

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

September 29, 2020 MINUTES

Mayor Thaddeus J. Kobylarz called the Rescheduled Council Meeting of the Borough of Chatham to order on Tuesday, September 29, 2020 at 6:04 p.m. in the Council Chambers in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

Note: *The start time of this meeting was moved from 7:30 p.m. to 6:00 p.m. to accommodate the emergency measures in place due to the coronavirus pandemic.*

SALUTE TO FLAG

Mayor Kobylarz and the Borough Council led the assembled in the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Kobylarz asked for a moment of silence for those who have given their lives for our country. He also gave recognition to those protecting our lives during the health pandemic caused by coronavirus, for interim Chief Financial Officer David Hollberg who has been battling a series of health issues for nearly two months and, for the passing of all nine (9) Chatham Borough residents who died during the pandemic. May this community endure no more loss.

Council Member Dempsey made a motion to appoint Borough Administrator, Stephen Williams as Acting Borough Clerk due to the absence of the Borough Clerk and Deputy Clerk. The motion was seconded by Council Member Resto. By a unanimous voice vote the motion was approved.

**STATEMENT OF
ADEQUATE NOTICE**

Stephen Williams, Acting 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 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 September 24, 2020, a copy of which was posted on the Borough website, including the front and side entrances of Borough Hall.

ROLL CALL

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

RECUSALS

Recusals or abstentions submitted for the record.

There were none.

DISCUSSION ITEMS

Ms. Johan Reyes from the American Red Cross provided a brief summary of the various programs available to communities in need. Ms. Reyes spoke on a disaster program, “Gray Skies” (disaster situation), which provides financial assistance, shelter, mental health assistance and emotional support for individuals in crisis. When the American Red Cross is not responding to a crisis, members participate in other programs as “Blue Skies” (non-disaster situations). Blue Skies offer training crisis preparedness to its members. The work performed by the Red Cross is executed through volunteers. Volunteers donate their time, blood, and provide monetary donations. The public may contact the America Red Cross at 800-507-6058.

Council Member Treloar reported that the NEA Morris County Blood Drive will be held at Long Hill Chapel in Chatham Township on October 2, 2020.

MAYOR’S REPORT I

Covid-19 Numbers

There are ninety-three (93) reported coronavirus cases in Chatham Borough. This is an increase from the 76 cases reported two weeks prior. The numbers include 14 Chatham High School students infected at a party held on September 6, 2020. The daily rate of transmission and the positivity rate in New Jersey is increasing. On September 26, 2020, 760 new cases were reported. This has been one of the highest numbers reported since June 6, 2020 with a total of 864 reported cases.

Mayor Kobylarz stated that the rising trend in cases is the reason the Police Department canceled National Night Out. The same for the Fire Department's canceling the Fire Prevention Open House in October.

Covid-19 Ambassador Program

Mayor Kobylarz asked residents of any age to volunteer for the COVID-19 Ambassador Program. The program is managed by the Chatham Borough Police Department in an effort to remind the public to mask up and observe social distancing. Volunteers will be seen wearing a fluorescent yellow vest along Main Street, Cottage Deli, in front of CVS Pharmacy, and in front of the schools beginning next week. Since the numbers are rising, sidewalk stencils will be added to remind residents that “wearing is caring” and “do your part, stay six feet apart”.

Chief Gibbons stated that equipment for the program was ordered and anyone wishing to volunteer may contact the Chatham Borough Police Department via email or telephone or the Borough Administrator. The COVID-19 Ambassador Program was established to gently remind the public of the importance of mask-wearing and social distancing.

COVID-19 Contact Tracing

Enforcing safety measures will help mitigate the spread of this insidious virus within our community. Social distancing, mask wearing, and contact tracing are essential measures. A third essential measure is maintaining temporary separation from those who were exposed to a suspected or a confirmed COVID-19 case. Contact tracing is a public health strategy that is routinely used to limit the spread of infectious diseases. Trained community workers interview the infected individual and trace individuals they have had recent contact with. Those who are exposed are monitored for a duration of 14 days.

The information provided to the Health Department is not shared with anyone and is used to limit the spread of the virus. By cooperating, you are doing your part to mitigate the spread of the disease and potentially save lives.

Council President Mathiasen also asked residents to cooperate and to participate in contact tracing. The Health Department's interest is to contain the spread of the virus.

MEETING OPEN TO THE PUBLIC

Residents wishing to make public comment may dial 929-205-6099 (Meeting ID: 841-7620-3885) or obtain online access of the meeting using the following URL: <https://us02web.zoom.us/j/82087867294>.

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.

Rozella Clyde- 33 Carmine Street

Ms. Clyde informed the Council that the Green Sustainability Team wants to provide a sustainability showcase in the month of October relying upon the resources of the library and other venues if available. The Green Team will offer the following discussions during the month of October: The importance of composting, leaf blowing equipment (pros and cons) and, electric and hybrid vehicles. Information will be posted to the Library of the Chathams website and the Borough of Chatham website.

MAYOR REPORT II

There was nothing further to report.

ADMINISTRATOR'S REPORT

Mr. Williams acknowledged a 42-year old Borough resident who recently tested positive for COVID-19.

Mr. Williams reported on the following:

- New Jersey Department of Health will issue guidelines to be followed for Halloween. Information from the CDC on safe Halloween guidelines and activities will be posted on the Borough Website when available.
- The Joint Municipal Court Judge, Gary F. Troxell announced his retirement effective January 1, 2021. Members of The Joint Municipal Court have met several times and participated in interviews. Judge Johnathan Rosenblum will be appointed as Acting Judge effective January 1, 2021.
- The Coronavirus Task Force met on September 16, 2020. Mayor Kobylarz met with Health Department Representatives, the Health Officer, OEM Coordinator, and Deputy Coordinator, Chief of Police, DPW Superintendent, Chief of the Fire Department, and the

Borough Engineer in an effort to prepare for the potential impact of the coronavirus in the winter.

- o Department of Human Services now offers childcare tuition assistance. Information is available on the Borough's website and on the Borough of Chatham Facebook page.

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 #20-221 through Resolution #20-228 have been placed on the Consent Agenda.

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

RESOLUTION #20- 228

Council Member Resto requested to remove resolution 20-228

CONTRACTS

RESOLUTION #20-221

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROCESS PROFESSIONAL SERVICES CONTRACT TO PLOSLIA COHEN LLC AS SPECIAL LABOR COUNSEL FOR THE BOROUGH OF CHATHAM FOR THE YEAR 2020

WHEREAS there exists a need to enter into a non-fair and open contract for a special labor counsel for the remainder of the year 2020; and

WHEREAS, the Borough Council finds that it would be in the best interests of the Borough to enter into a professional services agreement with Plosia Cohen, LLC, 385 Route 24, Suite 3G, Chester, New Jersey, 07930 based upon the firm's expertise and experience in labor law; and

WHEREAS, such services constitute a professional service 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 and 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, the Chief Financial Officer has certified that funds are currently available for the purpose of awarding this contract in an amount not to exceed \$10,000.00 from Current Fund Account 0-01-20-155-201 for the year 2020.

BE IT RESOLVED, by the Council of the Borough of Chatham that a non-fair and open professional services contract is hereby awarded to Plosia Cohen LLC for legal labor services for the Borough of Chatham and that the Mayor is hereby authorized to execute a professional services contract with same on behalf of the Borough.

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

FINANCE

RESOLUTION #20-222

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 # 20-223

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised that the mortgage company and the property owner both paid the second quarter of the property 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>TAX QTR</u>
18/12	Robert & Jennifer Marshall 108 Washington Avenue Chatham, New Jersey 07928	\$3,825.07	2020/2 nd Qtr.

***Please make check payable and mail to:**
Robert & Jennifer Marshall
108 Washington Avenue
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 for the overpayment of property taxes as herein referenced.

RESOLUTION # 20-224

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 years 2015 and 2016 for the herein referenced property; and

WHEREAS, the Tax Collector has further advised that a refund per the New Jersey Tax Court Judgement # 000292-2015 and # 000292-2016 is to be made as follows:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
129/04	Chatham Main Properties LLC 39 Main Street Chatham, New Jersey 07928	\$7,424.70	2015/2016

***Please make check payable and mail to:**
Brach Eichler LLC and Chatham Main Properties, LLC
101 Eisenhower Parkway

Roseland, NJ 07068

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.

RESOLUTION # 20-225

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 2019 for the herein referenced property; and

WHEREAS, the Tax Collector has further advised that a refund per the New Jersey Tax Court Judgement # 00586-2019 is to be made as follows:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
97/08	Michael & Patricia Hart 178 Fairmount Avenue Chatham, New Jersey 07928	\$6,808.54	2019

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

Michael A. Vespasiano, Attorney Trust Account
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.

LAW AND PUBLIC SAFETY

RESOLUTION #20-226

RESOLUTION ACCEPTING THE RESIGNATION OF MATTHEW BELCASTRO AS A POLICE OFFICER FOR THE BOROUGH OF CHATHAM POLICE DEPARTMENT

WHEREAS, Matthew Belcastro has tendered his resignation as a Police Officer for the Borough of Chatham Police Department, effective October 2, 2020; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby accept the resignation of Matthew Belcastro from the Borough of Chatham Police Department, with the effective date of October 2, 2020 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 #20-227

RESOLUTION AUTHORIZING RENEWAL OF MEMBERSHIP IN THE MORRIS COUNTY JOINT INSURANCE FUND

WHEREAS, the Morris County Joint Insurance Fund is a duly chartered Municipal Insurance Fund as authorized by N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Borough of Chatham is a member of the Morris County Joint Insurance Fund (hereinafter the Fund); and

WHEREAS, the Borough's membership in the Fund terminates as of December 31, 2020 unless earlier renewed by agreement between the Borough and the Fund; and

WHEREAS, the Governing Body desires to renew the Borough's membership in the Fund.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby authorize the renewal of membership in the Morris County Joint Insurance Fund, subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the fund; and

BE IT FURTHER RESOLVED, the Mayor and Council authorize Mayor, Thaddeus J. Kobylarz to execute the renewal agreement between the Borough and the Fund and to deliver same to the Morris County Municipal Joint Insurance Fund.

CONSENT AGENDA VOTE

Council Member Dempsey made a motion to approve Resolutions #20-221 through #20-227 on the Consent Agenda. The motion was seconded by Council Member Weber. A vote was taken and the Resolutions aforementioned were unanimously approved.

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

RESOLUTION #20-228

Council Member Resto motioned to amend the resolution to remove the clause that would require residents participating in the Borough-wide garage sale event to submit an application. Completing an application is not necessary if the fees associated are waived, explained Council Member Resto. The motion was seconded by Council Member Weber. By a unanimous voice vote the motion as approved.

RESOLUTION # 20-228

RESOLUTION TEMPORARILY SUSPENDING THE GARAGE SALE PERMIT FEE IN CHATHAM BOROUGH

WHEREAS, the Borough of Chatham would like to participate in a Borough-wide garage sale event with the Borough of Madison on October 3, 2020; and

WHEREAS, Resolution # 20-66 adopted by the Mayor and Council on January 6, 2020 set forth a schedule of fees for permits, fees, applications, and miscellaneous services of the Borough for calendar year 2020; and

WHEREAS, The Environmental Commission is asking that the Borough waive the garage sale permit fee in support of the garage sale event; and

WHEREAS, the Mayor and Council supports this Borough-wide event and wish to grant the request to temporarily suspend the fees associated with a garage sale permit for those wishing to participate.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham waive the garage sale permit fee for any resident wishing to participate in the Borough-wide garage sale event on October 3, 2020.

BE IT FURTHER RESOLVED, that the fee suspension shall not be used for any other dates unless authorized by the Mayor and Council. Regular permit fees recommence on October 4, 2020.

Council Member Koronkiewicz made a motion to approve Resolution #20-228 on the Consent Agenda. The motion was seconded by Council Member Treloar. By a unanimous voice vote, Resolution # 20-228 was approved.

ADD-ON RESOLUTION[S]

There were none.

RESOLUTION #20-229

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. Contract Negotiations: Stanley Building Donation – Mr. James Lott and Mr. Vince DeNave

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 Resto made a motion to approve Resolution #20-229, seconded by Council Member Weber. By a unanimous voice vote, Resolution #20-229 was approved.

ADJOURNMENT

Having no other business to conduct in public session, Mayor Kobylarz adjourned into Closed Session at 7:42 p.m.

Respectfully Submitted on October 26, 2020 by:

Tamar Lawful, RMC
Borough Clerk
BOROUGH OF CHATHAM