

AGENDA
November 9, 2020
Special Meeting Time: 6:00 p.m.

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 6:00 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 08, 2020.

Pursuant to the requirements of R.S. 10:4-10, adequate notice of the change in time of tonight's virtual meeting was provided to the press on October 29, 2020, a copy of which was posted on the Borough website, including the front and side entrance of Borough Hall.

ROLL CALL

Mayor Thaddeus J. Kobylarz
Council President Jocelyn Mathiasen
Council Member Robert A. Weber, Sr.
Council Member Carolyn Dempsey
Council Member Karen Koronkiewicz
Council Member Irene Treloar
Council Member Leonard Resto
Stephen W. Williams, Borough Administrator
Tamar Lawful, Borough Clerk
James L. Lott, Jr., Borough Attorney

RECUSALS

Recusals or abstentions submitted for the record.

RESOLUTION #20-243

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:

October 13, 2020

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:

September 29, 2020 and October 13, 2020

MAYOR'S REPORT I

MEETING OPEN TO THE PUBLIC

Residents wishing to make public comments may dial 929-205-6099 (Meeting ID: 826 3245 6437) or obtain online access of the meeting using the following URL: <https://us02web.zoom.us/j/82632456437> .

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 or are not matters scheduled for Public Hearing tonight. In light of the emergency, discussions and actions by the Chatham Borough Mayor and Council related to discretionary municipal actions and/or other non-emergent matters including redevelopment planning will be deferred until further notice. Accordingly, I would respectfully request that the public try to limit its comments to matters primarily related to the COVID-19 response and/or the continued operations of the Borough government during the emergency. While the Chatham Borough Mayor and Council welcome public participation and comment on any topic, 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 Kobylarz asks Council Member Dempsey to proceed with Ordinance # 20-13.

Council Member Dempsey reads Ordinance # 20-13 entitled:

ORDINANCE # 20-13

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE DONATION OF THE STANLEY CHURCH PROPERTY LOCATED AT 94 FAIRMOUNT AVENUE AND DESIGNATED AS BLOCK 93, LOT 13.03 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF CHATHAM

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on September 14, 2020.

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

The Borough Clerk states: A legal notice was published indicating that Ordinance # 20-13 was introduced and passed on first reading at the September 14, 2020 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on November 9, 2020 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

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

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

Council Member Dempsey: 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 Kobylarz asks the Borough Clerk for a Roll Call Vote:

Name	Motion	Second	Yes	No	Abstain	Absent
Weber, Sr.						
Dempsey						
Mathiasen						
Koronkiewicz						
Treloar						
Resto						

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

Mayor Kobylarz asks Council Member Treloar to proceed with Ordinance # 20-14.

Council Member Treloar reads Ordinance # 20-14 entitled:

ORDINANCE # 20-14

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 165 (LAND DEVELOPMENT) OF THE CHATHAM BOROUGH CODE TO INCLUDE MEDICAL SERVICES AS A PERMITTED USE IN THE B-5 (BUSINESS) ZONE DISTRICT

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on October 13, 2020.

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

The Borough Clerk states: Legal notices were submitted via regular mail and certified mail to all entities required in accordance with N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-62.1 and also published indicating

that Ordinance # 20-14 was introduced and passed on first reading at the October 13, 2020 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on November 9, 2020 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

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

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

Council Member Treloar: 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 Kobylarz asks the Borough Clerk for a Roll Call Vote:

Name	Motion	Second	Yes	No	Abstain	Absent
Weber, Sr.						
Dempsey						
Mathiasen						
Koronkiewicz						
Treloar						
Resto						

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

MAYOR'S REPORT II

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 #20-244 through Resolution #20-253 have been placed on the Consent Agenda.

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

RESOLUTION #20-

APPOINTMENTS

RESOLUTION #20-244

RESOLUTION APPOINTING RICHARD P. CARROLL AS A PROBATIONARY FIREFIGHTER FOR THE CHATHAM BOROUGH VOLUNTEER FIRE DEPARTMENT

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

WHEREAS, Richard P. Carroll has expressed interest in becoming a Probationary Firefighter with the Chatham Borough Volunteer Fire Department; and

WHEREAS, the Fire Chief has recommended that Richard P. Carroll should be appointed as a Probationary Firefighter to the Chatham Borough Volunteer Fire Department, Engine Company No. 1.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Richard P. Carroll is hereby appointed as a Probationary Firefighter to the Chatham Borough Volunteer Fire Department, Engine Company No. 1; and

BE IT FURTHER RESOLVED, that Richard P. Carroll application for membership to the Chatham Borough Volunteer Fire Department is hereby approved.

RESOLUTION #20-245

RESOLUTION APPOINTING TYLER KIDD AS A PROBATIONARY FIREFIGHTER FOR THE CHATHAM BOROUGH VOLUNTEER FIRE DEPARTMENT

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

WHEREAS, Tyler Kidd served a member of the Junior Firemen's Auxiliary Company of the Chatham Borough Volunteer Fire Department for the year 2019; and

WHEREAS, Tyler Kidd has expressed interest in becoming a Probationary Firefighter with the Chatham Borough Volunteer Fire Department; and

WHEREAS, the Fire Chief has recommended that Tyler Kidd should be appointed as a Probationary Firefighter to the Chatham Borough Volunteer Fire Department, Engine Company No. 1.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Tyler Kidd is hereby appointed as a Probationary Firefighter to the Chatham Borough Volunteer Fire Department, Engine Company No. 1; and

BE IT FURTHER RESOLVED, that Tyler Kidd application for membership to the Chatham Borough Volunteer Fire Department is hereby approved.

CONTRACTS

RESOLUTION #20-246

RESOLUTION AUTHORIZING SIX (6) MONTH EXTENSION OF SOLID WASTE COLLECTION SERVICES CONTRACT WITH SUBURBAN DISPOSAL, INC.

WHEREAS, the Borough of Chatham (the “Borough”) and Suburban Disposal, Inc., 54 Montesano Road, Fairfield, NJ (“Suburban”), are parties to a contract whereby Suburban provides solid waste collection and disposal services to the Borough (the “Contract”); and

WHEREAS, the Contract expires on March 30, 2021, however, the Borough wishes to extend the Contract for a period of six (6) months through September 31, 2021; and

WHEREAS, this Contract extension is necessary due to the fact that Borough Hall is closed to the public and Borough staff continues to work, in part, remotely in light of the current Public Health Emergency and State of Emergency related to the COVID-19 pandemic; and

WHEREAS, these staffing constraints, along with other administrative delays related to the COVID-19 pandemic, have hindered the preparation of complete bid specifications for a successor contract; and

WHEREAS, in addition, the Borough desires to ensure the continuity of solid waste collection and disposal services, particularly in light of the current Public Health Emergency; and

WHEREAS, the Mayor and Borough Council have determined that this Contract extension is in the best interests of the Borough and is necessary in order to promote the health, safety and welfare of Borough residents; and

WHEREAS, this extension is subject to the same terms and conditions as the current Contract.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Chatham that the Borough Council hereby approves of a six (6) month extension of the solid waste collection and disposal contract with Suburban Disposal, Inc. through September 31, 2021. The Mayor and Borough Clerk are hereby authorized to sign a contract extension with Suburban in a form acceptable to the Borough Attorney.

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.

FINANCE

RESOLUTION #20-247

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 #20-248

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised that the New Jersey Tax Court imposed a judgment for a refund of overpayment for property taxes for the year 2018 for the herein referenced property; and

WHEREAS, the Tax Collector has further advised that a refund per the New Jersey Tax Court Judgement # 004797-2018 is to be made as follows:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR.</u>
12/24	Edwin & Elizabeth Roland 18 Oak Drive Chatham, New Jersey 07928	\$3,454.01	2018

***Please make check payable and mail to:**

Wolf Vespasiano LLC (Trust Account Attorney)
331 Main Street
Chatham, NJ 07928

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

OTHER

RESOLUTION #20-249

RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN FOR THE ANNUAL AUDIT REPORT FOR THE YEAR ENDING 2019

WHEREAS, the New Jersey Budget and Fiscal Affairs laws require all local governments to prepare and submit a Corrective Action Plan as part of their annual audit process; and

WHEREAS, the Corrective Action Plan, which outlines actions the Borough of Chatham will take to correct the findings listed in the Comments and Recommendations section of the 2019 Audit report, prepared by the Chief Financial Officer and placed on file with the Borough Clerk within 60 days from the date the audit report was received by the governing body; and

WHEREAS, the Governing Body is required to review and approve the Corrective Action Plan.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby approve the Corrective Action Plan prepared by the Chief Financial Officer in response to the 2019 Audit Report; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall file a certified copy of this Resolution with the Director of the Division of Local Government Services.

RESOLUTION #20-250

RESOLUTION AUTHORIZING THE BOROUGH OF CHATHAM TO EXECUTE AN APPLICATION FOR THE LOCAL GOVERNMENT EMERGENCY FUND (LGEF) GRANT IN RESPONSE TO THE FINANCIAL IMPACT OF THE CORONAVIRUS (COVID-19) PANDEMIC

WHEREAS, as the public health emergency associated with the COVID-19 pandemic continues, the most significant negative financial impacts faced by county and municipal governments throughout New Jersey result from extreme economic contraction, deficits in tax and fee revenues, and extraordinary increases in public safety and health and human services expenditures; and

WHEREAS, severe fiscal stress limits the ability of counties and municipalities to maintain essential services and take the steps necessary to fight COVID-19; and

WHEREAS, without substantial federal assistance, residential taxpayers would absorb the primary impact of meeting these extraordinary needs and closing any associated operating deficits; and

WHEREAS, the Department of Community Affairs (“DCA”), through the Division of Local Government Services (“DLGS” or “Division”), has been deemed the lead agency for the distribution of the Local Government Emergency Fund (the “LGEF” or “Program”), provided through an allocation of the State of New Jersey’s CARES Act Coronavirus Relief Fund (CRF Funds); and

WHEREAS, counties and municipalities excluded from the federal government’s direct CRF allocation plan, as well as those counties and municipalities that are currently the most impacted by COVID-19 in comparison to their available resources, are eligible for LGEF funds pursuant to a maximum distribution determined by formula; and

WHEREAS, a total of \$60 million is currently being made available under the Program, with a potential \$60 million more to be allocated; and

WHEREAS, LGEF Grants exist to support costs incurred as part of a local unit’s response to COVID-19.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Chatham, that the Borough of Chatham will apply for a LGEF Grant in the amount of \$71,675.70.

RESOLUTION #20-251

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TWO-YEAR LOAN TO EXHIBIT THE SCULPTURE ENTITLED CRESCENT IN THE BOROUGH

WHEREAS, the Borough of Chatham (the “Borough”) entered into an agreement with the Sculpture Foundation, Inc. dated May 5, 2010 to exhibit the sculptures entitled *Attic Trophy* and *Crescent* (the “Agreement”) in the Borough; and

WHEREAS, the Sculpture Foundation has transferred ownership of *Crescent* to Grounds for Sculpture, Inc. (GFS) as permitted under Section 4(b) of the Agreement; and

WHEREAS, the Borough, upon the recommendation of the Public Arts Council (Advisory Committee), wish to enter into a Sculpture Loan Agreement with Grounds for Sculpture Inc. for the loan of *Crescent*, for a **two**-year period terminating on December 31, 2022; and

WHEREAS, the Mayor and Borough Council have determined that the continued exhibition of the sculpture promote public appreciation and knowledge of public sculpture and the fine arts and desires to authorize the execution of the Agreement.

BE IT RESOLVED, by the Council of the Borough of Chatham that the Mayor is hereby authorized to execute a Sculpture Loan Agreement with Grounds for Sculptures for the loan of *Crescent*, for a two-year period terminating on December 31, 2022; 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 #20-252

RESOLUTION AUTHORIZING TEXIMA LLC TO INSTALL A CHARITABLE CLOTHING BIN AT THE RECYCLING DEPOT IN THE BOROUGH OF CHATHAM

WHEREAS, the Borough of Chatham find it beneficial for the community to have a location to dispose of textile materials; and

WHEREAS, Texima LLC at Carlstadt, New Jersey finds interest in installing its charitable clothing bin in the Borough of Chatham; and

WHEREAS, the Code Enforcer and the Director of the Department of Public Works supports the installation of a charitable clothing bin in the Borough of Chatham; and

WHEREAS, the Borough Council consent to permit Texima LLC to install one (1) charitable clothing bin at the Recycling Depot in the Borough of Chatham.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Texima LLC, is permitted to install one (1) charitable clothing bin at the Recycling Depot in the Borough of Chatham.

BE IT FURTHER RESOLVED, by the Council of the Borough of Chatham that the Mayor is hereby authorized to execute the agreement with Textile LLC, for a period of one (1) year.

BE IT FURTHER RESOLVED, that the Zoning Code Official is authorized to issue a permit to Texima LLC in accordance with §199-15.

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.

CONSENT AGENDA VOTE:

Mayor Kobylarz asks Council Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions #20-244 through #20-252.

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 Kobylarz asks Council Member Treloar to introduce Ordinance # 20-15.

Council Member Treloar introduces Ordinance # 20-15 by title as follows:

ORDINANCE # 20-15**ORDINANCE OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE DEFINED TERMS ESTABLISHED IN CHAPTER 165 OF THE CODE OF THE BOROUGH OF CHATHAM ENTITLED "LAND DEVELOPMENT REGULATIONS"**

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

Council Member Treloar reads:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on November 9, 2020.

BE IT RESOLVED, that at the Council meeting to be held on November 23, 2020 at 6:00 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 Treloar: I offer Ordinance # 20-15 and move its adoption on first reading.

Council Member _____ seconds the motion.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Weber, Sr.						
Dempsey						
Mathiasen						
Koronkiewicz						
Treloar						
Resto						

ADJOURNMENT