

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

December 10, 2018 MINUTES

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, December 10, 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

Mayor Harris asked Council Member Weber to proceed with Resolution #18-337.

Council Member Weber read Resolution #18-337.

RESOLUTIONS (COMMENDATORY)

RESOLUTION #18-337

**RESOLUTION COMMENDING DR. NORMAN SCHAEFER FOR HIS 28 YEARS OF
DEDICATED SERVICE TO THE CHATHAM BOROUGH BOARD OF HEALTH**

WHEREAS, Dr. Norman Schaefer was appointed to the Chatham Borough Board of Health in 1991 and has served both as a Regular Member and as Vice President on the Board of Health; and

WHEREAS, Dr. Schaefer is a retired physician at Summit Medical Group; and

WHEREAS, Dr. Schafer graduated from Cornell Medical School as an Ear, Nose and Throat Surgeon in 1957, and after graduation, began his medical career as a Flight Surgeon in the United States Air Force at McGuire Air Force Base in Lakehurst, New Jersey; and

WHEREAS, as the Commander of Aeromedical Evacuation, he was assigned to multiple missions treating wounded soldiers on military transport aircrafts and, on one such mission in 1990 during Desert Storm, he served a dual purpose in bringing supplies into Saudi Arabia and transporting patients out for much needed medical care; and

WHEREAS, Commander Schaefer retired from the United States Air Force in 1992 after serving 49 distinguished years, the longest service record for any enlisted airman, officer or health care professional in the United States Air Force to date; and

WHEREAS, throughout his 28 years as an appointed official on the Board of Health, Dr. Schaefer carried out his duties on the Board and as a citizen of Chatham Borough with enthusiasm and in a conscientious, thoughtful and caring manner, and always dedicated himself to advancing public health matters in our community; and

WHEREAS, Dr. Schaefer will be greatly missed by all his colleagues on the Board of Health and will always be remembered for his kindness, patriotism, camaraderie and his spirit of volunteerism that has helped make Chatham Borough the town we love.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby recognize and commend Dr. Schaefer on his leadership, dedication and enthusiasm for our community as demonstrated throughout his tenure on the Chatham Borough Board of Health; and

BE IT FURTHER RESOLVED, by the Mayor and Council, on behalf of the entire Chatham Borough community, that they hereby extend their grateful appreciation to Dr. Schaefer for his 28 years of service on the Chatham Borough Board of Health and commend him for all he has achieved during his medical and military career. We wish him and his wife Irene happiness and good health in the years to come. Dr. Schaefer, you will be missed!

Council Member Weber made a motion to approve Resolution #18-337. Council President Resto seconded the motion. A vote was taken and Resolution #18-337 was approved unanimously.

Mayor Harris presented the Resolution to Dr. Schaefer and commended him for his 28 years of volunteer service on the Board of Health. The Borough Council, and everyone in attendance, applauded Dr. Schaefer for his military service and his contributions to public health.

Mayor Harris proceeded with Resolution #18-338.

RESOLUTION #18-338

RESOLUTION RECOGNIZING COUNCIL MEMBER LEONARD “LEN” RESTO FOR HIS EXEMPLARY SERVICE TO CHATHAM BOROUGH

WHEREAS, on November 3, 2009, Leonard “Len” Resto was elected by the voters of the Borough of Chatham to serve a 3-year term on the Borough Council; was re-elected to a second 3-year term by the voters on November 6, 2012; and again, on November 3, 2015 was re-elected to serve a third 3-year term; and

WHEREAS, during his years in elected office, Council Member Leonard “Len” Resto continually sought to improve the quality of life for all Borough residents and expertly demonstrated foresight, leadership, and fiscal responsibility in all policy decisions and operations of Borough government; and

WHEREAS, during his tenure on the Borough Council, Len devoted innumerable hours chairing the Council's Personnel Committee, as well as serving on the Council's Public Works Planning Committee, the Capital Infrastructure Planning Committee, the Public Works/Community Services Committee, the Shared Services & Third-Party Agreements Committee, the Budget and Finance Committee, and the Madison Chatham Joint Meeting Finance Committee; and

WHEREAS, as an elected official, Council Member Resto further served in the role as Council liaison to the Historic Preservation Commission, Environmental Commission, Green Initiatives Committee, the Joint Community Garden Advisory Committee, the Public Arts Council (Advisory Committee), Open Space and Historic Preservation Trust Advisory Committee, the Overnight Parking Advisory Committee, the 9/11 Memorial Advisory Committee, the Pilgrim Pipeline Advisory Committee, and the Historic Riverside Trail Advisory Committee; and

WHEREAS, Len carried out his duties as an elected official and as a citizen of Chatham Borough with enthusiasm and in a conscientious, thoughtful and caring manner, and always dedicated himself to advancing the spirit of volunteerism that has helped make Chatham Borough the town we love; and

WHEREAS, Len will always be remembered for his kindness, camaraderie and fairness when dealing with residents, businesses, and the Borough's workforce.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby recognize and commend Len on his leadership, dedication and enthusiasm for our community as demonstrated throughout his tenure on the Borough Council; and

BE IT FURTHER RESOLVED, by the Mayor and Council, on behalf of the entire Chatham Borough community, that they hereby extend their grateful appreciation to Len Resto for his seven remarkable years of service on the Chatham Borough Council and commend him for all he has achieved during his tenure on the Borough Council. We wish him happiness and good health in the years to come. Len, you will be missed!

Council Member Collander made a motion to approve Resolution #18-338. Council Member Fife seconded the motion. A vote was taken and Resolution #18-338 was approved unanimously.

Mayor Harris expressed his appreciation to Council President Resto for his years of service on the Borough Council and spirit of volunteerism and presented him with the framed Resolution and an old Council captain's chair mounted with an engraved plaque commemorating his years of service on the Borough Council. Mayor Harris further presented him with a customized word graphic piece of artwork that highlighted his service during his time on the Council.

Council President Resto expressed his thanks to the citizens of Chatham Borough for the honor and privilege in serving the community over the past seven years. He further thanked Mayor Harris and the Council Members, commenting that it was an honor and delight to serve together.

Mayor Harris proceeded with Resolution #18-339.

RESOLUTION #18-339

RESOLUTION RECOGNIZING COUNCIL MEMBER PETER J. HOFFMAN FOR HIS EXEMPLARY SERVICE TO CHATHAM BOROUGH

WHEREAS, on November 3, 2015, Peter J. Hoffman was elected by the voters of the Borough of Chatham to serve a 3-year term on the Borough Council; and

WHEREAS, during his years in elected office, Council Member Peter J. Hoffman continually sought to improve the quality of life for all Borough residents and expertly demonstrated foresight, leadership, and fiscal responsibility in all policy decisions and operations of Borough government; and

WHEREAS, during his tenure on the Borough Council, Peter devoted innumerable hours chairing the Council's Budget and Finance Committee, as well as serving on the Council's Public Works/Community Services Committee, the Shared Services & Third-Party Agreements Committee, serving as the Vice Chair of the Madison Chatham Joint Meeting Finance & Personnel Committee, and serving as the Borough's liaison on the Joint Municipal Court; and

WHEREAS, as an elected official, Council Member Hoffman further served in the role as Council liaison to the Board of Health, the Historic Preservation Commission, and served as the Class III member in the Chatham Borough Planning Board; and

WHEREAS, Peter carried out his duties as an elected official and as a citizen of Chatham Borough with enthusiasm and in a conscientious, thoughtful and caring manner, and always dedicated himself to advancing the spirit of volunteerism that has helped make Chatham Borough the town we love; and

WHEREAS, Peter will always be remembered for his kindness, camaraderie and fairness when dealing with residents, businesses, and the Borough's workforce.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby recognize and commend Peter on his leadership, dedication and enthusiasm for our community as demonstrated throughout his tenure on the Borough Council; and

BE IT FURTHER RESOLVED, by the Mayor and Council, on behalf of the entire Chatham Borough community, that they hereby extend their grateful appreciation to Peter J. Hoffman for his years of service on the Chatham Borough Council and commend him for all he has achieved during his tenure on the Borough Council. We wish him and his family happiness and good health in the years to come. Peter, you will be missed!

Council Member Fife made a motion to approve Resolution #18-339. Council Member Collander seconded the motion. A vote was taken and Resolution #18-339 was approved unanimously.

Mayor Harris commended Council Member Hoffman for his service on the Council and further praised him for his expertise on land use regulations and Zoning Board matters. He then presented Council Member Hoffman with the framed Resolution and an old Council captain's chair mounted with an engraved plaque commemorating his years of service on the Borough Council. Mayor Harris further presented him with a customized word graphic piece of artwork that highlighted his service during his time on the Council.

Council Member Hoffman expressed his thanks to Mayor Harris and the Council and commented that it has been an honor and privilege to serve the town. He also thanked his wife and family for their patience and sacrifice, acknowledging that volunteering is a serious commitment of time.

Mayor Harris proceeded with Resolution #18-340.

RESOLUTION #18-340

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 26, 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 26, 2018

Council President Resto made a motion to approve Resolution #18-340. Council Member Collander seconded the motion. A vote was taken and Resolution #18-340 was approved unanimously.

RECUSALS

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

There were no recusals presented on the record.

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.

Julie Muller, 51 Broadview Terrace, thanked Dr. Schaefer for his years of service to country and community and further thanked Council President Resto and Council Member Hoffman for their service on the Borough Council.

Michael Dean, 181 North Passaic Avenue, thanked Council President Resto and Council Member Hoffman for their service on the Borough Council. He asked the Governing Body to reschedule Resolution #18-350 to next year so that the two newly-elected officials may offer their review and comments. Mr. Dean expressed his opposition to the Bradley development proposal presented by Mr. Scott Bradley and his team of professionals at the November 26th Mayor and Council meeting. He also commented that he supported Borough officials denying a property tax exemption for the Overlook Hospital Associates property on Main Street. Lastly, he commented about the ongoing development in Florham Park and voiced his concern about potential traffic impacts and increased student enrollment in the school district with respect to the redevelopment of Post Office Plaza.

Mayor Harris assured Mr. Dean that traffic studies would be conducted with respect to the redevelopment of Post Office Plaza.

Tom Salvas, 12 Lisa Drive, thanked Council President Resto and Council Member Hoffman for their service on the Borough Council and thanked Dr. Schaefer for his military service. Mr. Salvas shared a story during the time he served as an Air Force Captain in the same squadron in which Dr. Schaefer served as Air Force Commander.

Josette Zhang, 16 Myrtle Avenue, voiced her concern about the growing number of students hanging out at the CVS Pharmacy after school and asked Borough officials if they could help address this issue.

Council President Resto responded that he would help Ms. Zhang get in touch with organizations such as the Municipal Alliance of the Chathams, the Madison Chatham Coalition and Project Community Pride.

Jack Drew, 32 Inwood Road, commented that the Post Office Plaza redevelopment planning process seems to be skewed to the benefit of the developer. He mentioned that multi-story buildings and parking garages would not be consistent with the hometown feel of Chatham. He further commented that downtown Chatham needs more parking and suggested that the Borough purchase the Post Office building to create a beautiful new parking area.

Fran Drew, 32 Inwood Road, also suggested that the Borough should purchase the Post Office building and hire a landscape architect to create a beautifully designed new parking area to support the businesses on Main Street. She also commented that she attended the JCP&L public meeting held in Morristown on November 13th and had raised objections to JCP&L's Reliability Plus program application, which is before the Board of Public Utilities (BPU). She urged BPU officials to deny JCP&L's application unless it included a study to bury wires underground.

Rozella Clyde, 33 Carmine Street, announced that the Madison Chatham Coalition is hosting a Poetry and Art Contest to illustrate the dangers associated with marijuana use and underage vaping. Prizes will be given out in four age categories and entries can be submitted until January 10th. She also expressed her opposition to Resolution #18-343, a resolution opposing the legalization of recreational marijuana, and asked that the Governing Body postpone taking any action on the resolution until town hall meetings are held and public input can be solicited on the issue.

Mayor Harris informed Dr. Clyde that the governing body had discussed the legalization of recreational marijuana issue for 40 minutes at the November 26th Mayor and Council meeting. After the discussion, it was stated that a resolution would be placed on tonight's agenda.

Bill Heap, 108 Hillside Avenue, thanked Council President Resto and Council Member Hoffman for their service on the Borough Council and provided well-wishes to Carolyn Dempsey and Jocelyn Mathiasen, who have been newly-elected to the Borough Council. He also encouraged the purchase of Christmas trees from the Jaycees.

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

ORDINANCE FOR SECOND READING

Mayor Harris asked Council Member Hoffman to proceed with Ordinance #18-12.

Council Member Hoffman read Ordinance #18-12 entitled:

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.

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on November 26, 2018.

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 #18-12 was introduced and passed on first reading at the November 26, 2018 meeting and further indicated that the second reading and public hearing would be held at 7:30 p.m. on December 10, 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 Member Hoffman 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 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 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

BOARD & COMMISSION MEMBERS & LIAISON REPORTS

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

Shade Tree Commission - Council Member Collander reported that the Shade Tree Commission is planting 52 new trees throughout the Borough and that the Commission's arborist has selected tree species that are appropriate for the planting sites.

Traffic & Pedestrian Safety Advisory Committee - Council Member Collander reported that the Police Department has been enforcing speeding and weight limits on North Passaic Avenue and Hedges Avenue and several other roadways in town.

Madison-Chatham Joint Meeting – Council Member Hoffman had nothing new to report.

Farmers' Market Advisory Committee - Council Member Fife had nothing new to report.

Mayor's Wellness Advisory Committee - Council Member Fife reported that the committee's next meeting is scheduled for Tuesday, December 11th.

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

Project Community Pride - Council Member Fife had nothing new to report.

Public Arts Council Advisory Committee - Council Member Fife reported that a meeting was held on December 6th to discuss the Washington Avenue Underpass Mural Project. She mentioned that the Public Arts Council Advisory Committee would be making a presentation to the Mayor and Council in February.

Senior Center of the Chathams - Council Member Fife reported that Julie Reich is the new Executive Director of the Senior Center of the Chathams, replacing Pam Mansfield who is retiring.

Environmental Commission - Council President Resto reported that Commission's next meeting is scheduled for December 12th. Projects planned for 2019 will be discussed.

Historic Riverside Trail Advisory Committee - Council President Resto had nothing new to report.

Municipal Alliance of the Chathams - Council President Resto reported that the next meeting is scheduled for December 12th.

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

Pilgrim Pipeline Advisory Committee - Council President Resto had nothing new to report.

Planning Board – Mayor Harris reported that the Planning Board approved the application for a new restaurant at the former DJ Crater storefront on Main Street.

Joint Municipal Court - Council Member Kobylarz had nothing new to report.

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

Board of Education - Council Member Weber had nothing new to report.

Board of Health - Council Member Weber reported that the next meeting is scheduled for December 13th and mentioned that the Board of Health is continuing its review of the public health code.

Joint Recreation Advisory Committee - Council Member Weber had nothing new to report.

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

Historic Preservation Commission - Council Member Kobylarz had nothing new to report.

Joint Community Gardens Advisory Committee - Council Member Kobylarz had nothing new to report.

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

Council Member Kobylarz further proposed that a new advisory committee be established in January to advise the Mayor and Council on issues concerning the burying of utility lines underground. The advisory committee would be tasked with performing research and providing feasibility studies that address environmental, financial and engineering constraints and would also reach out to surrounding municipalities in coalition building efforts. A resolution establishing the advisory committee is anticipated to be included on the January 28th Mayor and Council agenda.

MAYOR'S REPORT

Mayor Harris reported that a second online survey had been posted to the website soliciting resident input on the architecture and style of buildings they would like considered in the planning of the Post Office Plaza Redevelopment project. The survey is available until December 21st. He further reported that he and Council President Resto, Council Member Weber, and Planning Board member Matthew Engel attended the Celgene Neighbor meeting. They were informed that Celgene will be adding 1,000 employees to its west campus site in Summit over the next five years. The Summit Planning Board will be hearing Celgene's application for expansion at the site on December 17th. Mayor Harris also mentioned that he had spoken with New Jersey Transit about Celgene's expansion with respect to the River Road train station proposal. Lastly, he reported that he met Julie Reich, the new Executive Director for the Senior Center for the Chathams.

ADMINISTRATOR'S REPORT

Mr. Williams reported that residents who may have problems accessing the Post Office Plaza Redevelopment planning online survey can contact Planet Civic directly. He further mentioned that a presentation on the Post Office Plaza Redevelopment project has been scheduled on January 18th at the Senior Center of the Chathams. Mr. Williams also reported that Lincoln Avenue and Cherry Lane will be closed for water valve replacement work and mentioned that JCP&L will be scheduling tree trimming operations along the Traynor Substation transmission lines in February 2019.

RESOLUTIONS (NON-ROUTINE REQUIRING SEPARATE ACTION)

Mayor Harris proceeded with Resolution #18-341.

RESOLUTION #18-341

RESOLUTION AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-48 [Over 3% limitation]

WHEREAS, an emergency has arisen with respect to a substantial increase in curbside recycling collection program costs and no adequate provision was made in the 2018 budget for such purpose; and

WHEREAS, N.J.S.A. 40A:4-46 provides that local governments may make emergency appropriations, after the adoption of the annual budget, for purposes unforeseen at the time the budget was adopted; and

WHEREAS, the total amount of the emergency appropriation created, including the appropriation to be created by this resolution, is \$30,358.01 and three percent (3%) of the total operating appropriations in the 2018 budget is \$18,297.00; and

WHEREAS, the foregoing appropriation together with prior appropriations will exceed three percent (3%) of the total operating appropriations, including utility operation appropriations, in the 2018 budget; and

WHEREAS, N.J.S.A. 40A:4-49 provides that the governing body shall, by resolution adopted by not less than 2/3 vote of its full membership, petition the Director of the Division of Local Government Services for permission to exceed the three percent (3%) statutory limitation of the total operating appropriations in the annual budget for the creation of an emergency appropriation for the purpose stated herein.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that an emergency appropriation is hereby made for "Curbside Recycling Program" in the amount of \$30,358.01 and that said emergency appropriation shall be provided for in full in the 2019 budget and is requested to be excluded from the CAP, pursuant to N.J.S.A. 40A:4-53.3c(1); and

BE IT FURTHER RESOLVED, that the statement required by the Local Finance Board has been filed with the Borough Clerk and attached to this resolution, and a copy transmitted to the Director of the Division of Local Government Services; and

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.

Mr. Williams reported that this resolution provides additional appropriations for increased costs incurred during the 2nd and 3rd quarter for the Morris County Municipal Utilities Authority recycling collection agreement due to the softened recyclables market for plastics and paper. The amount of \$30,358.01 for the emergency appropriation shall be provided for in full in the 2019 budget.

Council Member Hoffman moved to adopt Resolution #18-341.

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			

Mayor Harris proceeded with Resolution #18-342.

RESOLUTION #18-342

RESOLUTION AMENDING THE 2018 CAPITAL BUDGET PURSUANT TO N.J.A.C. 5:30-4.4B

WHEREAS, the Governing Body of the Borough of Chatham, County of Morris, deems it necessary and desirable to provide for a capital project not previously reflected in the 2018 Capital Budget; and

WHEREAS, N.J.A.C. 5:30-4.4B provides that a Capital Budget adopted by the governing body must be amended to reflect any provisions, changes or inconsistencies with the adopted Capital Budget by resolution adopted by not less than 2/3 vote of its full membership; and

WHEREAS, the Council of the Borough of Chatham adopted the 2018 Capital Budget on April 23, 2018 and wishes to amend said capital budget to reflect the addition of Ordinance #18-12, which was not previously provided for in the 2018 Capital Budget; and

WHEREAS, Ordinance #18-12 authorizes and provides financing to fund the Borough of Chatham’s proportionate share of the costs of the improvement of the Madison-Chatham Joint Meeting's Molitor Water Pollution Control Facility, which is owned and operated by the Joint Meeting.

BE IT RESOLVED, by the Council of the Borough of Chatham, County of Morris, that the adopted 2018 Capital Budget shall be amended by adding thereto the following schedule:

**AMENDMENT NO. 1
2018 GENERAL CAPITAL BUDGET**

Project	Cost Funded by the Borough of Chatham	Amounts Reserved in Prior years	2018 Budget Appropriation	Capital Improvement Fund	Capital Surplus	Grants in Aid and Other Funds	Debt Authorized
Improvements to the Madison Chatham Joint Meeting Molitor Water Pollution Control Facility	\$2,730,000	\$0	\$0	\$0	\$0	\$0	\$2,730,000

And,

BE IT FURTHER RESOLVED, that the Borough Clerk shall advertise the 2018 Capital Budget amendment and make it available for public inspection; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be submitted in duplicate to the Director of the Division of Local Government Services.

Council Member Hoffman reported that this resolution is required to amend the 2018 adopted capital budget to reflect the additional funding provided by the adoption of Bond Ordinance #18-12 for the expansion of the Joint Meeting facility. The funding was not previously provided for in the 2018 Capital Budget and moved for its adoption.

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			

Mayor Harris asked Council Member Weber to proceed with Resolution #18-343.

Council Member Weber read Resolution #18-343.

RESOLUTION #18-343

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY OPPOSING THE LEGALIZATION OF MARIJUANA FOR RECREATIONAL USE

WHEREAS, the Legislature of the State of New Jersey is currently debating legislation proving for the legalization of marijuana for recreational use and Governor Murphy has indicated that he intends to sign same; and,

WHEREAS, pursuant to the federal Controlled Substances Act, 21 U.S.C. Section 801 et seq. (1970), it is illegal to possess, use, buy or sell marijuana, a Schedule I controlled dangerous substance, for recreational use; and

WHEREAS, only 10 states and the District of Columbia have legalized the recreational use of marijuana in violation of federal law; and,

WHEREAS, the American Medical Association has stated in H-95.998, AMA Policy Statement on Cannabis, that “cannabis is a dangerous drug and as such is a public health concern;” and

WHEREAS, while the level of THC, the psychoactive component in marijuana, in medical marijuana use is tightly regulated, marijuana grown for recreational use is specifically cultivated to have as much THC as possible; and

WHEREAS, the American Medical Association finds that the regular use of marijuana by adolescents and young adults (under the age of 26) impacts brain development and, in some cases, is linked to permanent reductions in IQ; and

WHEREAS, we believe that those under 21 will be attracted to marijuana-infused edibles (e.g., gummy candies, baked goods, soda and other drinks, lollipops, etc.) that have a THC potency several times higher than the average marijuana cigarette; and

WHEREAS, THC is known to impair physical function in the user, including reaction time while operating a motor vehicle and the user’s ability to perceive danger; and

WHEREAS, there is no current test or objective standard to determine marijuana intoxication as it relates to the operation of a motor vehicle as compared to the standards established for driving while under the influence of alcohol, thereby making the enforcement of operating a motor vehicle under the influence of marijuana very difficult; and

WHEREAS, municipal police forces lack the resources to provide public safety enforcement that would be required by the proposed bill legalizing marijuana for recreational use; and

WHEREAS, Colorado, a state that has already legalized the recreational use of marijuana, has found that marijuana offenses in Colorado elementary and high schools have increased 34% since legalization; juvenile arrests in Colorado are up 5% and emergency poison control calls for marijuana-exposed children, including toddlers, is up 150%; the number of drivers involved in fatal accidents who also tested positive for marijuana use has increased 150% since legalization, and a Colorado Department of Transportation survey found that 69% of self-identified marijuana users admitted to driving after having consumed marijuana; and

WHEREAS, the American Academy of Pediatrics has noted that marijuana use among pregnant women hoping to counteract the effects of nausea has increased 62% between 2002 and 2014 and determined that THC crosses the placenta to a fetus, passes to a baby through breast milk, and in both situations leads to adverse effects for the baby; and

WHEREAS, while teen use of marijuana in New Jersey is currently one of the lowest in the nation (10.8%), illicit marijuana use by children aged 12 to 17 in Colorado is one of the highest (16.2%), which is also 74% higher than the national average; and

WHEREAS, the governing body surveyed the residents of Chatham Borough regarding their level of support for the legalization of marijuana for recreational use and the results of said survey revealed that a majority of the respondents oppose the legalization of marijuana for recreational use; and

WHEREAS, it is the responsibility of the Mayor and Council to protect the health, safety and welfare of the citizens of Chatham Borough and to promote the success of our youth.

BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham, on behalf of the residents of the Borough of Chatham, hereby vigorously object to the legalization of marijuana for recreational use and urge all members of the State Legislature to oppose said action; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Chatham, on behalf of the residents of the Borough of Chatham, hereby urge Governor Murphy to abandon his effort to legalize the use of marijuana for recreational purposes and to veto any bill providing for same; and

BE IT FURTHER RESOLVED, that the Borough Clerk is directed to send a certified copy of this Resolution to Governor Murphy, Senate President Sweeney, Assembly Speaker Coughlin, members of the State Legislature who represent the residents of the Borough of Chatham and other Morris County residents, and the Governing Bodies of Chatham Borough's neighboring municipalities.

Council Member Weber made a motion to approve Resolution #18-343.

Council Member Collander seconded the motion.

Mayor Harris opened Resolution #18-343 for Council discussion.

Council Member Kobylarz commented that the legalization of recreational marijuana has been growing public support over recent years and mentioned that, according to a Pew Research Center Institute survey, 62% of adults favor the legalization of marijuana. He further mentioned that, while conducting his own research on the topic, he found it to be a complex issue encompassing a wide range of issues such as impacts to health, social justice issues, and public safety and law enforcement concerns, among others.

Council Member Kobylarz noted that in the state of Colorado where recreational use of marijuana has been legalized, there has been an increase in traffic accidents and mentioned that the American Medical Association has urged a delay in legalizing marijuana until the growing evidence of public health issues are known.

Council Member Kobylarz stated that, while he supported the decriminalization of marijuana, he believed state law makers should take slower action before legalizing the recreational use of marijuana.

Council President Resto, Council Member Collander and Council Member Hoffman agreed that the proposed bill to legalize recreational marijuana is premature, especially given the growing evidence of public health and public safety issues related to recreational marijuana use.

Council Member Fife stated she supported the legalization of recreational marijuana and that the substance should be regulated no different than alcoholic beverages.

At the end of the Council’s discussion, Mayor Harris mentioned that ordinances adopted by municipalities to prohibit the cultivation, production and sales of recreational marijuana and marijuana products in their towns would become null and void under the proposed bill. Once state regulations are adopted on recreational marijuana, municipalities would have the option to adopt an ordinance within a period of 180 days from the date the regulations became effective.

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			
Weber	X		X			
Kobylarz			X			

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 #18-344 through Resolution #18-351 have been placed on the Consent Agenda.

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

None.

CONTRACTS

RESOLUTION #18-344

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO CERBO’S PARSIPPANY GREENHOUSES FOR THE PURCHASE, DELIVERY AND PLANTING OF BOROUGH SHADE TREES

WHEREAS, the Chatham Borough Shade Tree Commission solicited proposals from qualified landscape contractors for the purchase, delivery and planting of 52 shade trees in the Borough; and

WHEREAS, four (4) quotations were solicited and the following two (2) quotations were received:

<u>VENDOR</u>	<u>TOTAL CONTRACT AMOUNT</u>
Cerbo's Parsippany Greenhouses	\$15,340.00
Downes Tree Service	\$21,225.00

And,

WHEREAS, the value of this contract will exceed 15% of the bid threshold, but will be 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, this contract is awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Shade Tree Commission's Certified Tree Expert had reviewed and approved the quotation specifications and reviewed all quotes that were received; and

WHEREAS, the Shade Tree Commission's Certified Tree Expert and the Shade Tree Commission Chairperson recommends that an award of the contract be made Cerbo's Parsippany Greenhouses, 440 Littleton Road, Parsippany, NJ 07054 in the amount of \$15,340.00 subject to the review and approval by the Qualified Purchasing Agent; and

WHEREAS, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$15,340.00 and that funds are currently available for the purpose of awarding this contract from Account #8-01-26-290-302; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby award the contract for the purchase, delivery and planting of shade trees in the Borough to Cerbo's Parsippany Greenhouses in the amount of \$15,340.00, in accordance with the specifications upon which the quotation was received; and

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

RESOLUTION #18-345

RESOLUTION AWARDING A CONTRACT TO AMERICAN ALARM SYSTEMS, INC. FOR THE MAINTENANCE OF FIRE DETECTION EQUIPMENT AND SYSTEMS AND MONITORING OF SYSTEM SIGNALS

WHEREAS, Chatham Borough Hall, the Firehouse, and the Department of Public Works Complex are required to comply with the Uniform Fire Code as promulgated by the New Jersey Uniform Fire Safety Act; and

WHEREAS, the Borough Administrator, has reviewed the proposal submitted by American Alarm Systems, Inc. for the maintenance of fire detection equipment and systems and monitoring of system signals (the "Agreement") and has confirmed that it meets all requirements as set forth by the New Jersey Uniform Fire Safety Act; and

WHEREAS, the Borough Administrator recommends that a contract be awarded to American Alarm Systems, Inc. for the period of January 1, 2019 to December 31, 2019, in the amount not to exceed \$5,960.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Current Fund Account #9-01-26-310-240 for the award of this contract, and that this certification is contingent upon, and will be subject to, appropriations in the 2019 Municipal Budget.

BE IT RESOLVED, by the Council of the Borough of Chatham that it concurs with the recommendation of the Borough Administrator and hereby authorizes the Mayor to execute the renewal Agreement with American Alarm Systems, Inc. for the period of January 1, 2019 to December 31, 2019.

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

FINANCE

RESOLUTION #18-346

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 #18-347

RESOLUTION REQUESTING PERMISSION FROM THE DIRECTOR OF LOCAL GOVERNMENT SERVICES FOR THE ESTABLISHMENT OF A DEDICATION BY RIDER FOR THE ESTATE OF JOHN M. KRUSKI BEQUEST TRUST FUND AS REQUIRED BY N.J.S.A. 40A:5-29

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 provides for receipt of charitable donations to provide for and offset the costs for the purposes to which said donations are made; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated and collected from a bequest may be included in the budget subject to the approval of the Director of the Division of Local Government Services; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, County of Morris, New Jersey that permission is hereby requested from the Director of the Division of Local Government Services to use dedicated revenues to be received from the Estate of John M. Kruski Bequest for the exclusive purpose of paying for Chatham Borough Police Department and Chatham Borough Volunteer Fire Department expenditures in accordance with N.J.S.A. 40A:5-29; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to forward two (2) certified copies of this Resolution to the Director of the Division of Local Government Services; and

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

LAW AND PUBLIC SAFETY

RESOLUTION #18-348

RESOLUTION APPROVING AND CONFIRMING THE MAYORAL APPOINTMENT OF FATHER KAMIL KISZKA AS THE CHAPLAIN OF THE CHATHAM FIRE DEPARTMENT UPON THE ADVICE AND CONSENT OF THE COUNCIL

WHEREAS, Chapter 15, Section 15-16 of the Code of the Borough of Chatham sets forth that upon the recommendation of the Fire Chief, the Mayor may nominate and appoint, with the advice and consent of the Council, chaplains and other staff officers who need not be members of the Fire Department of the Borough of Chatham (the "Chatham Fire Department)," but who shall possess special skills, training, experiences, licenses and expertise that the Fire Chief may find necessary or beneficial to the efficient administration of the Fire Department; and

WHEREAS, the Fire Chief has recommended that Father Kamil Kiszka the Parochial Vicar at St. Patrick Parish in Chatham be appointed as Chaplain to the Chatham Fire Department; and

WHEREAS, Father Kamil Kiszka, has expressed interest in being appointed as Chaplain to the Chatham Fire Department; and

WHEREAS, Mayor Harris wishes to appoint Father Kamil Kiszka as Chaplain to the Chatham Fire Department.

BE IT RESOLVED, that the Council of the Borough of Chatham does hereby approve and confirm the Mayoral appointment of Father Kamil Kiszka as Chaplain to the Chatham Fire Department.

PERSONNEL

RESOLUTION #18-349

RESOLUTION TO SET THE ANNUAL RATES OF COMPENSATION FOR BOROUGH EMPLOYEES FOR THE YEAR 2019

WHEREAS, Ordinance #18-11, adopted by the Mayor and Council of the Borough of Chatham on November 26, 2018, established the minimum and maximum rate of pay for the various positions in the Borough of Chatham; and

WHEREAS, specific rates of pay must be established for each individual employee of the Borough.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the following rates of pay shall be established:

Title	Name	2019 Salary
Administrator	Williams, Steve	\$ 140,000.00
Engineer	DeNave, Vince	\$ 122,047.38
Zoning Official/Code Enforcement	DeNave, Vince	\$ 36,449.81
Police Chief	Gibbons, Brian	\$ 159,206.91
Director Public Works	Torello, Tony	\$ 116,642.08
Chief Financial Officer	Day, Tim	\$ 97,433.12
Borough Clerk	Kline, Robin	\$ 91,422.17
Deputy Registrar	Kline, Robin	\$ 700.90
Executive Admin Asst.	Bochniack, Mike	\$ 69,360.00
Recreation Coordinator	Nauta, Carolyn	\$ 58,462.36
Community Service Coordinator	Nauta, Carolyn	\$ 11,198.85
Pool Coordinator	Nauta, Carolyn	\$ 8,288.61
Media Program Supervisor	Nauta, Carolyn	\$ 2,411.22
Accounts Clerk	Mandal, Anne	\$ 39,719.29
Senior Assessing Clerk	Mandal, Anne	\$ 29,225.49
Deputy Registrar	Mandal, Anne	\$ 700.90

Community Service Director	Piccolo, Janice	\$ 76,161.66
Farmers Market Manager	Piccolo, Janice	\$ 6,557.58
Admin - Community Service	Lowe, Margie	\$ 39,719.29
Utility Billing Clerk	Morris, Cheri	\$ 62,856.17
Registrar of Vital Statistics	Morris, Cheri	\$ 5,995.43
Tax Collector	Polidor, Madeline	\$ 58,379.54
Tax Search Officer	Polidor, Madeline	\$ 3,200.12
Police Secretary	Ciccarone, Mary Beth	\$ 56,280.98
Administrative Assistant II	Baldwin, Catherine	\$ 58,663.21
Parking Enforcement Officer	Sweetin, Robert	\$ 49,316.52
Parking Enforcement Officer	Fricke, Jeffrey	\$ 40,800.00
Minutes Clerk	Holler, Liz	\$ 40,208.71
Tax Assessor	DePierro, Therese	\$ 19,629.55
Part Time Position	Name	Hourly Rate
Fire Inspector / Fire Official	Nugent, Walter	\$ 40.43
Assistant Finance Officer	Cittrich, Tyrina	\$ 37.92
Media Programming Manager	Grobert, John	\$ 33.07
Electrician	Grobert, John	\$ 41.41
Tax Assistant	Opalewski, Leona	\$ 15.92
Fire Inspector	Pridham, Matt	\$ 27.54

BE IT FURTHER RESOLVED, that the School Crossing Guards will be paid the hourly rate of pay of \$22.49; 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.

SHARED SERVICES

RESOLUTION #18-350

RESOLUTION AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE BOROUGH OF MADISON FOR INFORMATION TECHNOLOGY SERVICES

WHEREAS, the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1 et seq.*, permits a local unit of the State to enter into an agreement with any other local unit to provide or receive any service that each local unit participating in the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Borough of Chatham (the “Borough”) has a need for Information Technology services (“IT services”); and

WHEREAS, the Borough of Madison (“Madison Borough”) has submitted a proposal to provide IT services to the Borough for the calendar year 2019; and

WHEREAS, the Council of the Borough of Chatham have determined that a shared services arrangement for IT services with Madison Borough offers a beneficial opportunity to improve efficiencies and reduce the costs of having to independently contract for these services; and

WHEREAS, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$25,000.00 and that funds are currently available for the purpose of awarding this contract from Current Fund 9-01-20-1630-213, and that this certification is contingent upon, and will be subject to, appropriations in the 2019 Municipal Budget; and

BE IT RESOLVED, by Council of the Borough of Chatham that the Mayor is hereby authorized to execute a shared service agreement with Madison Borough for IT support services, contingent upon approval of the contract terms and conditions by the Acting Administrator and Borough Attorney.

RESOLUTION #18-351

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY FOR THE CURBSIDE COLLECTION OF RECYCLABLE MATERIALS

WHEREAS, the Borough of Chatham wishes to enter into an agreement with the Morris County Municipal Authorities Utility (“MCMUA”) for the curbside collection of recyclable materials (the “Agreement”) pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. seq., for the period beginning on January 1, 2019 and ending on December 31, 2021; and

WHEREAS, the Agreement further provides that it shall automatically be extended for two additional one (1) year periods, from January 1, 2022 through December 31, 2022, and January 1, 2023 through December 31, 2023, unless one party notifies the other in writing of its intent to terminate the agreement; and

WHEREAS, pursuant to N.J.S.A. 40A:65-5(c), the Agreement shall take effect upon the adoption of appropriate resolutions by all the parties thereto, and execution of the Agreements.

BE IT RESOLVED, by the Council of the Borough of Chatham that they hereby authorize the Mayor to execute the Agreement with MCMUA, subject to the approval of the Borough Attorney; and

BE IT FURTHER RESOLVED, 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.

CONSENT AGENDA VOTE:

Council Member Collander made a motion to approve Resolutions #18-344 through #18-351 on the Consent Agenda. The motion was seconded by Council Member Weber. A vote was taken and Resolutions #18-344 through #18-351 were approved unanimously.

ADD-ON RESOLUTION[S]

None.

Mayor Harris asked Council Member Kobylarz to proceed with Resolution #18-352.

Council Member Kobylarz read Resolution #18-352.

RESOLUTION #18-352

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:

- | | |
|--|---|
| Contract Negotiations: | 1. DPW Collective Bargaining – Mr. Williams |
| Attorney-Client Privilege and Anticipated Litigation | 1. Property Tax Exemption Matter- Overlook Hospital Associates 492 Main Street – Mr. Lott |

And,

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 Resolutions #18-352. The motion was seconded by Council President Resto. A vote was taken and Resolutions #18-352 was approved unanimously.

ADJOURNMENT

Having no other business to be conducted in public session, Mayor Harris adjourned into Closed Session at 9:15 p.m.

Respectfully Submitted:

Robin R. Kline

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