**

Mr. Williams reported that Borough officials met with representatives from the U.S. Postal Service on December 8, 2017 and met with the Post Office District Manager on January 17, 2018 to discuss U.S. Mail delivery concerns. He reported that the Chatham Post Office has improved its operations and fewer complaints have been received at Borough Hall from residents. The Post Office District Manager will be visiting 18 postal carrier routes in Chatham to determine if any additional service delivery adjustments are necessary. Mr. Williams further reported that the Morris County Municipal Utilities Authority Municipal Solid Waste Report was received. Chatham Borough leads the county with a 74.7% recycling rate.

## **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 #18-87 through Resolution #18-99 have been placed on the Consent Agenda.

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

Council Member Fife recused herself on Resolution #18-98. Resolution #18-98 has been removed from the Consent Agenda for separate discussion and vote.

## **RESOLUTION #18-98**

## **RESOLUTION APPROVING THE PERSON-TO-PERSON AND PLACE-TO-PLACE (EXPANSION OF PREMISES) TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE #1404-44-001-006**

**WHEREAS**, on August 28, 2017, Stolar Vert Chatham Hospitality LLC (the "Applicant") filed an application with the Borough of Chatham seeking a Person-to-Person and Place-to-Place (expansion of premises) Transfer of Plenary Retail Consumption License #1404-44-001-006, which is currently issued to OMGS, LLC at the premises located at 23-25 South Passaic Avenue, Chatham, New Jersey; and

**WHEREAS**, the Applicant seeks to expand the licensed premises for the sale, service, and storage of alcoholic beverages to include the entire first floor and the entire basement, including storage and utilities, of the premises located at 23-25 South Passaic Avenue, Chatham, New Jersey; and

**WHEREAS**, the Chatham Borough Police Department has completed fingerprinting and background investigations for each of the individuals who will have an interest in the liquor license and has investigated the source of all funds used in the purchase of the subject license and the licensed business; and

**WHEREAS**, the Borough Clerk has confirmed that the subject license is in good standing for the current 2017-2018 licensing term and has verified with the Division of Alcoholic Beverage Control that the Applicant's 12-page transfer application has been deemed complete in all respects, that all applicable fees have been paid, and that the New Jersey Division of Taxation has issued a Tax Clearance Certificate as required; and

**WHEREAS**, the Borough Clerk has further confirmed that the Applicant has filed a Bulk Transfer Permit Application with from the Division of Alcohol Beverage Control for the sale and transfer of the alcohol beverage inventory from OMGS, LLC; and



**WHEREAS**, the Applicant is qualified to be licensed according to all standards promulgated by the New Jersey Alcoholic Beverage Control Act, N.J.S.A. 33:1-1 et seq., rules and regulations issued by the State Commissioner of Alcoholic Beverages Control, and

**WHEREAS**, the Person-to-Person and Place-to-Place transfer of the subject license is contingent upon the approval of the Mayor and Council.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Person-to-Person and Place-to-Place (expansion of premises) Transfer of the Plenary Retail Distribution License #0414-44-001-006 to Stolar Vert Chatham Hospitality LLC is hereby granted; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk shall endorse the license certificate to the new ownership as follows:

“This license, subject to all its terms and conditions, is hereby transferred effective January 23, 2018 to Stolar Vert Chatham Hospitality LLC for premises located at 23-25 South Passaic Avenue, Chatham, NJ 07928.”

And,

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

“This license, subject to all of its terms and conditions, is hereby transferred effective January 23, 2018 from the original size and location to the expanded area size and location of premises located at 23-25 South Passaic Avenue, Chatham, NJ 07928.”

And,

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

There was no Council discussion.

Council President Resto made a motion to approve Resolution #18-98. Council Member Collander seconded the motion. A vote was taken and the motion to approve Resolution #18-98 was approved unanimously. Council Member Fife was recused.

Mayor Harris proceeded with the Consent Agenda.

## **CONTRACTS**

### **RESOLUTION #18-87**

#### **RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ACCESS PERMIT AGREEMENT WITH NEW JERSEY TRANSIT FOR THE USE OF THE CHATHAM TRAIN STATION RESTROOMS FOR THE 2018 FARMERS' MARKET SEASON**

**WHEREAS**, the Borough of Chatham desires to enter into an agreement with New Jersey Transit for the use of the Chatham Train Station restrooms for its 2018 Farmers' Market season; and

**WHEREAS**, New Jersey Transit requires an Access Permit Agreement setting forth the terms and conditions for use of the Chatham Train Station restrooms and facilities.

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that it hereby authorizes the Mayor to sign an Access Permit Agreement with New Jersey Transit for use of the Chatham Train Station restrooms for the 2018 Farmers' Market season; and

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

#### **RESOLUTION #18-88**

#### **RESOLUTION AUTHORIZING A CONTRACT WITH ANIMAL CONTROL SOLUTIONS, LLC FOR ANIMAL CONTROL SERVICES IN THE AMOUNT NOT TO EXCEED \$10,000.00**

**WHEREAS**, there exists a need to contract for animal control services for the Borough; and

**WHEREAS**, the value of this contract is less than the bid threshold of \$40,000.00, and therefore may be awarded by soliciting competitive quotes without advertising for bids under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Borough Administrator solicited competitive quotes from two (2) qualified contractors for animal control services for the 2018 calendar year; and

**WHEREAS**, only one (1) quote was received from Animal Control Solutions, LLC, 2 Marshall Drive, Flemington, NJ 08822; and

**WHEREAS**, upon the recommendation of the Borough Administrator, the Mayor and Borough Council wish to authorize the award of the contract to Animal Control Solutions, LLC, 2 Marshall Drive, Flemington, NJ 08822 for animal control services for the 2018 calendar year; and

**WHEREAS**, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$10,000.00 and that funds are currently available for the purpose of awarding the contract to Animal Control Solutions, LLC from the trust fund account #T-20-56-501-010.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that the Mayor is hereby authorized to execute a contract with Animal Control Solutions, LLC for animal control services in accordance with the terms and conditions set forth in the proposal; 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.

#### **FINANCE**

#### **RESOLUTION #18-89**

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

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

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

#### **RESOLUTION #18-90**

#### **RESOLUTION AUTHORIZING A REFUND FOR WATER UTILITY CONNECTION AND TAP SERVICE FEE**

**WHEREAS**, the Borough's Utility Clerk has advised that a written request has been made seeking a refund for a new water utility connection and 1-inch water tap service fee for property located at 28 Greenwood Avenue; and

**WHEREAS**, the Borough's Utility Clerk has further advised that the Utility Foreman in the Department of Public Works has confirmed that the existing water tap service was utilized and a refund is due as follows:

<u>NAME/ADDRESS</u>	<u>REFUND AMOUNT</u>
Meijer Construction, Inc. 124 Kent Place Blvd. Summit, NJ 07901 Attention: Robby Meijer	\$1,725.00

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the request seeking a refund for a new water utility connection and 1-inch water tap service fee as herein referenced is hereby granted; and

**BE IT FURTHER RESOLVED**, the Borough's Utility Clerk is authorized to process a refund and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

#### **RESOLUTION #18-91**

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

**WHEREAS**, the Tax Collector for the Borough of Chatham has advised that a property tax payment for the herein referenced property was paid twice by the property owner resulting in an overpayment of property taxes; and

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

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
56/8.02	Babiarz, Stanislaw & Grace 74 N. Passaic Avenue Chatham, NJ 07928	\$9,007.18	2018 3Qtr.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough Tax Collector to process a refund for the duplicate overpayment of property taxes as herein referenced.

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

#### **RESOLUTION #18-92**

#### **RESOLUTION APPOINTING JOHN RICKERSHAUSER AS A FULL MEMBER OF THE CHATHAM BOROUGH VOLUNTEER FIRE DEPARTMENT**

**WHEREAS**, the Mayor and Council of the Borough of Chatham recognize the valuable contributions volunteer firefighters make to our community every day of every year; and

**WHEREAS**, by Resolution #16-306 adopted on October 24, 2016, John Rickershauser was appointed as a Probationary Member of the Chatham Borough Volunteer Fire Department; and

**WHEREAS**, John Rickershauser has successfully completed the mandatory firefighter training and serves as a full-time firefighter in another Morris County community; and

**WHEREAS**, the Fire Chief has recommended that John Rickershauser be appointed as a Full Member of the Chatham Borough Volunteer Fire Department.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that John Rickershauser is hereby appointed as a Full Member of the Chatham Borough Volunteer Fire Department; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council extend their sincere and grateful appreciation to John for his volunteer service to the Borough of Chatham.

## **BOARDS, COMMISSIONS & COMMITTEES**

### **RESOLUTION #18-93**

#### **RESOLUTION RE-ESTABLISHING THE “GREEN TEAM” TO LEAD CHATHAM BOROUGH’S SUSTAINABLE JERSEY RECERTIFICATION PROJECT AND ASSOCIATED SUSTAINABILITY PROGRAMS**

**WHEREAS**, Chatham Borough was certified by Sustainable Jersey at the Silver Level in 2015 and 2012, and at the Bronze level in 2009; and

**WHEREAS**, Chatham Borough shared the Sustainable Jersey Collaboration Award with Chatham Township in 2009 and achieved the Sustainable Champion Award for medium-sized municipalities in 2012 and 2015; and

**WHEREAS**, Sustainable Jersey requires that municipalities must recertify every third year meaning Chatham Borough must recertify in 2018; and

**WHEREAS**, the Chatham Borough Environmental Commission was the “Green Team” responsible for the 2015 Silver Certification conferred upon Chatham Borough by Sustainable Jersey in that year; and

**WHEREAS**, the Mayor and Borough Council desire to recertify in the Sustainable Jersey program and achieve the highest level possible during the 2018 recertification process; and

**WHEREAS**, the Mayor and Borough Council has previously named the Chatham Borough Environmental Commission as its “Green Team” responsible for achieving same and recognizes that additional help would be beneficial to reach its goal.

**BE IT RESOLVED**, that a “Green Team” is hereby established to lead the Borough’s Sustainable Jersey recertification project and the associated sustainability programs consisting of the following members: Kate Murphy, Kevin Murphy, Ben Lampert, John Dey, John Tancredi, Stephen Cheng, Torri Van Wie, Stanley Elman, Kyle Muir, Patricia Soteropoulos, Sandra Demarkos, Maria Pisani, and Council President Leonard Resto; that such Green Team shall be co-chaired by Kate Murphy and Patricia Soteropoulos both of Chatham Borough and such Green Team shall report to the Environmental Commission Chair, Kate Murphy; and

**BE IT FURTHER RESOLVED**, that the Chair of the Environmental Commission may select additional “Green Team” members at her sole discretion on an “as needed” basis.

## **PERSONNEL**

### **RESOLUTION #18-94**

#### **RESOLUTION TO HIRE SAMUEL PIETRANTUONO AS A FULL-TIME SERVICE PERSON IN THE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, by Resolution #17-282 adopted on September 25, 2017, Samuel Pietrantuono was hired as a temporary Fall seasonal employee in the Department of Public Works; and

**WHEREAS**, the temporary Fall seasonal position was advertised, stating that the position may lead to a full-time position with growth potential for the right candidate; and

**WHEREAS**, after considering Samuel Pietrantuono's performance, the Director of Public Works recommends that he be hired full-time to the position of Service Person in the Department of Public Works, effective February 1, 2018 at the annual starting salary of \$36,115.00 (Step #1) to be pro-rated for the 2018 calendar.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Director of Public Works and hereby approve the hiring of Samuel Pietrantuono to the full-time position of Service Person in the Department of Public Works, effective February 1, 2018 at the annual starting salary of \$36,115.00 (Step #1) to be pro-rated for the 2018 calendar.

#### **RESOLUTION #18-95**

#### **RESOLUTION TO HIRE KEVIN LORIA AS A FULL-TIME SERVICE PERSON IN THE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, by Resolution #17-307 adopted on October 23, 2017, Kevin Loria was hired as a temporary Fall seasonal employee in the Department of Public Works; and

**WHEREAS**, the temporary Fall seasonal position was advertised, stating that the position may lead to a full-time position with growth potential for the right candidate; and

**WHEREAS**, after considering Kevin Loria's performance, the Director of Public Works recommends that he be hired full-time to the position of Service Person in the Department of Public Works, effective February 1, 2018 at the annual starting salary of \$36,115.00 (Step #1) to be pro-rated for the 2018 calendar.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Director of Public Works and hereby approve the hiring of Kevin Loria to the full-time position of Service Person in the Department of Public Works, effective February 1, 2018 at the annual starting salary of \$36,115.00 (Step #1) to be pro-rated for the 2018 calendar.

#### **RESOLUTION #18-96**

#### **RESOLUTION TO HIRE AMY GREELEY AS A PART-TIME ADMINISTRATIVE ASSISTANT FOR THE BOROUGH OF CHATHAM**

**WHEREAS**, the Borough of Chatham has a need to hire a part-time Administrative Assistant to assist on the closing out of past years construction and building permit files for properties located in Chatham Borough and to update the information into the Borough's Construction Permit Portal; and

**WHEREAS**, Amy Greenley has expressed interest in the part time position; and

**WHEREAS**, Amy Greenley has the necessary qualifications and experience to perform the required duties and responsibilities of the position.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham hereby approves the hiring of Amy Greenley as a part time Administrative Assistant for the Borough of Chatham at the rate of \$24.00 per hour and with the effective starting date of January 23, 2018.

#### **OTHER**

#### **RESOLUTION #18-97**

#### **RESOLUTION AUTHORIZING AN INTERNSHIP PROGRAM FOR THE BOROUGH OF CHATHAM FOR THE CALENDAR YEAR 2018**

**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 2018; and

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

**RESOLUTION #18-98** was removed from the Consent Agenda for a separate vote.

**RESOLUTION APPROVING THE PERSON-TO-PERSON AND PLACE-TO-PLACE  
(EXPANSION OF PREMISES) TRANSFER OF PLENARY RETAIL DISTRIBUTION  
LICENSE #0414-44-001-006**

**RESOLUTION #18-99**

**RESOLUTION APPROVING THE RENEWAL OF INACTIVE PLENARY RETAIL  
DISTRIBUTION LIQUOR LICENSE #1404-44-004-005 FOR THE 2017-2018 LICENSING TERM**

**WHEREAS**, Plenary Retail Distribution Liquor License #1404-44-004-005 has been inactive and has not been cited at a premise since July 2013; and

**WHEREAS**, Srinidhi Liquors, Inc. is the owner of the subject liquor license (the "Licensee") and has filed a verified petition with the Division of Alcoholic Beverage Control seeking a Special Ruling to permit the renewal of the inactive license for the 2017-2018 licensing term in accordance with N.J.S.A. 33:1-12.39; and

**WHEREAS**, the Director of the Division of Alcoholic Beverage Control has issued a Special Ruling and determined that good cause exists for the issuing authority to consider the subject inactive license for renewal for the 2017-2018 licensing term; and

**WHEREAS**, the Licensee has filed a renewal application with the Borough of Chatham seeking to renew the subject license in its inactive state and the Borough Clerk has confirmed that the renewal application is complete in all respects, that all applicable fees have been paid, and that the New Jersey Division of Taxation has issued a Tax Clearance Certificate as required.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that renewal of the inactive Plenary Retail Consumption License #1404-44-004-005 is hereby granted for the 2017-2018 licensing term; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby authorized to take all action necessary to renew the inactive Plenary Retail Distribution License #1404-44-004-005 for the 2017-2018 licensing term on the form and certificate approved by the Alcoholic Beverage Control Commission in the State of New Jersey and to file a certified copy of this Resolution with the Director of the Division of Alcoholic Beverage Control.

### **CONSENT AGENDA VOTE:**

Council Member Kobylarz made a motion to approve the resolutions placed on this evening's Consent Agenda, Resolution #18-87 through Resolution #18-97 and Resolution #18-99. (Resolution #18-98 was removed for a separate vote.) The motion was seconded by Council Member Hoffman. A vote was taken and Resolution #18-87 through Resolution #18-97 and Resolution #18-99 listed on the Consent Agenda were approved unanimously.

### **ADD-ON RESOLUTIONS**

None.

### **ORDINANCE FOR FIRST READING**

Mayor Harris asked Council President Resto to introduce Ordinance #18-01.

Council President Resto introduced Ordinance #18-01 by title as follows:

#### **ORDINANCE #18-01**

#### **AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER A325 TO GRANT CONSENT FOR THE NON-EXCLUSIVE USE OF PUBLIC RIGHTS-OF-WAY**

Council President Resto explained that the purpose of the Ordinance grants consent to PEG Bandwidth NJ, LLC for the non-exclusive use of public rights-of-way located in the Borough for the purpose of, installing, operating and maintaining a telecommunications system consisting solely of aerial telecommunications fiber optic cable attached to existing utility poles at specific locations and moved for introduction on First Reading.

Council President Resto read:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on January 22, 2018.

**BE IT RESOLVED**, that at the Council meeting to be held on February 12, 2018 at 7:30 p.m. prevailing time, at the 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 Resto offered Ordinance #18-01 and moved its adoption on first reading.

Council Member Collander 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			
Resto	X		X			
Hoffman			X			
Weber			X			
Kobylarz			X			

Mayor Harris declared Ordinance #18-01 passed on first reading.

Mayor Harris asked Council Member Kobylarz to proceed with Resolution #18-100.

Council Member Kobylarz read Resolution #18-100.

### **RESOLUTION #18-100**

#### **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: Police Personnel Matters – Mr. Williams

Litigation: 4 Watchung Avenue LLC v. Borough of Chatham, et al. – Mr. Lott

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

Council Member Kobylarz made a motion to approve Resolution #18-100. Council Member Collander seconded the motion. A vote was taken and the motion to approve Resolution #18-100 was approved unanimously.

#### **ADJOURNMENT**

Having no other business to be conducted in public session, Mayor Harris adjourned the meeting at 10:00 p.m.

Respectfully Submitted:

*Robin R. Kline*

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