

AGENDA
June 8, 2020
Special Meeting Time: 6:00 p.m.

Regular Meeting
Mayor and Borough Council

Borough of Chatham
54 Fairmount Avenue
Chatham, NJ 07928

**CALL MEETING
TO ORDER**

The meeting will be called to order at 6:00 p.m.

SALUTE TO FLAG

MOMENT OF SILENCE

**STATEMENT OF
ADEQUATE NOTICE**

Pursuant to the requirements of the Open Public Meetings Act, adequate notice of this meeting has been provided by including same in the Annual Notice, copies of which were posted on the official bulletin board on the main floor of Borough Hall, emailed to the Daily Record, the Star-Ledger, the Chatham Courier, the Chatham Patch, and TAPinto Chatham and was filed with the Borough Clerk, all on January 08, 2020.

Pursuant to the requirements of R.S. 10:4-10, adequate notice of the change in time of tonight's virtual meeting was provided to the press on June 02, 2020, a copy of which was posted on the Borough website, including the front and side entrance of Borough Hall.

ROLL CALL

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

RECUSALS

Recusals or abstentions submitted for the record.

RESOLUTION #20-174

RESOLUTION TO ADOPT COUNCIL MEETING MINUTES

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

May 26, 2020

RECUSALS

Recusals or abstentions submitted for the record.

DISCUSSION ITEMS

1. Facility Use – Mr. Williams and Mr. Lott
-

MAYOR'S REPORT I

MEETING OPEN TO THE PUBLIC

Residents wishing to make public comments may dial 929-205-6099 (859- 1372- 3739) or obtain online access of the meeting using the following URL: <https://us02web.zoom.us/j/85913723739>. The Mayor and Council meeting will be televised as usual.

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.

MAYOR'S REPORT II

ADMINISTRATOR'S REPORT

CONSENT AGENDA

The following items are considered to be routine by the Chatham Borough Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

Resolution #20-175 through Resolution #20-182 have been placed on the Consent Agenda.

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

RESOLUTION #20-

FINANCE

RESOLUTION #20-175

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.

PERSONNEL

RESOLUTION #20-176

RESOLUTION APPOINTING TEMPORARY SUMMER EMPLOYEES FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Director of the Public Works Department has a need to hire three (3) additional temporary summer employees for a 12-week period for the 2020 summer season; and

WHEREAS, the Director of the Public Works Department has recommended the hiring of three temporary employees for the 2020 summer season.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby concurs with the Public Works Director's recommendation and approves the hiring of the following individuals as temporary summer employees for the Public Works Department, effective June 9, 2020 the respective rate of pay:

Luke Andrew	DPW Temporary Summer Employee	\$15.00/hour
Ryan Lonergan	DPW Temporary Summer Employee	\$15.00/hour
John Mahoney	DPW Temporary Summer Employee	\$15.00/hour

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.

RECREATION

RESOLUTION #20-177

RESOLUTION AUTHORIZING THE REFUND OF RECREATION FEES

WHEREAS, Governor Murphy's Executive Order 104 and 107, implemented stay-at-home orders and social distancing requirements; and

WHEREAS, the participants were not able to partake in the scheduled recreation programs due to the Governors' Executive Order; and

WHEREAS, the Borough's Director of Community Services advised that the fees collected for the Spring Recreation Program be refunded.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Borough Administrator upon the recommendation of the Director of Community Services is hereby authorized to refund the Spring Recreation Program fees collected upon request; 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.

OTHER

RESOLUTION #20-178

RESOLUTION APPROVING TAX APPEAL SETTLEMENT BLOCK 42, LOT 5 DOCKET NOS. 006851-2015; 000319-2016; 000900-2017; 000174-2018; and 000467-2019

WHEREAS, appeals of the real property tax assessments for tax years 2015 through 2019 for the property located at Block 42, Lot 5 on the Official Tax Map of the Borough of Chatham have been filed by the taxpayer and are pending in the Tax Court of New Jersey bearing Docket Nos. 006851-2015; 000319-2016; 000900-2017; 000174-2018; and 000467-2019; and

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

WHEREAS, as a result of the proposed settlement, the appeals bearing Docket Nos. 006851-2015; 000319-2016; 000900-2017; and 000174-2018 are withdrawn and the assessment for 2019 is reduced as follows:

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>
2015 through 2018	\$2,850,000.00	Withdrawn
2019	\$2,850,000.00	\$2,150,000.00

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Borough Tax Assessor and Borough Appraisal Consultant; and

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 of the above settlement of the real property tax appeals bearing Docket Nos. 006851-2015; 000319-2016; 000900-2017; 000174-2018; and 000467-2019.

BE IT FURTHER RESOLVED, by the Borough Council that the Borough Tax Counsel is hereby authorized and directed to enter into the Stipulation of Settlement, which is attached and made a part of this Resolution, 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, 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 #20-179

RESOLUTION TEMPORARILY WAIVING THE APPLICATION FEE OF CHAPTER 221, ARTICLE II, ENTITLED “SIDEWALK DINING LICENSES” FOR THE REMAINDER OF THE YEAR 2020

WHEREAS, the coronavirus, (COVID-19) has become a global health pandemic that has resulted in the negative financial impact of Borough businesses:

WHEREAS, there is a decrease in the rate of reported new cases of COVID-19 in the State of New Jersey; and

WHEREAS, the State is implementing its reopening process and has begun relaxing restrictions on certain businesses; and

WHEREAS, the Borough Council wishes to implement a temporary easing of the Borough’s Sidewalk Dining License regulations in order to help the Borough’s restaurants and eateries; and

WHEREAS, to facilitate promotion of good financial health for local businesses impacted by the coronavirus and as the state begins to reopen, the Borough Council wishes to waive the annual Sidewalk Dining License fee for the remainder of the year 2020 as outlined in Chapter 221, Article II, Sidewalk Dining.

NOW, THEREFORE, BE IT RESOLVED, The Mayor and Council hereby waives the application fee for Chapter 221, Article II for the remainder of 2020.

BE IT FURTHER RESOLVED, the Borough’s Zoning Official and Borough Clerk are hereby authorized to approve all applications submitted for a Sidewalk Dining License.

RESOLUTION #20-180

RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO APPROVE ABC COVID-19 EXPANSION PERMIT

WHEREAS, as per Executive Order 150 (2020), the State of New Jersey has begun to implement a process to allow restaurants, bars, and other food or beverage establishments to provide in-

person service at areas, designated for food and/or beverage consumption for “outdoor dining” in accordance with CDC and Department of Health regulations; and

WHEREAS, the Director of the Division of Alcoholic Beverage Control has determined it necessary to create a temporary permit, known as the COVID-19 Expansion of Premises Permit, to enable licensees and permittees to expand their licensed premises into outdoor areas, either contiguous or non-contiguous to their permanently licensed premises and to offer food service on the expanded premises; and

WHEREAS, expansion areas are not limited to: decks, patios, sidewalks, and parking lots adjacent to or contiguous with the licensed premises, or “parklets” established by a municipality, and other public rights-of-way, as long as these areas are accessible from the licensed premises and comply with all provisions of the Governor’s Executive Orders, New Jersey Department of Health regulations, and other Administrative Orders concerning public health and social distancing requirements; and

WHEREAS, in order to expedite the application process, the Borough Council authorizes the Borough Administrator to approve any ABC COVID-19 Expansion Permit applications on behalf of the governing body.

NOW, THEREFORE, BE IT RESOLVED, the Borough Council authorizes the Borough Administrator in conjunction with the Chief of Police and Borough Clerk to approve applications submitted for any COVID-19 Expansion Permit and to further ensure order is maintained and to enhance public safety.

RESOLUTION #20-181

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY PERMITTING CHATHAM BOROUGH DOWNTOWN RETAIL STORES TO PROMOTE THE CHATHAM BOROUGH DOWNTOWN AND THEIR BUSINESSES ON THE PUBLIC, EDUCATIONAL AND GOVERNMENTAL (PEG) ACCESS CHANNEL

WHEREAS, the COVID-19 public health emergency has had a huge economic impact on small businesses; and

WHEREAS, the Mayor and Borough Council recognize that small businesses are the lifeblood of a community and desire to promote and strengthen the Chatham Borough downtown during this difficult time; and

WHEREAS, accordingly, the Borough will permit downtown retail stores to submit a brief video promoting the Chatham Borough downtown and their businesses to air on the public, educational and governmental (PEG) access channel; and

WHEREAS, the Borough does not guarantee any placement or run time for a promotion video on the PEG access channel.

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, that the Borough hereby permits downtown retail stores to submit a brief video promoting the Chatham Borough downtown and their

businesses to air on the public, educational and governmental (PEG) access channel subject to the minimum standards set forth in this Resolution.

BE IT FURTHER RESOLVED, videos promoting the Chatham Borough downtown and their businesses shall meet the following minimum standards:

- Videos shall run on a first-come, first-served basis
- Videos shall be less than three (3) minutes in length
- Videos shall not include profanity or vulgarity; and

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

RESOLUTION #20-182

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Chatham, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

CONSENT AGENDA VOTE:

Mayor Kobylarz asks Council Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions #20-175 through #20-182.

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

Seconded by Council Member:_____

ADD-ON RESOLUTION[S]

ORDINANCES FOR FIRST READING

Mayor Kobylarz asks Council Member Weber to introduce Ordinance # 20-08.

Council Member Weber introduces Ordinance # 20-08 by title as follows:

ORDINANCE # 20-08**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING THE GRANT OF
SANITARY SEWER EASEMENT AND AUTHORIZING EASEMENT AGREEMENT**

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

Council Member Weber reads:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on June 8, 2020.

BE IT RESOLVED, that at the Council meeting to be held on June 22, 2020 at 6:00 p.m. prevailing time, at Borough Hall, the Chatham Borough Council will further consider this Ordinance for a second reading, public hearing and final passage; and

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

Council Member Weber: I offer Ordinance # 20-08 and move its adoption on first reading.

Council Member _____ seconds the motion.

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

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

ADJOURNMENT