

**MEETING OF THE BOROUGH OF CHATHAM  
MAYOR AND BOROUGH COUNCIL  
MEETING MINUTES  
SEPTEMBER 12, 2022**

**CALL MEETING TO ORDER**

Mayor Thaddeus J. Kobylarz called the Regular Meeting of the Borough of Chatham's Borough Council to order on Tuesday, September 12, 2022, at 7:30 P.M. in the Council Chambers in Borough Hall, 54 Fairmount Avenue.

**SALUTE TO FLAG AND MOMENT OF SILENCE**

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**

Borough Clerk Nienhouse read the following statement:

Pursuant to the requirements of the Open Public Meetings Act, adequate notice of this meeting has been provided by including same in email to the Daily Record, the Chatham Courier, the Chatham Patch, and TAPinto Chatham, posted copies on the official bulletin board on the main floor of Borough Hall and was filed with the Borough Clerk, all on January 4, 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
- Council Member Jocelyn Mathiasen
- Council Member Karen Koronkiewicz
- Council Member Leonard Resto
- Council Member Frank Truilo

Also present were:

- Stephen W. Williams, Borough Administrator
- Steven Kleinman, Borough Attorney
- Vanessa Nienhouse, Borough Clerk

**PROCLAMATIONS**

Council Member Resto read Resolution #22-248 in its entirety:

**RESOLUTION # 22-248**

**SUPPORT FOR THE 7TH ANNUAL "OUT OF THE DARKNESS" AND SUICIDE PREVENTION MONTH**

**WHEREAS**, the Borough of Chatham is committed to increasing awareness of suicide prevention and wishes to recognize the importance of suicide awareness in our community; and

**WHEREAS**, a suicide attempt is made every minute of every day, resulting in over one million attempts made annually, with an increasing number of teens and pre-teens, members of the military and the protective services of Police, Fire and Emergency Management Technicians being most at risk; and

**WHEREAS**, the scourge and stigma of mental illness causes many to keep suicide and attempted suicides unspoken of in the community, even in Chatham; and

**WHEREAS**, the American Foundation for Suicide Prevention is a multi-faceted organization made up of esteemed scientists, dedicated survivors of suicide loss, people with mental disorders and their families, those who wish to bring suicide and mental illness out of the shadows, and an expansive network of business and community leaders that advocates and supports policies that contribute to reducing and preventing suicides nationwide and

encourages individuals who may be in crisis to call the National Suicide Prevention Lifeline at 1-800-273-TALK (8255); and

**WHEREAS**, the Borough of Chatham supports the American Foundation for Suicide Prevention to host “Talk Saves Lives” community-based presentations on suicide prevention, and the “Out of the Darkness” walk to raise funds for same; and

**WHEREAS**, the seventh annual “Out of the Darkness” walk will take place on Saturday, September 17, 2022 at 5:00 p.m. at Cougar Field in Chatham Township to increase awareness of suicide prevention and raise funds for the American Foundation for Suicide Prevention, an endeavor which the Borough of Chatham fully supports.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham encourages as many of our residents to show support for this important cause by raising funds or by participating in the “Out of the Darkness” event to be held on Saturday, September 17, 2022 at Cougar Field in Chatham Township.

**BE IT FURTHER RESOLVED**, that the Mayor hereby proclaims the month of September in the Borough of Chatham as “Suicide Prevention Month.”

Council Member Resto moved to adopt Resolution #22-248, seconded by Council President Treloar. All approved.

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Council Member Koronkiewicz read Resolution # 22-249 in its entirety.

**RESOLUTION #22-249**

**DECLARATION OF FIRE PREVENTION WEEK.**

**WHEREAS**, on the 40<sup>th</sup> anniversary of the Great Chicago Fire of October 8-10, 1871, the Fire Marshals Association of North America determined that the anniversary should henceforth be observed in ways to keep the public informed about the importance of fire prevention; and

**WHEREAS**, Fire Prevention Week is today the longest running public health and safety observance on record, and is held annually during the week in which October 9<sup>th</sup> falls; and

**WHEREAS**, the Borough of Chatham is dedicated to reducing the occurrence of home fires by offering fire-prevention education and protection; and

**WHEREAS**, fires are a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

**WHEREAS**, home fires killed more than 2,770 people in the United States in 2019, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded that year to approximately 339,500 home fires; and

**WHEREAS**, smoke alarms detect smoke well before human beings can, alerting them to danger in the event of a fire where they may have as little as 2 minutes to escape safely; and

**WHEREAS**, functioning smoke alarms cut the risk of death in home fires fully in half; and

**WHEREAS**, Chatham Borough residents are advised to ensure that every member of their household recognizes the sounds of the alarms and understands properly how to respond; and

**WHEREAS**, Chatham Borough residents who have planned and practiced a home fire escape plan are more prepared, and will therefore be more likely, to survive a fire; and

**WHEREAS**, Chatham Borough first responders are dedicated to reducing the occurrence of home fires and home-fire injuries through prevention and protection education; and

**WHEREAS**, the 2022 Fire Prevention Week theme, “**Fire Won’t Wait. Plan Your Escape™**” effectively serves as a reminder that it is vitally important to learn the different sounds of smoke and carbon monoxide alarms and ensure that they are properly functioning with working batteries.

**NOW, THEREFORE, BE IT RESOLVED**, that I, Thaddeus J. Kobylarz, Mayor of the Borough of Chatham, do hereby proclaim October 9-15, 2022 as Fire Prevention Week throughout our Borough, and I urge all residents of Chatham Borough to attend the Fire Department’s Open House on October 15, and to support the many public safety activities and efforts of our courageous and highly-dedicated Chatham Borough Volunteer Fire Department.

**APPOINTMENT/ PROMOTION**

Mayor Kobylarz commented on the promotion.  
Council Member Koronkiewicz read Resolution #22-250.

**RESOLUTION# 22-250**

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, APPOINTING LIEUTENANT RALPH M. COLATRELLA TO THE POSITION OF POLICE CAPTAIN**

**WHEREAS**, pursuant to §48-1 of the Borough Code, the Borough of Chatham has established the position of Police Captain; and

**WHEREAS**, upon the recommendation of the Chief of Police, the Mayor, and Borough Council wish to fill the position of Police Captain; and

**WHEREAS**, the Chief of Police recommends that Lieutenant Ralph M. Colatrella be appointed as Police Captain; and

**WHEREAS**, the Mayor and Borough Council wish to appoint Lieutenant Colatrella as Police Captain effective September 12, 2022.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham in the County of Morris and the State of New Jersey as follows:

1. Lieutenant Ralph M. Colatrella be and hereby is appointed to the position of Police Captain effective September 12, 2022.
2. Lieutenant Colatrella shall receive the annual salary of \$167,027.74 as Police Captain prorated for 2022.
3. All 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 Koronkiewicz moved to adopt Resolution #22-250, seconded by Council Member Resto.  
Roll call:

In favor: Council President Treloar and Council Members: Dempsey, Mathiasen, Koronkiewicz, Resto, Truilo

Against: none

Abstain: none

Absent: none

Police Chief Gibbons recognized those in attendance and commented on the promotion.

Borough Clerk Nienhouse swore in Police Captain Colatrella.

**RECUSALS**

There were no recusals or abstentions submitted for the record.

**ADOPTION OF COUNCIL MEETING MINUTES**

Council Member Resto read Resolution #22-251.

**RESOLUTION #22-251  
RESOLUTION TO ADOPT COUNCIL MEETING MINUTES**

**BE IT RESOLVED**, by the Council of the Borough of Chatham that the minutes from the following meetings are approved as prepared and shall be filed as a permanent record in the Borough Clerk's office:

April 11, 2022

April 18, 2022

Council Member Resto moved to adopt Resolution #22-251, seconded by Council Member Truilo. All were in favor.

**DISCUSSION ITEMS**

Long Range Financial Plan and Audit – Council Member Karen Koronkiewicz and Karen Fornaro, Borough CFO  
Items discussed were:

- Tax assessed valuation percentage change
- Tax collection rate
- Tax revenue as a percentage of total operating revenue
- Debt service as a percentage of budget appropriations
- Unreserved fund balance as a percentage of budget
- Change in fund balance
- Fund balance as percentage of prior year result of operations
- Goals for the future

**MAYOR'S REPORT I**

Mayor Kobylarz reported on the following:

- Coronavirus numbers
- Library update
- Suicide prevention walk
- Post Office Plaza

**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.

Bob Weber – 99 Summit Ave. – Questioned Ordinances #22-09 and Ordinance #22-12.

Seeing no one else wished to speak, Mayor Kobylarz closed this portion of the meeting.

**RESOLUTIONS NON-ROUTINE NON-CONSENT**

Council Member Resto read Resolution # 22-252 by title.

**RESOLUTION #22-252**

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM,  
COUNTY OF MORRIS, NEW JERSEY, APPOINTING WILLIAM MANGO AS A CLASS III SPECIAL  
LAW ENFORCEMENT OFFICER**

**WHEREAS**, on November 30, 2016, Governor Chris Christie signed into law P.L. 2016, c. 68 which established Class III Special Law Enforcement Officers (SLEO's) 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 Chathams and Borough of Chatham wishes to hire William Mango as a Class III SLEO for the 2022/2023 school year; and

**WHEREAS**, upon the recommendation of the Chief of Police, the Mayor and Borough Council desire to formally appoint William Mango as a SLEO III, subject to approval by the Police Training Commission, in order to assign him to the school district for security; and

**WHEREAS**, the Department will assign a SLEO III to provide security to the School District of the Chathams in accordance with the agreement between the Borough and the School District of the Chathams Board of Education; and

**WHEREAS**, the Chief of Police has recommended that William Mango be employed as Class III SLEO for the Borough of Chatham Police Department, at a salary of \$37.50 per hour effective September 13, 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Chatham, in the County of Morris and the State of New Jersey that William Mango is hereby appointed as a Class III Special Law Enforcement Officer (SLEO III), without any limitation of hours in accordance with N.J.S.A. 40A:14-146.16a.(5), subject to approval by the Police Training Commission, and in accordance with the terms and conditions of this Resolution; 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.

Council Member Resto moved to adopt Resolution #22-252, seconded by Council Member Koronkiewicz.

Roll call:

In favor: Council President Treloar and Council Members: Dempsey, Mathiasen, Koronkiewicz, Resto, Truilo

Against: none

Abstain: none

Absent: none

Council Member Mathiasen read Resolution # 22-253 by title.

**RESOLUTION #22-253**

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, APPOINTING BRIAN STANTON AS A CLASS II SPECIAL LAW ENFORCEMENT OFFICER**

**WHEREAS**, the School District of the Chatham's and Borough of Chatham wishes to hire Brian Stanton as a Special Law Enforcement Officer (SLEO) Class II for the 2022/2023 school year; and

**WHEREAS**, upon the recommendation of the Chief of Police, the Mayor and Borough Council desire to formally appoint Brian Stanton as a SLEO II, subject to approval by the Police Training Commission, in order to assign to him to the school district for security and augment available manpower in the Department during times of need; and

**WHEREAS**, the Department will assign a SLEO II to provide security for the School District of the Chathams in accordance with the agreement between the Borough and the School District of the Chathams Board of Education; and

**WHEREAS**, in addition, in accordance with N.J.S.A. 40A:14-146.16c, the Borough may designate one SLEO II to whom the limitation on hours a SLEO may work does not apply; and

**WHEREAS**, the Mayor and Borough Council wish to designate Brian Stanton, in the position of SLEO II, as the SLEO to whom the limitation on hours does not apply in accordance with N.J.S.A. 40A:14-146.16c; and

**WHEREAS**, the Chief of Police has recommended that Brian Stanton be employed as Class II SLEO for the Borough of Chatham Police Department, at a salary of \$37.50 per hour effective September 13, 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Chatham, in the County of Morris and the State of New Jersey that Brian Stanton is hereby appointed as a Class II Special Law Enforcement Officer (SLEO II), without any limitation of hours in accordance with N.J.S.A. 40A:14-146.16c, subject to approval by the Police Training Commission, and in accordance with terms and conditions of this Resolution; 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.

Council Member Mathiasen moved to adopt Resolution #22-253, second by Council Member Resto.

Roll call:

In favor: Council President Treloar and Council Members: Dempsey, Mathiasen, Koronkiewicz, Resto, Truilo

Against: none

Abstain: none

Absent: none

### **ORDINANCES FOR SECOND READING**

Council Member Treloar read Ordinance #22-08 by title:

#### **ORDINANCE NO. 22-08**

#### **AN ORDINANCE OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF A PORTION OF RAYMOND STREET EAST OF PIHLMAN PLACE**

**WHEREAS**, N.J.S.A. 40:67-1 et seq. empowers the governing body of a municipality to make, amend, repeal, and enforce ordinances to vacate any public street, including the vacation of any portion of any public street; and,

**WHEREAS**, there exists in the Borough of Chatham (“Borough”) a street known as Raymond Street; and,

**WHEREAS**, there further exists a portion of Raymond Street East of Pihlman Place, consisting of 5,419 square feet or approximately 1.34 acres, which is bordered by 27 Pihlman Place (Block 113, Lot 1 on the Borough’s Tax Map) and 3 Bridge Street/16 Raymond Street (Block 112, Lot 13 on the Borough’s Tax Map); and,

**WHEREAS**, the aforementioned portion of Raymond Street is more particularly described in Schedule A to this Ordinance, “Survey of Property/Proposed Road Vacation” and the accompanying written description, as prepared by Professional Land Surveyors Marc Cifone and Jeffrey Grunn of Lakeland Surveying on June 30, 2022; and,

**WHEREAS**, there has been a request to vacate the aforementioned portion of Raymond Street by the owners of the properties at 27 Pihlman Place and 3 Bridge Street/16 Raymond Street and the appropriate escrow fee has been submitted to the Borough to cover the costs attendant thereto; and,

**WHEREAS**, the aforementioned portion of Raymond Street only services the two properties referenced above and can never serve as a thoroughfare or serve any other substantial municipal purpose due to the presence of a New Jersey Transit railway line immediately East of the terminus of Raymond Street; and,

**WHEREAS**, the aforementioned portion of Raymond Street provides no particular benefit to the residents of the Borough of Chatham, and the Borough Council therefore has determined that the portion of Raymond Street as set forth in the vacation map and survey attached as Schedule A to this Ordinance is not needed by the Borough for

public purposes, and the public is better served by releasing the dedicated land to the adjacent property owners to be added to the municipality's tax rolls; and,

**WHEREAS**, the Borough Council of the Borough of Chatham has considered the matter and has concluded that the portion of Raymond Street to be vacated is not needed by the general public as a public thoroughfare and lends itself to higher and better use than as and for a public thoroughfare and for use by the general public, and the public interest will best be served by abandoning, vacating, releasing and extinguishing any and all public rights which the Borough may have in and to the aforementioned portion of Raymond Street; and,

**WHEREAS**, the public right-of-way to be vacated shall revert to the corresponding property owners of the properties identified as Block 112, Lot 13 and Block 113, Lot 1, in accordance with law.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM**, as follows:

Section 1:

Subject to the conditions set forth herein, the rights of the public and the Borough of Chatham in and to the portion of the street known as Raymond Street, as described in the vacation map and survey attached as Schedule A to this Ordinance, are hereby extinguished.

Section 2:

As required by N.J.S.A. 40:67-1(b), expressly reserved and excepted from the portion of this Ordinance relating to the vacation of the portion of Raymond Street as described in Schedule A to this Ordinance are all rights and privileges heretofore possessed by public utilities as defined in N.J.S.A. 48:2-13, and any cable television company as defined in the "Cable Television Act," N.J.S.A. 48:5A-1, et seq., to maintain or repair their existing facilities adjacent to, over and under the street to be vacated. A perpetual easement, if the same is required, is reserved for the benefit of public utility companies for the purpose of ingress and egress over and upon the same in order to maintain, repair or replace existing utility facilities, if any, including water lines, gas lines and telephone, electric and cable television wires and poles that may be located beneath the surface of the foregoing premises or above the same.

Section 3:

Upon the vacation of the portion of Raymond Street as described in Exhibit A to this Ordinance, in accordance with New Jersey law, said property shall revert to the ownership of the adjacent property owners. Said conveyance shall be in a strictly "as is" condition.

Section 4:

At least one week prior to the time fixed for the consideration of this Ordinance for final passage, a copy hereof, together with a notice of the introduction thereof, and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Borough Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

Section 5:

The Borough Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under the seal of the municipality to be a true copy thereof, together with a proof of publication thereof, in the office of the Clerk of the County of Morris in accordance with the provisions of N.J.S.A. 40:67-21.

Section 6:

*Repeal of Inconsistent Provisions.* All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent

that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 7:

The Mayor, Borough Administrator, Borough Clerk and/or Borough Attorney be and hereby are authorized to prepare and execute such documents and take such further action as may be reasonably required to affect the intent and purpose of this Ordinance.

Section 8:

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

Borough Clerk Nienhouse read the following statement:

A legal notice was published indicating that Ordinance #22-08 was introduced and passed on first reading at the August 8, 2022 meeting and indicated the second reading and public hearing would be held at 7:30 pm on September 12, 2022, 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 opened the meeting for public hearing on the Ordinance.

Seeing no one, Mayor Kobylarz closed the public hearing.

Council Member Treloar moved to adopt Ordinance #22-08 and read the following statement:

**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 Resto seconded the motion.

Roll call:

In favor: Council President Treloar and Council Members: Dempsey, Mathiasen, Koronkiewicz, Resto, Truilo

Against: none

Abstain: none

Absent: none

### **COUNCIL MEMBERS REPORTS**

President Treloar – The Borough partnered with Madison and Chatham Township and held a cultural and diversity celebration on September 10, 2022

Council Member Dempsey – The grand opening was held for the new basketball courts at Garden Park. More updates to Garden Park to come. Reported on the pool season which was successful. The concert series was a success as well, they are looking for sponsors for next year. Fall sports for joint recreation is underway. Schools have new start dates and times. The track at Cougar Field is complete and open for use. The next Board of Education meeting is in one week

Council Member Mathiasen – September 24<sup>th</sup> there will be a sustainability fair at the upcoming Farmers Market.

Council Member Koronkiewicz – Commented on the 9/11 Ceremony and National Night Out and thanked all involved in putting it together. Fire Department review of equipment is currently being conducted. Shade Tree is surveying the town for possible plantings.

Council Member Resto – Economic Development Advisory Committee has been speaking with local businesses seeking their opinions on the details of having a business in Chatham. Board of Health is discussing the possibility of a rabies clinic. Reminded the public to register their pets. He also spoke about the food distribution in town and asked for donations.

Council Member Truilo – No report

## **MAYOR'S REPORT II**

Thanked the 9/11 committee for the heartfelt ceremony.

## **ADMINISTRATOR'S REPORT**

- Micro surfacing is complete.
- 2022 curb and sidewalk program has begun and will continue for several weeks
- Milling and paving contractor will resurface several streets once the curb and sidewalk portion are done.
- During August the parking lot configuration was done.
- Commented on the amount of trash being left in parks and fields.
- PSEG has started the fall gas line replacement project.

## **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 #22-254 through Resolution #22-266 have been placed on the Consent Agenda.

## **FINANCE**

RESOLUTION #22-254 APPROVING THE CORRECTIVE ACTION PLAN FOR THE ANNUAL AUDIT REPORT FOR THE YEAR ENDING 2021

RESOLUTION #22-255 AMENDING 2022 BUDGET INSERTION OF SPECIAL ITEM OF REVENUE FOR RECYCLING TONNAGE GRANT.

RESOLUTION #22-256 BILLS LIST

RESOLUTION #22-257 MEMORIAL PARK POOL MEMBERSHIP REFUND.

## **CONTRACTS**

RESOLUTION #22-258 AWARD OF NON FAIR AND OPEN CONTRACT FOR INTERIOR PAINTING OF THE STANLEY CENTER.

RESOLUTION #22-259 AWARDED TILCON NEW YORK INC. "ROAD RESURFACING

RESOLUTION #22-260 TO PURCHASE AVS SECURITY SYSTEM FOR BOROUGH HALL.

## **BOARDS, COMMISSIONS, AND COMMITTEES**

RESOLUTION #22-261 APPOINTING SUSAN ROBERTSON TO THE PLANNING BOARD

## **PERSONNEL**

RESOLUTION #22-262 APPOINTING SUMMER POOL STAFF

RESOLUTION #22-263 HIRING AND APPOINTING SCHOOL CROSSING GUARD

## **OTHER**

RESOLUTION #22-264 OPPOSITION TO THE NEW JERSEY DIVISION OF ALCOHOLIC BEVERAGE CONTROL SPECIAL CONDITIONS ON LIMITED BREWERY LICENSES

RESOLUTION #22-265 PROCLAMATION DECLARING OCTOBER AS DOMESTIC VIOLENCE MONTH

RESOLUTION #22-266 FEE SCHEDULE ADDENDUM FOR STANLEY CENTER

## **CONSENT AGENDA VOTE**

Council President Treloar moved to adopt the resolutions on the Consent Agenda by consent of the Council, seconded by Council Member Truilo. All approved.

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**RESOLUTION #22-254**

**RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN FOR THE ANNUAL AUDIT REPORT FOR THE YEAR ENDING 2021**

**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 2021 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.

**NOW, THEREFORE, 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 2021 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 #22-255**

**AMENDING 2022 BUDGET INSERTION OF SPECIAL ITEM OF REVENUE FOR RECYCLING TONNAGE GRANT**

**WHEREAS**, N.J.S.A. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the 2022 budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Borough has received funds from the State of New Jersey Recycling Tonnage Grant in the amount of \$26,659.92 and wishes to amend its 2022 Budget to include this amount as revenue.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Chatham, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022 in the sum of \$26,659.92 which is now available as revenue from:

Miscellaneous Revenues: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenues Off-set with Appropriations: State of New Jersey Recycling Tonnage Grant - \$26,659.92

**BE IT FURTHER RESOLVED** that like sum of \$26,659.92 and the same is hereby appropriated under the caption of:

General Appropriations: Operations Excluded from "CAPS"

Public and Private Programs Off-set by Revenues: State of New Jersey Recycling Tonnage Grant - \$26,659.92

**RESOLUTION #22-256**

**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 #22-257**

**RESOLUTION AUTHORIZING THE REFUND OF MEMBERSHIP FEE FOR THE CHATHAM MEMORIAL POOL**

**WHEREAS**, the Borough’s Recreation Coordinator for the Chatham Borough Recreation Program has advised via written request a refund for a Chatham Memorial Pool Membership; and

**WHEREAS**, the Recreation Coordinator recommends that a refund is due as follows:

Membership Type:	Name:	Refund Amount:	Method of Refund:
Family	C. Aklain	\$ 395.00	Check

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the refund request for the Chatham Borough pool membership as referenced above is hereby granted; and

**BE IT FURTHER RESOLVED**, the Recreation Coordinator and all other Borough employees and officials are hereby authorized to process a refund and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

**RESOLUTION #22-258**

**RESOLUTION TO AWARD NON-FAIR AND OPEN CONTRACT TO PAINT THE INTERIOR OF STANLEY CENTER**

**WHEREAS**, the Borough of Chatham wishes to paint the interior of the Stanley Community Center; 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 Department of Public Works solicited two quotations and S&G Painting provided the lowest responsive quotation to paint the interior of the Stanley Community Center in the amount not to exceed \$23,150; and

**WHEREAS**, S&G Painting has completed and submitted a Business Entity Disclosure Certification which certifies that S&G Painting 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 S&G Painting from making any reportable contributions through the term of the contract; and

**WHEREAS**, upon the recommendation of the Department of Public Works and the Borough’s Qualified Purchasing Agent, the Borough Council wishes to authorize a non-fair and open contract with S&G Painting, 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 trust account T-17-56-000-229; and

**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 S&G Painting in the amount not to exceed \$23,150.

**RESOLUTION #22-259**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM  
AWARDING TILCON NEW YORK INC. THROUGH THE MORRIS COUNTY CO-OP  
CONTRACT# 6 – ROAD RESURFACING**

**WHEREAS**, the Borough of Chatham, pursuant to N.J.S.A. 40A:11-11(5), may, by resolution and without advertising for bids, award contracts for the purchase of any goods or services and that were procured through cooperative purchasing agreements; and

**WHEREAS**, the Borough of Chatham desires to resurface various roads throughout the Borough through Morris County Cooperative Bid Contract #6, which exceeds the prevailing bid threshold:

**VENDOR:** Tilcon New York Inc.  
**COST:** Not to exceed \$175,000

**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 to be encumbered from capital account C-04-55-922-501.

**NOW THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Chatham, County of Morris, State of New Jersey authorizes the Mayor and the Borough Clerk to enter into a contract with Tilcon New York Inc., not to exceed \$175,000 for resurfacing various roads throughout the Borough of Chatham.

#### **RESOLUTION #22-260**

#### **TO PURCHASE AVS SECURITY SYSTEM FOR BOROUGH HALL NOT TO EXCEED \$86,000- SOURCEWELL COOPERATIVE PURCHASING PROGRAM CONTRACT 081419-SHI**

**WHEREAS**, the Borough of Chatham wishes to install a new security system at Borough Hall; and

**WHEREAS**, in accordance with N.J.S.A 40A:11-12 of the Local Public Contracts Law, public bids are not required when the purchase of goods or services is made through a cooperative purchasing program; and

**WHEREAS**, N.J.S.A.52:34-6.2 permits the Borough of Chatham to purchase the AVS security system using the offered National Cooperative Contract without public bidding, subject to the submittal and acceptance of certain documentation; and

**WHEREAS**, the Borough of Chatham is a member of the National Cooperative Purchasing Agreement known as Sourcewell under member number 28901 and Sourcewell is a national cooperative contract organization; and

**WHEREAS**, Sourcewell, has acted as a lead agency and awarded Contract 081419-SHI, Technology Solutions to SHI International. Specific information regarding the contract may be found at Sourcewell's website at <https://www.sourcewell-mn.gov/cooperative-purchasing/081419-shi> ; and

**WHEREAS**, the Chatham Borough's Purchasing Agent has determined that the use of the offered National Cooperative Contract will result in a cost savings after all factors considered; and

**WHEREAS**, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$86,000 and that funds are currently available in the following capital accounts C-04-55-921-205, C-04-55-922-102, C-04-55-913-501.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Chatham, in the County of Morris, State of New Jersey, that it authorizes the Borough Clerk to contract with SHI International, to purchase an AVS security system for Borough Hall, in the amount not to exceed \$86,000 under Sourcewell, category Technology Solutions, Contract 081419-SHI.

#### **RESOLUTION # 22-261**

#### **RESOLUTION APPOINTING SUSAN ROBERTSON TO THE PLANNING BOARD**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Environmental Commission Member **Susan Robertson** is hereby appointed to the Planning Board Class IV position for the unexpired term ending on December 31, 2022.

#### **RESOLUTION # 22-262**

#### **RESOLUTION APPOINTING SUMMER POOL STAFF AT MEMORIAL PARK POOL FOR THE 2022 SEASON**

**WHEREAS**, the Chatham Borough Recreation Program has a need to hire summer pool staff for the 2022 season; and

**WHEREAS**, the Recreation Coordinator recommends hiring the following individuals pending completion of all paperwork requirements prior to any employment:

Murray, Charles	\$11.90	Lifeguard	First year
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**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Recreation Coordinator and hereby approve the hiring of all individuals referenced above as summer pool staff for the 2022 season at the respective positions and rates of pay, contingent upon the Recreation Coordinator verifying that all paperwork requirements have been completed prior to employment; 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 # 22-263**

**RESOLUTION AUTHORIZING THE HIRING AND APPOINTMENT OF NEALE FOX AND JANE FARRELL AS SCHOOL CROSSING GUARDS FOR THE 2022-2023 CALENDAR YEAR PURSUANT TO N.J.S.A. 40A:9-154.1**

**WHEREAS**, the Chief of Police has informed the Governing Body that vacancies exist on the Borough of Chatham’s Police department Crossing Guard roster; and

**WHEREAS**, the Chief of Police recommends the hiring of Jane Farrell and Neale Fox to fill the vacancies.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that in accordance with N.J.S.A. 40A:9-154.1, Jane Farrell and Neale Fox, School Crossing Guards are hereby hired and appointed for the 2022/2023 school year.

**RESOLUTION #22-264**

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM IN OPPOSITION TO THE NEW JERSEY DIVISION OF ALCOHOLIC BEVERAGE CONTROL’S SPECIAL CONDITIONS ON LIMITED BREWERY LICENSES**

**WHEREAS**, the New Jersey Division of Alcoholic Beverage Control (NJABC) issued new special conditions on each limited brewery licensee, also known as “craft breweries,” in the state beginning on July 1, 2022; and,

**WHEREAS**, under the license conditions, such breweries are limited to holding 25 on-site activities open to the general public annually, as well as 52 private parties. Breweries can also attend 12 off-premises events, such as town, charitable, and holiday celebrations; and,

**WHEREAS**, these license conditions, on craft breweries, restrict the types of television programming they can air in their tasting rooms; restrict the types of live or recorded music they can play or host; limit food options, if any, they can make available to customers; ban the sale of coffee; and prohibit the sale of soft drinks and other non-alcoholic beverages not made onsite at the brewery; and,

**WHEREAS**, according to the National Brewers Association, the over 140 craft breweries operating in the state of New Jersey during calendar year 2021 contributed nearly \$2 Billion to the state’s economy, creating over 11,000 jobs at an average annual income of more than \$55,000 per employee; and,

**WHEREAS**, Chatham Borough is home to 1 craft brewery, Twin Elephant Brewing Company located at 13 Watchung Avenue in Chatham, NJ 07928, which is part of the fabric of Chatham Borough and frequented by Borough and area residents; and,

**WHEREAS**, these new conditions will force these local, homegrown small businesses to have to re-think their business models and closely consider which events they should participate in or host, which, in turn, will reduce their profits and result in potential cut-backs in staff and the opportunities to engage in their own communities; and,

**WHEREAS**, visiting these microbreweries is about each of their unique experiences and these proprietors have found exciting ways to engage other local businesses, vendors, and artists in their communities; and,

**WHEREAS**, the Governor and State Legislature should work in concert with breweries, in addition to the bar/restaurant trade groups, to develop smart and fair law revisions and regulations that will guide regulators at the NJABC on how to properly oversee the state’s alcohol licenses.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham in the County of Morris, New Jersey strongly opposes the NJABC special conditions on limited brewery licensees and requests that the conditions implemented be rescinded with immediate effect; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution shall be forwarded to the Morris County Board of County Commissioners, leaders of the New Jersey State Legislature and Governor Phil Murphy.

**RESOLUTION # 22-265**

**WHEREAS**, domestic violence and intimate partner violence is widespread and affects nearly 10 million Americans each year; and

**WHEREAS**, this includes sexual violence, stalking, physical violence and psychological aggression; and

**WHEREAS**, according to statistics, one in four women and one in nine men in America are victims; and

**WHEREAS**, statistics also show that many of these experiences often happen before the age of 8; and

**WHEREAS**, domestic violence is a serious crime that affects people of all ages, races, genders and socioeconomic status; and

**WHEREAS**, children that grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

**WHEREAS**, in addition to the psychological and emotional toll, domestic violence costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism and overall non-productivity; and

**WHEREAS**, only awareness and a coordinated community effort will shine a light on and put a stop to this criminal behavior; and

**WHEREAS**, the State of New Jersey is committed to the safety and security of all its residents and to prosecuting perpetrators of domestic violence; and

**WHEREAS**, the Department of Children and Families' Division on Women works collaboratively with providers statewide to provide education, awareness and services to survivors of domestic violence; and

**WHEREAS**, services and protections such as financial assistance, housing placement, address confidentiality and legal advocacy are also available; and

**NOW, THEREFORE, I, Thaddeus J. Kobylarz, Mayor of the Borough of Chatham, do hereby proclaim October of 2022, as Domestic Violence Awareness Month.**

**RESOLUTION #22-266**

**RESOLUTION ESTABLISHING AN ADDENDUM TO THE 2022 FEE SCHEDULE TO INCLUDE FACILITY USE FEES FOR THE STANLEY CENTER**

**WHEREAS**, Borough owned public facility use procedures include a fee for use of publicly held properties and facilities; and

**WHEREAS**, the Stanley Center has had much interest by residents, non-profits, and others for use of the public meeting rooms and spaces in and around the newly acquired Stanley Center; and

**WHEREAS**, the Borough interest to facilitate efficient Stanley Center use by amending the 2022 Fee Schedule as shown on the attached Addendum Fee Schedule

**NOW, THEREFORE, BE IT RESOLVED** this is the first operative clause; and

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

**ORDINANCES FOR FIRST READING**

Council Member Koronkiewicz introduced Ordinance #22-09 by title and read the introduction statement:

**ORDINANCE NO. 22-09**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 48 OF THE BOROUGH CODE REGARDING THE PERMISSIBLE HOURS OF WORK OF SPECIAL LAW ENFORCEMENT OFFICERS (SLEOS) ALONG WITH THE NUMBER OF AUTHORIZED CLASS III SLEOS**

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on September 12, 2022.

**BE IT RESOLVED** , that at the Council meeting to be held on October 11, 2022, at 7:30 p.m. prevailing time, at Borough Hall and online, 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 Koronkiewicz moved Ordinance #22-09 for adoption on First Reading, seconded by Council Member Truilo.

Roll call:

In favor: Council President Treloar and Council Members: Dempsey, Mathiasen, Koronkiewicz, Resto, Truilo

Against: none

Abstain: none

Absent: none

.....  
Council President Treloar introduced Ordinance #22-10 by title and read the introduction statement:

**ORDINANCE NO. 22-10**

**ORDINANCE ADOPTING AN AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE POST OFFICE PLAZA REDEVELOPMENT AREA BLOCK 121, LOTS 10 AND 17, BOROUGH OF CHATHAM, NEW JERSEY**

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on September 12, 2022.

**BE IT RESOLVED** , that at the Council meeting to be held on October 11, 2022, at 7:30 p.m. prevailing time, at Borough Hall and online, 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 President Treloar moved Ordinance #22-10 for adoption on First Reading, second by Council Member Resto.

Roll call:

In favor: Council President Treloar and Council Members: Dempsey, Mathiasen, Koronkiewicz, Resto, Truilo

Against: none

Abstain: none

Absent: none

.....  
Council Member Mathiasen introduced Ordinance #22-11 by title and read the introduction statement:

**ORDINANCE NO. 22-11**

**ORDINANCE REINSTATNG PRIOR ZONING FOR PORTIONS OF THE POST OFFICE PLAZA REDEVELOPMENT AREA, AS AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OF THE BOROUGH OF CHATHAM, NEW JERSEY**

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on September 12, 2022.

**BE IT RESOLVED** , that at the Council meeting to be held on October 11, 2022, at 7:30 p.m. prevailing time, at Borough Hall and online, 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 moved Ordinance #22-11 for adoption on First Reading, seconded by Council Member Truilo.

Roll call:

In favor: Council President Treloar and Council Members: Dempsey, Mathiasen, Koronkiewicz, Resto, Truilo

Against: none

Abstain: none

Absent: none

.....  
Council Member Koronkiewicz introduced Ordinance #22-12 by title and read the introduction statement:

**ORDINANCE #22-12**

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF A GRANT FOR THE DEVELOPMENT AND CONSTRUCTION OF AFFORDABLE HOUSING IN, BY AND FOR THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, TO APPROPRIATE THE SUM OF \$6,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on September 12, 2022.

**BE IT RESOLVED** , that at the Council meeting to be held on October 11, 2022, at 7:30 p.m. prevailing time, at Borough Hall and online, 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 Koronkiewicz moved Ordinance #22-11 for adoption on First Reading, seconded by Council Member Mathiasen.

Roll call:

In favor: Council President Treloar and Council Members: Dempsey, Mathiasen, Koronkiewicz, Resto, Truilo

Against: none

Abstain: none

Absent: none

### **EXECUTIVE SESSION**

Council Member Truilo read Resolution #22-267.

### **RESOLUTION #22-267**

### **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 N.J.S.A. 10:4-6:

- Solid Waste Contract negotiations and Attorney Client privileged advice – Steven Kleinman and Karen Fornaro

**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 Mayor and Borough Council will not return to public session after Closed Session.

Council Member Truilo moved to adopt Resolution #22-267, seconded by Council Member Resto .

### **ADJOURNMENT**

Mayor Kobylarz announced that the meeting was adjourned at 9:06 PM. The Mayor and Council will not return to the public meeting when the closed session is done.

Respectfully submitted by:

Vanessa L. Nienhouse ,  
Borough Clerk