

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

November 26, 2018 MINUTES

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, November 26, 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, 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 Municipal 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 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

PRESENTATION

Chief of Police Association

Mayor Harris announced that tonight's presentation would be rescheduled.

Mayor Harris proceeded with Resolution #18-330.

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

Council President Resto made a motion to approve Resolution #18-330. Council Member Collander seconded the motion. A vote was taken and Resolution #18-330 was approved unanimously.

RECUSALS

Mayor Harris asked if there are any recusals or abstentions to be submitted for the record with respect to any item listed on the agenda.

There were no recusals.

DISCUSSION ITEMS

Bradley Proposal – Mr. Scott Bradley of the Bradley Funeral Home and a team of professionals retained by AST Development Corporation, presented a proposal to build 38 luxury market townhomes and nine age-restricted housing units on five properties located between Washington Avenue and Coleman Avenue on the south side of Main Street. Because the properties are in the B-2 zone, which does not allow residential use on the first floor, Mr. Bradley asked the Governing Body to consider a residential district zoning overlay that would permit first floor residential uses for the proposed redevelopment.

Mr. Francis Reiner, a professional planner, reported on the existing conditions in the downtown business district (B-4 zone) and the B-2 zone and provided a brief analysis on how the proposed project would be suitable and beneficial in creating greater residential density in the middle of town that would, in turn, promote more people to walk and shop in the central business district.

Ms. Nancy Dougherty, an architect with DMR Architects Studio 1200, provided artistic renderings of the project. She reported that it would not be feasible to keep the existing historic structures on four of the five properties (the Garden Terrace Nursing Home building would remain) and mentioned that the site would need to be redeveloped in its entirety due to the differences in site elevations. Ms. Dougherty presented a concept plan showing one continuous 3-4 story modern structure that would incorporate what she described as traditional historic housing elements and smart design features. A rear covered parking lot serving the housing units would be accessed from Washington Avenue.

Mayor Harris and the Borough Council expressed their opposition to the concept plan since it would demolish historic homes and create too much mass. The Governing Body was unanimous in preserving the historic buildings. Mayor Harris further stated that he was not willing to move forward with the concept plan and would not recommend that the Planning Board consider a residential zoning overlay based on what has been presented.

River Road Area in Need of Redevelopment – Mr. Abramson briefly summarized New Jersey's Local Redevelopment and Housing Law (the "Redevelopment Law") and the redevelopment process. He mentioned that the Redevelopment Law empowers local governments to initiate a process by which designated properties that meet certain criteria can be designated as an area in need of redevelopment. Municipal officials can either choose a condemnation, or a non-condemnation, area in need of development. He further mentioned that once an area has been designated "in need of redevelopment," a municipality may adopt a redevelopment plan that would employ specific planning and financial tools to make the redevelopment project more feasible.

Mr. Abramson reported that the Preliminary Investigation Report examined the site conditions and tax assessment data, among other things, on the Crown Oil property (Block 135, Lot 9), Burling Instrument (Block 135, Lot 10) and National Manufacturing (Block 135, Lots 11 and 12. Note: Block 135, Lot 12 on the tax map has been incorporated into Block 135, Lot 11 for purposes of assessment (collectively the “River Road Study Area”). The report concluded that the River Road Study Area exhibits conditions which conform with various redevelopment criterion under Section 5 of the Redevelopment Law. Specifically, the Crown Oil property met Criteria A, “substandard, unsafe, unsanitary, dilapidated or obsolescent building(s),” and Criteria D, “purpose-built facility dilapidation, obsolescence, faulty arrangement or designed improvement detrimental to the public safety, health, morals, or welfare of the community.” The Burling Instrument site, a known NJDEP contaminated site, and the National Manufacturing site both met Criteria D. All three properties also met Criteria H, “designation is consistent with smart growth planning principles.”

Mr. Abramson confirmed that the Planning Board held a public hearing on November 7th and afterwards adopted a Resolution accepting the findings of the Redevelopment Investigation Report. It concluded that the River Road Study Area met the criteria for designation as a non-condemnation area in need of redevelopment under the Redevelopment Law and recommended that the Mayor and Council designate the River Road Study Area as a non-condemnation area in need of redevelopment.

Council Member Hoffman mentioned that, unlike the Post Office Plaza redevelopment planning process, the Borough is not a land owner in the River Road Study Area. He inquired whether the land owner or the Borough would select the developer. Mr. Abramson answered that, under the Redevelopment Law, the property owner would select the developer in non-condemnation proceedings and confirmed that the River Road property owners had approached Borough officials about redevelopment of the properties.

Council Member Weber clarified that two properties in the River Road Study Area are owned by Chatham River Road Partners LLC and that the third property is owned by Crown Oil.

Mayor Harris further mentioned that New Jersey Transit is interested in a new River Road train station, but cautioned that it would be years until such a new station might be constructed.

Lastly, Mayor Harris reported that Resolution #18-331, accepting the conclusions of the Redevelopment Investigation Report and the Planning Board’s recommendation to designate the River Road Study Area as a non-condemnation area in need of redevelopment, has been placed on the agenda for Council consideration.

Organic Treatment of Borough Lawns/Fields – Council President Resto reported that the Environmental Commission recommends that the Borough adopt an organic, synthetic chemical-free management practice in maintaining its recreation fields and Borough properties. He further reported that in 2012, the Borough had adopted an Integrated Pest Management Implementation Plan (IPM), which states that pesticides are to be used as a last resort. Council President Resto further confirmed that the Borough’s landscape provider, Tru Green, is IPM certified with the New Jersey Department of Environmental Protection and reported that earlier this year, Lincoln Landscaping was contracted to provide organic lawn services for the front lawns at the Library and Borough Hall as a pilot program. Because of the success of this pilot program, the Environmental Commission had adopted a resolution recommending that the Borough’s governing body implement an organic program.

Council President Resto also reported that the school district has not been using chemical fertilizers or pesticides on its fields for the past eight years, but instead aerates, over-seeds and top dresses the playing fields. He also mentioned that Chatham Township began an organic field maintenance program in the spring of this year, which was contracted to Lincoln Landscaping. Regardless of the field maintenance program used, Council President Resto reported that there was little difference in the condition of the playing fields.

Council President Resto reported that organic, chemical-free weed and pest control is a costlier alternative to using herbicides and pesticides. He further mentioned that aeration, top-seeding and top dressing of lawns and fields would also add additional landscaping costs as well.

The governing body agreed with the Environmental Commission's recommendations to implement organic, chemical-free management practices of Borough playing fields and lawns. The Environmental Commission will work with the Public Works Department in developing a Request for Quotes (RFQ) so that the Borough can have a landscaping vendor in place by early next spring.

Business Incubator – Mayor Harris mentioned that Council Member Kobylarz has rescheduled this discussion item to a later date.

Marijuana Survey – Council Member Weber reported that the New Jersey Senate and Assembly recently advanced legislation to legalize the adult use of recreational marijuana and expand the state's medical marijuana program. While the timetable for final votes are not yet known, and the legislation may be further amended, he mentioned that the New Jersey Legislature has been "fast-tracking" the bills since legislative discussions began in September. He mentioned that the next voting session is held on December 17th.

Council Member Weber reported that Senate Bill S-2703, the "New Jersey Marijuana Legalization Act," seeks to legalize possession and personal use of marijuana for persons aged 21 and older and would regulate the cultivation, manufacture, distribution and sale of marijuana and marijuana-infused products. He presented some of the key features of the bill, which among other things, would include a 12% flat state tax, an additional 2% local tax may be levied by a host municipality, an individual's use and possession of one ounce or less of marijuana, establishing the maximum number of retail marijuana licenses that the state may issue, and establishing the number of medical marijuana licenses that the state may issue. A new regulatory agency would be created to issue licenses and collect fees but would not have a role in police enforcement.

Council Member Weber further reported that the current version of the proposed law would provide an opt-out option allowing local government to enact an ordinance to prohibit marijuana cultivation facilities, marijuana product manufacturing facilities, and marijuana retailers within 180 days after adoption of the regulations. Should a local governmental agency fail to opt-out within the 180 days, a five-year period would need to lapse before it could take any action to opt-out. He mentioned that 40 municipalities to date have pre-emptively opted-out.

In his presentation, Council Member Weber also emphasized that there is no test for marijuana impairment and that the drug can be detected in a person's blood stream for two months or longer. Mayor Harris mentioned that at the League of Municipalities Conference earlier this month, a Department of Health representative had pointed out that there are numerous legal drugs for which there are no tests. He further cautioned that local law enforcement agencies would be tasked with enforcement. Council Member Weber mentioned the justifications given in support of legalizing recreational marijuana, which included social justice issues, the need to eradicate the black market and illegal enterprises that profit from the illegal market, and the generation of tax revenues.

PLANET CIVIC MARIJUANA SURVEY RESULTS

Council Member Weber reported that 219 residents responded to the online marijuana survey that was conducted from October 3rd through November 11th. Twenty-one comments were provided in addition to responses to the following four survey questions:

Question 1: Should the State of NJ legalize the recreational use of marijuana? Yes: 98 No:120

Question 2: Do you support banning retail sales of marijuana for recreational
use within the Borough of Chatham? Yes: 144 No: 75

- Question 3: Do you support banning retail sales of marijuana for medical use within the Borough of Chatham? Yes: 84 No: 133
- Question 4: Do you support banning facilities that grow marijuana within the Borough of Chatham Yes: 147 No: 71

After presenting the survey results, Council Member Weber suggested the governing body pass a resolution urging the New Jersey Legislature to reject recreational use of marijuana and marijuana-based products and to adopt an Ordinance that would prohibit certain marijuana uses in the Borough.

Mayor Harris inquired about the differences between the use of alcohol, tobacco and vaping products versus the use of marijuana products and mentioned that more and more information is being published about the harmful health risks associated with vaping devices, especially for younger individuals.

Council Member Kobylarz reported that the Municipal Alliance of the Chathams and the Madison Chatham Coalition are interested in holding town hall style meetings to discuss both medical marijuana and recreational marijuana, its effect on teenagers and other issues. He suggested that the governing body take the time to learn more about recreational marijuana before considering a resolution urging the New Jersey legislature to reject recreational use of marijuana and marijuana-based products.

Upon further discussion by the governing body, Mayor Harris stated that a resolution can be presented in the December 10th agenda for Council consideration to either approve or reject. He asked Council Member Weber to draft the resolution.

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

MEETING OPEN TO THE PUBLIC

NOTICE OF PUBLIC COMMENT TIME LIMIT

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

Joseph Marts, 14 West Coleman Avenue and former Borough mayor, voiced his opposition to the Bradley redevelopment proposal. He thanked Mayor Harris and the Borough Council for their candid remarks opposing the demolition of the historic buildings and insisting on their preservation. Mr. Marts also thanked Council President Resto and Council Member Hoffman for their dedicated service on the Borough Council.

Maureen Kelly, a member of the Chatham Township Environmental Commission, supported the Borough’s organic field and lawn maintenance practices and commented that the Township has been maintaining its fields with organic methods with good results.

Lisa DeRosa, 11 Dellwood Avenue and President of the Chatham Borough Board of Health, mentioned that the Madison Chatham Coalition will be partnering with the Library of the Chathams on a poster and poetry contest December 13th through January 10th. The contest focuses on the dangers associated with underage marijuana and vaping use and winners will be selected in four age categories. Contest information is available at the library and the Madison Chatham Coalition’s website.

Colleen Truppo, 10 Overlook Road and Chair of the Chatham Borough Shade Tree Commission, commented about JCP&L’s Reliability Plus Program, which will invest \$132 million over a 4-year period in enhanced vegetation management. She mentioned that the Shade Tree Commission will be writing to the Governor and state legislature representatives urging that the Board of Public Utilities (BPU) postpone the public hearings for JCP&L’s Reliability Plus Program.

Robert Penn, 165 North Passaic Avenue, questioned why Borough officials have not yet addressed all of his questions and concerns with respect to Florham Park’s continued land use development along Passaic Avenue.

Mr. Lott advised that state land use laws allow towns to create zoning and development standards within its municipal boundaries. He mentioned that the Sun Valley development is a permitted use and in compliance with Florham Park’s land use regulations. Mr. Lott further confirmed that he had participated in the public hearing scheduled for the sports complex in Florham Park on behalf of Chatham Borough to ensure that the Borough’s interests were protected.

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

ORDINANCE FOR SECOND READING

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

Council President Resto read 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.

Council President Resto explained that the purpose of the Ordinance is to set the minimum and maximum salary ranges for all positions.

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

The Borough Clerk stated that a legal notice was published indicating that Ordinance #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 opened the public hearing on the Ordinance and invited any member of the public to be heard. Seeing no one else wishing to be heard, Mayor Harris closed the public hearing.

Council President Resto offered the Ordinance and moved its adoption:

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

Council Member Weber seconded the motion.

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

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

Mayor Harris declared this Ordinance adopted and finally passed and requested the Borough Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

REPORTS

COUNCIL COMMITTEES

Budget and Finance - Council Member Hoffman reported that the recyclable materials market no longer provides a revenue stream for the Borough and, as a result, he mentioned that solid waste fees would need to be addressed in the 2019 budget to help pay for the collection of recyclable materials. He also mentioned that Borough officials may also need to consider including appropriations in the 2019 budget for a revaluation program. Council Member Hoffman further reported that 2019 capital budget requests are being reviewed and that capital improvements for the Joint Meeting sewerage facility and capital improvements to the Library of the Chathams would be incorporated in the capital budget.

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

Public Safety & Emergency Services - Council Member Collander reported that the Police Department will be interviewing 22 candidates for the Police Officer position and anticipated that the selection process would take 60 days to complete.

Personnel - Council President Resto had nothing new to report.

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

Shared Services & 3rd Party Agreements - Council Member Weber had nothing new to report.

MAYOR'S REPORT

Mayor Harris announced that Chatham Borough once again achieved Sustainable Jersey[®] certification at the silver level and was also awarded the Sustainability Champion Award (medium category municipality). He further announced that Chatham Borough, Chatham Township and Madison Borough were awarded Sustainable Jersey's[®] Collaboration Award for the Tri-Town 55+ initiative and congratulated the Borough's Green Team for their achievements.

ADMINISTRATOR'S REPORT

Mr. Williams reported that the Planet Civic survey for the Post Office Plaza Redevelopment project has been posted on the website and encouraged residents to provide their input. He further mentioned that a Public Workshop will be held on Wednesday, November 28th at 7:00pm at the Library of the Chathams to discuss potential redevelopment concepts for Post Office Plaza. Mr. Williams also reported that the Health Department has scheduled the Associated Humane mobile van for the first Saturday in January in the Borough to provide rabies vaccinations and microchipping for pets. He lastly reported that Celgene has invited local officials to a December 4 meeting to discuss its long-range plans for the site.

RESOLUTIONS (NON-ROUTINE REQUIRING SEPARATE ACTION)

Mayor Harris asked Council Member Hoffman to proceed with Resolution #18-331.

Council Member Hoffman read Resolution #18-331.

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, Block 135, Lot 12 as shown on the tax map has been incorporated in Block 135, Lot 11 for purposes of assessment; 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 (inclusive of Block 124, Lot 12 as shown on the tax map) 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*.

Council Member Hoffman made a motion to approve Resolution #18-331. Council Member Fife seconded the motion.

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

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

A roll call vote was taken and Resolution #18-331 was approved.

Mayor Harris asked Council Member Hoffman to proceed with Resolution #18-332.

Council Member Hoffman read Resolution #18-332.

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.

Council Member Hoffman made a motion to approve Resolution #18-332. 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			
Hoffman	X		X			
Weber			X			
Kobylarz			X			

A roll call vote was taken and Resolution #18-332 was approved.

Mayor Harris asked Council President Resto to proceed with Resolution #18-333.

Council President Resto read Resolution #18-333.

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.

Council President Resto made a motion to approve Resolution #18-333. Council Member Fife seconded the motion. A vote was taken and Resolution #18-333 passed unanimously.

Mayor Harris proceeded with the Consent Agenda.

CONSENT AGENDA

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

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

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

None.

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:

Council President Resto made a motion to approve Resolutions #18-334 through #18-335 on the Consent Agenda. The motion was seconded by Council Member Kobylarz. A vote was taken and Resolutions #18-334 through #18-335 were approved unanimously.

ADD-ON RESOLUTION

None.

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 explained that this Ordinance provides capital improvement project costs for the Madison Chatham Joint Meeting to expand and modernize the Madison Chatham Joint Meeting facility. He mentioned that based on the prior 3-year allocation averaging, Madison Borough will be responsible for 63.6% of the project costs and Chatham Borough will be responsible for 36.4% of the project costs.

Council Member Hoffman moved the Bond Ordinance for First Reading and read:

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 offered Ordinance #18-12 and moved its adoption on first reading.

Council President Resto seconded the motion.

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

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

Mayor Harris reported that Ordinance #18-12 passed on first reading.

Mayor Harris asked Council Member Kobylarz to proceed with Resolution #18-336.

Council Member Kobylarz read Resolution #18-336.

RESOLUTION #18-316

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.

Council Member Kobylarz made a motion to approve Resolution #18-336. Council Member Collander seconded the motion. A vote was taken and the motion to approve Resolution #18-336 was approved unanimously.

ADJOURNMENT

Having no other business to be conducted in public session, Mayor Harris adjourned into Closed Session at 10:45 p.m.

Respectfully Submitted:

Robin R. Kline

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