

**REGULAR MEETING OF THE  
MAYOR AND BOROUGH COUNCIL  
FEBRUARY 28, 2022 MINUTES**

Mayor Thaddeus J. Kobylarz called the Regular Meeting, held virtually, of the Borough of Chatham to order on Monday, February 28, 2022, at 7:30 P.M. in the Council Chambers in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

**SALUTE TO FLAG**

Mayor Kobylarz led those attending in the Pledge of Allegiance and asked for a moment of silence to honor those who have given their lives for our country, the healthcare professionals working during the pandemic, and the victims of Covid-19.

**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 04, 2022.

**ROLL CALL**

On a call of the roll, the following officials were present:

Mayor Thaddeus J. Kobylarz	
Council President Irene Treloar	
Council Member Carolyn Dempsey	Attended Virtually
Council Member Jocelyn Mathiasen	Absent
Council Member Karen Koronkiewicz	Attended Virtually
Council Member Leonard Resto	Attended Virtually
Council Member Frank Truilo	

Also present were:

Stephen W. Williams, Borough Administrator  
Steve Kleinman, Borough Attorney

## **RECUSALS**

There were none.

## **MAYOR'S REPORT I:**

Mayor Kobylarz gave a report on the latest Covid-19 statistics. The Mayor encouraged everyone to get a vaccine booster in order to prevent illness, as per the Borough Health Officer.

The Mayor gave a brief update on the progress of Post Office Plaza Redevelopment negotiations and outlined the process moving forward.

## **MEETING OPEN TO THE PUBLIC**

Mayor Kobylarz read the following statement:

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.

### **Fran Drew- 32 Inwood Road**

Fran criticized JCP&L's performance in her neighborhood and voiced her support for undergrounding wires.

### **Freddie Bicknese – 137 N. Hillside Avenue**

Freddie voiced his support for live meetings and asked the Mayor and Council to consider ending the local mask mandate. He expressed his concern regarding the increase in crime in the Borough and suggested postcards be sent informing residents.

### **Michael Dean – 181 N. Passaic Avenue**

Michael expressed his concern about the development of Post Office Plaza.

### **Mary English – 380 Main Street**

Mary spoke on Post Office Plaza development.

Seeing no one else wishing to be heard, Mayor Kobylarz closed the meeting to the public.

## **RESOLUTIONS NON-ROUTINE/NON-CONSENT**

Mayor Kobylarz asked Council Member Resto to proceed with Resolution #22-120.

Council Member Resto read Resolution #22-120 and provided a brief explanation.

**RESOLUTION #22-120**

**RESOLUTION AMENDING THE FEE SCHEDULE**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham, County of Morris, State of New Jersey, that they hereby amend the Fee Schedule as set forth below:

Area to Amend:	Amended from:	Amended to:
Solid Waste – Service Charge Commercial	\$328.00	\$378.00
Solid Waste – Service Charge Residential	\$282.00	\$325.00

**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.

# # #

Council Member Resto moved to adopt Resolution #22-120, seconded by Council Member Truilo.

Mayor Kobylarz asked Acting Borough Clerk Stephen Williams for a Roll Call Vote.

Name	Motion	Second	Yes	No	Abstain	Absent
Dempsey			<b>X</b>			
Mathiasen			<b>X</b>			
Koronkiewicz			<b>X</b>			
Treloar			<b>X</b>			
Resto	<b>X</b>		<b>X</b>			
Truilo		<b>X</b>	<b>X</b>			

By a unanimous Roll Call Vote, Resolution #22-121 was adopted.

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Resolution #22-121.

Council Member Koronkiewicz read Resolution #22-121 and gave a brief explanation.

**RESOLUTION #22-121**

**RESOLUTION TO AWARD A NON-FAIR AND OPEN CONTRACT TO PURCHASE GETAC  
IN-CAR LAPTOPS**

**WHEREAS**, the Borough of Chatham's Police Department wishes to purchase GETAC in-car laptops for nine police vehicles; and

**WHEREAS**, the purchasing agent has determined and certified in writing that the value of the purchase exceeds \$17,500; and can be awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5 as appropriate; and

**WHEREAS**, because the anticipated contract amount is less than the Borough's bid threshold of \$44,000.00, but 15% or more of that amount, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires the Borough to solicit at least two (2) competitive quotations for said work; and

**WHEREAS**, the Borough of Chatham Police Department solicited quotations to purchase nine GETAC in car laptops with associated hardware; and

**WHEREAS**, the Police Department received two quotations from SAI Enterprises, Inc. in the amount of \$23,400 and Island Tech Services in the amount of \$31,129; and

**WHEREAS**, SAI Enterprises provided the lowest responsive quotation to purchase GETAC in-car laptops; and

**WHEREAS**, SAI Enterprises has completed and submitted a Business Entity Disclosure Certification which certifies that SAI Enterprises has not made any reportable contributions to a political or candidate committee in the Borough of Chatham in the previous one year, and that the contract will prohibit SAI Enterprises from making any reportable contributions through the term of the contract; and

**WHEREAS**, upon the recommendation of the Police Department and the Borough's Qualified Purchasing Agent, the Borough Council wishes to authorize a non-fair and open contract with SAI Enterprises, in accordance with the scope of work and contract amount set forth in its proposal; and

**WHEREAS**, Borough of Chatham's Chief Financial Officer has certified that there are funds available in the general capital account C-04-55-921-202.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Chatham, County of Morris, State of New Jersey that a contract be processed and awarded to SAI Enterprises in the amount of \$23,400.

###

Council Member Koronkiewicz moved to adopt Resolution #22-121, seconded by Council Member Resto.

Mayor Kobylarz recognized the Borough Police Chief, and Chief Gibbons offered a brief comment on the Police Department's in-car laptops.

Mayor Kobylarz asked Acting Borough Clerk Stephen Williams for a Roll Call Vote.

Name	Motion	Second	Yes	No	Abstain	Absent
Dempsey			<b>X</b>			
Mathiasen			<b>X</b>			
Koronkiewicz	<b>X</b>		<b>X</b>			
Treloar			<b>X</b>			
Resto		<b>X</b>	<b>X</b>			

Truilo			X			
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By a unanimous Roll Call Vote, Resolution #22-121 was adopted.

# # #

## REPORTS

### COUNCIL MEMBERS

**Council President Treloar** – Council President Treloar had no new business to report on.

**Council Member Dempsey** – Council Member Dempsey reported on Chatham High School athletic achievements and indicated there was an ongoing Board of Education meeting. Council Member Dempsey announced a citizen survey regarding Stanley Hall.

**Council Member Mathiasen** – Council Member Mathiasen was not in attendance.

**Council Member Koronkiewicz** – Council Member Koronkiewicz had no new business to report on.

**Council Member Resto** – Council Member Resto reported on the following topics:

- Senior Citizen Advisory Committee’s attempt at establishing a senior visitation program. He also mentioned the Senior Center’s Paper Shred Program on April 23<sup>rd</sup>.
- Board of Health’s current pet licensing efforts
- Personnel Committee’s Borough Clerk hiring process
- Economic Development Advisory Committee’s next meeting
- Budget Committee’s current progress on the 2022 Budget
- Diversity, Equity, and Inclusion Advisory Committee’s Chinese New Year event and next meeting
- Food Distribution event series and increasing demand.

**Council Member Truilo** – had no new business to report on.

## MAYOR ’S REPORT II

Mayor Kobylarz had nothing further to report.

## ADMINISTRATOR’S REPORT

Borough Administrator Steve Williams reported on the following topics:

- DPW Duchamp Place Drainage system project
- PSE&G's work in Chatham Township
- Open summer lifeguard positions for the municipal pool
- Verizon phantom light boxes falling off telephone poles

Mayor Kobylarz asked Borough Administrator Williams how many lifeguards the Borough employs, and Steve Williams provided a brief answer and explanation.

## **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.

Resolutions #22-122 through Resolution #22-131 have been placed on the Consent Agenda.

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

There were none.

### **RESOLUTION #22-122**

#### **RESOLUTION APPROVING THE TAX APPEAL SETTLEMENT FOR 26 MAIN STREET BLOCK 49, LOT 2**

**DOCKET NOS. 005795-2015; 006496-2016; 005066-2017; 002799-2018; 004640-2019; 009447-2020; 007150-2021**

**WHEREAS**, an appeal of the real property tax assessment for tax years 2015 through 2021 for the property located at 26 Main Street, also known as Block 49, Lot 2 on the Official Tax Map of the Borough of Chatham has been filed by the taxpayer and is pending in the Tax Court of New Jersey bearing Docket Nos. 005795-2015; 006496-2016; 005066-2017; 002799-2018; 004640-2019; 009447-2020; 007150-2021; and

**WHEREAS**, a settlement has been negotiated with the taxpayer resolving the tax appeal; and

**WHEREAS**, the property owner has agreed to waive pre-judgment interest due to any refund payable as a result of the proposed settlement provided that the tax refund is credited in 2022 upon receipt of the Tax Court Judgment and any balance that remains at the end of 2022 be refunded to the property owner; and

**WHEREAS**, as a result of the proposed settlement, the appeal of the real property tax assessment bearing Docket Nos. 005795-2015; 006496-2016; 005066-2017; 002799-2018; 004640-2019; 009447-2020; 007150-2021 reduced as follow:

<b>Year</b>	<b>Original Assessment</b>	<b>Settlement Assessment</b>
2015	\$11,505,800	\$11,505,800
2016	\$11,000,000	\$11,000,000
2017	\$11,000,000	\$11,000,000
2018	\$11,000,000	\$9,484,600
2019	\$10,600,000	\$8,854,000
2020	\$10,600,000	\$9,192,000
2021	\$10,600,000	\$10,552,610

**WHEREAS**, upon the recommendation of the Borough Tax Assessor and Borough Appraisal Consultant, the Borough Council believes that this settlement is in the best interest of the Borough and secures fairness and uniformity in the assessment process.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that the Borough Council hereby approves the above settlement of the real property tax appeal for 2015 through 2021 bearing Docket Nos. 005795-2015; 006496-2016; 005066-2017; 002799-2018; 004640-2019; 009447-2020; 007150-2021.

**BE IT FURTHER RESOLVED**, by the Borough Council that the Borough Tax Counsel is hereby authorized and directed to enter into a Stipulation of Settlement, and to file the Stipulation and such other documents as required to implement this settlement with the Tax Court of New Jersey.

**BE IT FURTHER RESOLVED**, upon receipt of the Tax Court Judgement, the Borough Tax Collector is hereby authorized to apply the appropriate refund for 2015 through 2021 in the form of a credit

against future taxes. Any balance that is not paid by the end of 2022 will then be refunded to the taxpayer.

**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.

### **RESOLUTION #22-123**

#### **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 property taxes for the year 2013 and 2014 for the herein referenced property; and

**WHEREAS**, the Tax Collector has further advised that a refund per the New Jersey Tax Court Judgement #011903-2013 in the amount of \$616.44, Judgement #009779-2014 in the amount of \$626.01, is to be made as follows:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
129/5	Chatham Gateway LLC % Sitar 47 Main Street	\$1,242.45	2013 & 2014.
	NJ Tax Court Judgments #011903-2013 & #009779-2014 (2013 refund \$616.44 & 2014 refund \$626.01)		

\*Please make check payable and mail to:

Chatham Gateway LLC % Sitar  
1481 Oak Tree Road  
Iselin, NJ 08830

**NOW THEREFORE, 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 #22-124**

#### **RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM AUTHORIZING THE EXTENSION OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL REDEVELOPMENT FINANCIAL ADVISOR SERVICES WITH NASSAU CAPITAL ADVISORS, LLC FOR ADDITIONAL SERVICES**

**WHEREAS**, the Borough Council authorized the award of a non-fair and open contract to Nassau Capital Advisors, LLC to perform Redevelopment Financial Advisor Services, via Resolution #22-02 on January 3, 2022, not to exceed \$10,000; and



**WHEREAS**, the Borough Council of the Borough of Chatham wishes to extend Nassau Capital's current non-fair and open contract for additional redevelopment financial services; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds pursuant to N.J.A.C. 5:30-5.4, said funds not to exceed \$25,000 to be encumbered from account 2-01-20-100-303;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Chatham authorizes the Mayor and Borough Clerk to extend the current contract with Nassau Capital Advisors LLC not to exceed \$35,000 total as described herein.

#### **RESOLUTION #22-125**

#### **AUTHORIZATION OF A THREE-YEAR AVERAGE FOR COVID-19 AFFECTED REVENUES IN THE 2022 MUNICIPAL BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-26 has been amended to authorize the Director of the Division of Local Government Services to promulgate new standards for the anticipation of COVID-19 affected revenues in the FY2022 budget, and, if necessary, in future years; and

**WHEREAS**, for FY2022, the Director authorizes use of a three-year average for calculation of affected revenues, which shall be calculated in a manner consistent with the Reserve for Uncollected Taxes (RUT) calculation used for anomalous years; and

**WHEREAS**, the municipal court revenue, and parking revenue were adversely impacted by COVID-19; and

**WHEREAS**, the actual cash collections for the above named revenues and the average cash collection over 2019, 2020, and 2021 are as follows:

<b>Revenue Description</b>	<b>2021 Realized</b>	<b>2020 Realized</b>	<b>2019 Realized</b>	<b>Average of Realized Revenue 3 Preceding Years</b>
Municipal Court:	\$43,266.03	\$45,046.81	\$122,932.07	\$70,414.97
Parking:	\$251,458.69	\$210,773.21	\$454,982.68	\$305,738.19

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham, County of Morris, State of New Jersey, that it approves the utilization of the three-year average method in computing the Borough's municipal court revenue anticipation of \$71,000.00, and parking revenue of \$305,000.00 for budget year 2022;

**AND, BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Director of the Division of Local Government Services.

## **RESOLUTION #22-126**

### **RESOLUTION APPOINTING PATRICK GRADY TO THE CHATHAM JOINT RECREATION ADVISORY COMMITTEE**

**WHEREAS**, Resolution #22-22, adopted by the Borough Council on January 3, 2022, appointed members to the Joint Recreation Advisory Committee; and

**WHEREAS**, there is currently a vacant regular membership position; and

**WHEREAS**, Patrick Grady currently serves as an alternate member on said committee and expressed interest in being appointed to the vacant position.

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that Patrick Grady is hereby appointed to the Chatham Joint Recreation Advisory Committee as a regular member, with such term expiring 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 #22-127**

### **RESOLUTION APPOINTING AND AMENDING BOARD OF HEALTH MEMBERS**

**BE IT RESOLVED**, that the Council of the Borough of Chatham does hereby appoint the following individuals to the Board of Health for the terms indicated:

<u>Name</u>	<u>Position</u>	<u>Term Expiration</u>
Shelliam Lee	Regular Member	12/31/2024 (unexpired)
Dr. Susan Scherer	1 <sup>st</sup> Alternate	12/31/2022 (unexpired)

## **RESOLUTION #22-128**

### **RESOLUTION GRANTING PERMISSION FOR THE CHATHAM BOROUGH FIRE DEPARTMENT ASSOCIATION TO HOLD A PICNIC IN CHATHAM BOROUGH ON JULY 4, 2022 OR SUBSEQUENT DATE IN THE EVENT OF POSTPONEMENT**

**WHEREAS**, the Chatham Borough Fire Department Association desires to hold a picnic in Chatham Borough on July 4, 2022 at Garden Park and the tennis courts; and

**WHEREAS**, the Chatham Borough Fire Department Association seeks to serve and dispense alcoholic beverages at the July 4 picnic; and

**WHEREAS**, the Mayor and Borough Council wish to authorize this event.

**NOW THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham does hereby grant permission for the picnic to be conducted by the Chatham Borough Fire Department Association on July 4, 2021 at Garden Park and the tennis courts; and

**BE IT FURTHER RESOLVED**, that the Chatham Borough Fire Department Association shall be required to submit a Facilities Use Application and required documentation to the Department of Community Services and that a certificate of insurance listing the Borough of Chatham as an additional insured and providing proof of general liability insurance in excess of \$1,000,000.00 shall be submitted for this event; and

**BE IT FURTHER RESOLVED**, that permission to dispense alcoholic beverages at the July 4, 2022 picnic is granted subject to the Chatham Borough Fire Department Association obtaining a Social Affairs Permit from the Director of the Division of Alcoholic Beverage Control pursuant to N.J.S.A. 33:1-74 and N.J.A.C. 13:2-5.1; 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.

#### **RESOLUTION #22-129**

#### **RESOLUTION AUTHORIZING THE CHATHAM BOROUGH FIRE DEPARTMENT ASSOCIATION TO CONDUCT A PARADE ON JULY 4, 2022 OR SUBSEQUENT DATE IN THE EVENT OF POSTPONEMENT**

**WHEREAS**, the Chatham Borough Fire Department Association desires to conduct a parade as part of the July 4 Celebration in the Borough of Chatham; and

**WHEREAS**, the Mayor and Borough Council wish to authorize this long-standing tradition and event; and

**WHEREAS**, the Mayor and Borough Council thanks and recognizes the Chatham Borough Fire Department Association for planning and organizing the Fourth of July Parade.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Chatham Borough Fire Department Association is hereby granted authority to conduct a parade in the Borough on July 4, 2022 and the participants and other persons involved therein are granted permission to use the following streets, including the roadways thereof, as set forth in the parade plan namely: portions of Hillside Avenue, Red Road, Dempster Road, Ogden Street, Van Doren Avenue, Firehouse Plaza and Main Street (State Highway Route #124); and

**BE IT FURTHER RESOLVED**, the Chatham Borough Police Chief is authorized to establish detour routes, close roads, and re-route traffic as necessary before and during the parade; and

**BE IT FURTHER RESOLVED**, that the Chatham Borough Fire Department Association shall be required to submit a Facilities Use Application and required documentation to the Department of

Community Services and that a certificate of insurance listing the Borough of Chatham as an additional insured and providing proof of general liability insurance in excess of at least \$1,000,000.00 shall be submitted for this event; 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.

## **RESOLUTION #22-130**

### **RESOLUTION AUTHORIZING A FIREWORKS DISPLAY TO BE CONDUCTED**

#### **BY GARDEN STATE FIREWORKS ON JULY 4, 2022 OR SUBSEQUENT DATE IN THE EVENT OF POSTPONEMENT**

**WHEREAS**, the Chatham Fire Department Association desires to conduct a public display of fireworks as part of the Fourth of July Celebration in the Borough of Chatham; and

**WHEREAS**, Garden State Fireworks of Millington, New Jersey shall conduct the fireworks display and shall be required to file a bond as required by N.J.S.A. 21:3-5 with the Borough of Chatham and a certificate of insurance providing proof of general liability insurance in excess of at least \$1,000,000.00 as required by the New Jersey Uniform Fire Code, N.J.A.C. 5:70 et. seq.; and

**WHEREAS**, the New Jersey Uniform Fire Code, N.J.A.C. 5:70 et. seq., further requires that the governing body of the municipality must approve by resolution firework displays prior to the issuance of a permit by the Fire Official; and

**WHEREAS**, the Mayor and Borough Council wish to authorize this event.

**NOW THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham hereby grants permission to the Chatham Borough Fire Department Association to conduct a public display of fireworks as part of the Fourth of July Celebration in the Borough of Chatham, or on a subsequent date in the event of postponement, contingent upon satisfaction of all requirements imposed by state laws and regulations as herein referenced; and

**BE IT FURTHER RESOLVED**, the Chatham Borough Fire Department Association shall be required to submit a Facilities Use Application and required documentation to the Department of Community Services and that a certificate of insurance listing the Borough of Chatham as an additional insured and providing proof of general liability insurance in excess of \$1,000,000.00 as required by the New Jersey Uniform Fire Code, N.J.A.C. 5:70 et. seq. shall be submitted for this event; 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.

## **RESOLUTION #22-131**

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE FIRST LICENSE AMENDMENT AGREEMENT FOR THE PLACEMENT OF MURAL PAINTINGS ALONG THE WASHINGTON AVENUE UNDERPASS WALLS**

**WHEREAS**, New Jersey Transit Corporation (“NJ Transit”) owns Washington Avenue underpass, comprising the trestle which runs along the Morristown Line, M.P. 23.50, in the Borough of Chatham; and

**WHEREAS**, the Borough desires to enter into a license agreement with NJ Transit to display mural paintings along the Washington Avenue underpass walls; and

**WHEREAS**, the two-year term agreement expires on February 28, 2022; and

**WHEREAS**, NJ TRANSIT has agreed to extend the License for a two year (2) term with a revised Expiration Date of February 29, 2024; and

**WHEREAS**, the Borough will pay a revised annual fee of \$316.00 for the use of the property, with an annual increase of 2.5%.

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Chatham that the Mayor is hereby authorized to sign the agreement between the New Jersey Transit Corporation and the Borough of Chatham to enter into a two year agreement for the use of the property for a two-year term, expiring on February 29, 2024; 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.

###

**CONSENT AGENDA VOTE:**

Mayor Kobylarz asked Council President Treloar to proceed with the Consent Agenda.

Council President Treloar moved to adopt the Consent Agenda by consent of the Council, seconded by Council Member Truilo. By a unanimous vote, the resolutions were adopted.

**ORDINANCE FOR FIRST READING**

Mayor Kobylarz asked Council Member Koronkiewicz to introduce Ordinance #22-02 on first reading.

Council Member Koronkiewicz read Ordinance #22-02.

**ORDINANCE #22-02**

**CALENDAR YEAR 2022**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

**(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Council of the Borough of Chatham in the County of Morris finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 1% increase in the budget for said year, amounting to \$100,135.70 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Chatham in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Chatham shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$350,474.95 and that the CY 2022 municipal budget for the Borough of Chatham be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

# # #

Council Member Koronkiewicz explained the purpose of Ordinance #22-02 and moved to adopt Ordinance #22-02 on first reading, seconded by Council Member Resto.

Mayor Kobylarz asked the Acting Borough Clerk for a Roll Call Vote.

Name	Motion	Second	Yes	No	Abstain	Absent
Treloar			<b>X</b>			
Mathiasen			<b>X</b>			
Dempsey			<b>X</b>			
Koronkiewicz	<b>X</b>		<b>X</b>			
Resto		<b>X</b>	<b>X</b>			
Truilo			<b>X</b>			

By a unanimous Roll Call Vote, Ordinance #22-02 was adopted on first reading.

## **EXECUTIVE SESSION AND ADJOURNMENT**

Having no other business to conduct in public session, Mayor Kobylarz asked Council Member Truilo to proceed with Resolution #22-132 to adjourn into Closed Session.

Council Member Truilo read Resolution #22-132

### **RESOLUTION #22-132**

#### **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:

- Pending Affordable Housing litigation and Attorney Client privileged advice regarding Affordable Housing – Kendra Lillie and Robert Powell

**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 Truilo moved to adopt Resolution #22-132 to adjourn into Closed Session, seconded by Council Member Resto. By a unanimous vote, the meeting was adjourned.

Respectfully submitted on May 23, 2022, by  
Stephen Williams, Acting Borough Clerk.