

AGENDA
September 23, 2019

Regular Meeting
Mayor and Borough Council

Borough of Chatham
54 Fairmount Avenue
Chatham, NJ 07928

**CALL MEETING
TO ORDER**

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

SALUTE TO FLAG

MOMENT OF SILENCE

**STATEMENT OF
ADEQUATE NOTICE**

Pursuant to the requirements of the Open Public Meetings Act, adequate notice of this meeting has been provided by including same in the Annual Notice, copies of which were posted on the official bulletin board on the main floor of Borough Hall, emailed to the Daily Record, the Star Ledger, the Chatham Courier, the Chatham Patch, and TAPinto Chatham and was filed with the Borough Clerk, all on January 17, 2019.

ROLL CALL

Mayor Bruce A. Harris
Council President James J. Collander
Council Member Victoria Fife
Council Member Robert A. Weber, Sr.
Council Member Thaddeus J. Kobylarz
Council Member Carolyn Dempsey
Council Member Jocelyn Mathiasen
Stephen W. Williams, Borough Administrator
James L. Lott, Jr., Borough Attorney

RESOLUTION #19-275

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

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

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

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

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

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

RECUSALS

Recusals or abstentions submitted for the record.

DISCUSSION ITEMS

1. Economic Development Advisory Committee – Mr. Kobylarz
 2. Fishawack Update – Mrs. Piccolo
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MEETING OPEN TO THE PUBLIC

NOTICE OF PUBLIC COMMENT TIME LIMIT

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

ORDINANCE FOR SECOND READING

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

Council President Collander reads Ordinance #19-13 entitled:

ORDINANCE #19-13
AN ORDINANCE AMENDING ORDINANCE #18-11 TO ADD THE POSITION OF
SPECIAL LAW ENFORCEMENT OFFICER III TO THE 2019 SALARY ORDINANCE FOR
THE BOROUGH OF CHATHAM

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

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

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

adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

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

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

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

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

Council Member _____ seconds the motion.

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

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

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

REPORTS
COUNCIL COMMITTEES

Budget and Finance
Long Range Traffic and Pedestrian Safety Planning
Public Safety and Emergency Services
Personnel
Public Works Planning/Community Services
Shared Service & 3rd Party Agreements

Council Member Thaddeus Kobylarz
Council President James J. Collander
Council President James J. Collander
Council Member Robert A. Weber, Sr.
Council Member Victoria Fife
Council Member Jocelyn Mathiasen

MAYOR’S REPORT

ADMINISTRATOR’S REPORT

CONSENT AGENDA

The following items are considered to be routine by the Chatham Borough Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council

Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

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

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

RESOLUTION #19-

APPOINTMENTS

RESOLUTION #19-276

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

CONTRACTS

RESOLUTION #19-277

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

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

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

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

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

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

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

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

And,

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

FINANCE

RESOLUTION #19-278

RESOLUTION TO APPROVE PAYMENT OF VOUCHERS

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

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

RESOLUTION #19-279

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

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

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

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>YEAR/QTR.</u>
48=36	S J Highlands, LLC 21 Cornell Place	\$2,646.23	2019/2 nd Qtr.

***make check payable & mail to:**

Chase
Attn: Property Tax Refund Department/R. Rice
P.O. Box 961227
Fort Worth, TX 76161

RESOLUTION # 19-280

RESOLUTION REFUNDING REDEMPTION OF TAX SALE CERTIFICATE #2011-3

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

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>
54=27	Kretten, Kurt 16 N. Summit Avenue	\$18,093.40 Redemption

***Make check payable & mail to:**

John Venutolo
25 Hughes Place
Summit, NJ 07901

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

LAW AND PUBLIC SAFETY

RESOLUTION #19-281

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

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

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

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

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that approval is hereby given to the Chatham Borough Volunteer Fire Department to temporarily close Firehouse Plaza on Saturday, October 12, 2019 from 8:00 a.m. to 1:00 p.m. for the Fire Prevention Open House; and

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

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

RESOLUTION #19-282

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

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

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

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

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

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

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

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

PERSONNEL

RESOLUTION #19-283

A RESOLUTION ACKNOWLEDGING THE DECLINE OF APPOINTMENT BY ANTHULA GIOKAS

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

RESOLUTION #19-284

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

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

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

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

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

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

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

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

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

RESOLUTION #19-285

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

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

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

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

OTHER

RESOLUTION #19-286

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

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

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

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

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

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

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

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

RESOLUTION #19-287

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

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

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

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

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

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

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

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

RESOLUTION #19-288

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

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

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

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

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

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

CONSENT AGENDA VOTE:

Mayor Harris asks Council Member _____ to proceed with the Resolutions listed on the Consent agenda. **Resolutions #19-276 through #19-288.**

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

Seconded by Council Member: _____.

ADD-ON RESOLUTION[S]

ORDINANCES FOR FIRST READING

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

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

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

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

Council Member reads:

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

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

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

Council Member Mathiasen I offer Ordinance #19-14 and move its adoption on first reading.

Council Member _____ seconds the motion.

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

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

RESOLUTION #19-289

RESOLUTION TO ADJOURN INTO CLOSED SESSION

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that it shall adjourn into closed session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of R.S. 10:4-12b:

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

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

ADJOURNMENT