

AGENDA
September 14, 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 September 8, 2020, a copy of which was posted on the Borough website, including the front and side entrances of Borough Hall.

ROLL CALL

Mayor Thaddeus J. Kobylarz
Council President Jocelyn Mathiasen
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

Mayor's Proclamation

RESOLUTION SUPPORTING THE 14TH ANNUAL TURN THE TOWNS TEAL® CAMPAIGN, A NATIONAL CAMPAIGN PROMOTING AWARENESS OF OVARIAN CANCER AND ITS SYMPTOMS

WHEREAS, ovarian cancer is the fifth leading cause of cancer-related death among women in the United States; and

WHEREAS, the month of September is dedicated to raising awareness of ovarian cancer; and

WHEREAS, ovarian cancer is called the “silent disease” because its symptoms are often vague or subtle; and

WHEREAS, if detected in its early stages, the survival rate from ovarian cancer is 90-95 percent, yet the relative five-year survival rate for ovarian cancer is 46 percent because it is so difficult to detect early. Survival rates vary greatly depending on the stage of diagnosis; and

WHEREAS, the Turn The Towns Teal®, a national campaign to promote awareness of ovarian cancer and its symptoms, was the inspiration of Gail MacNeil of Chatham, New Jersey during her 10-year battle with ovarian cancer. This campaign continues to go forward in her name and in her honor; and

WHEREAS, Turn The Towns Teal® and the Ovarian Cancer Research Fund Alliance (OCRFA) are partnering to promote awareness of ovarian cancer through the Turn The Towns Teal® campaign.

BE IT RESOLVED, I, Thaddeus J. Kobylarz, hereby support the Turn The Towns Teal® campaign, a national campaign to promote awareness of ovarian cancer and its symptoms, and authorize the placement of teal colored ribbons around Borough trees retroactive to September 1, 2020 through September 30, 2020; and

BE IT FURTHER RESOLVED, that the placement of any banners or signage must be reviewed and approved in advance of their posting on Borough property by the Borough's Zoning Officer and that all ribbons shall be removed from Borough trees on or before September 30, 2020.

Mayor's Proclamation

RESOLUTION ENCOURAGING SUPPORT FOR THE FIFTH ANNUAL “OUT OF THE DARKNESS” WALK ON NOVEMBER 1, 2020

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 nearly 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 fifth annual “Out of The Darkness” walk will take place virtually on November 1, 2020 at 10:00 A.M. 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 with Mayor Kobylarz co-chairing the effort and Council Member Resto and the Mayor participating in the event.

BE IT RESOLVED, I, Thaddeus J. Kobylarz, hereby encourage as many of our residents as possible to show their support of this important cause by raising funds or by participating in the “Out of the Darkness” event on November 1, 2020 for a virtual walk experience.

RECUSALS

Recusals or abstentions submitted for the record.

RESOLUTION #20-216

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:

July 13, 2020, August 10, 2020, and August 17, 2020

And,

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

July 13, 2020, August 10, 2020, and August 17, 2020

DISCUSSION ITEMS

1. 2020 General Election Voting Process: Barbara Kuppersmith of the League of Women Voters
-

MAYOR’S REPORT I

MEETING OPEN TO THE PUBLIC

Residents wishing to make public comments may dial 929-205-6099 (Meeting ID: 820-8786-7294) or obtain online access of the meeting using the following URL: <https://us02web.zoom.us/j/82087867294>

NOTICE OF PUBLIC COMMENT TIME LIMIT

Hearing of citizens during the Public Comment section of the Agenda is an opportunity for any member of the public to be heard about issues which are or are not matters scheduled for Public Hearing tonight. In light of the emergency, discussions and actions by the Chatham Borough Mayor and Council related to discretionary municipal actions and/or other non-emergent matters including redevelopment planning will be deferred until further notice. Accordingly, I would respectfully request that the public try to limit its comments to matters primarily related to the COVID-19 response and/or the continued operations of the Borough government during the emergency. While the Chatham Borough Mayor and Council welcome public participation and comment on any topic, to help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to a reasonable length of time.

ORDINANCE FOR SECOND READING

Mayor Kobylarz asks Council Member Weber to proceed with Ordinance # 20-12.

Council Member Weber reads Ordinance # 20-12 entitled:

ORDINANCE # 20-12

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, MORRIS COUNTY, NEW JERSEY AMENDING CHAPTER 195, PARKS, PLAYGROUNDS AND RECREATION AREAS, OF THE CODE OF CHATHAM BOROUGH

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on August 10, 2020.

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

The Borough Clerk states: A legal notice was published indicating that Ordinance # 20-12 was introduced and passed on first reading at the August 10, 2020 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on September 14, 2020 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

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

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

Council Member Weber: I offer the following Ordinance and move its adoption:

BE IT RESOLVED, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

Council Member _____ seconds the motion.

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

| Name | Motion | Second | Yes | No | Abstain | Absent |
|------------|--------|--------|-----|----|---------|--------|
| Weber, Sr. | | | | | | |
| Dempsey | | | | | | |
| Mathiasen | | | | | | |

| | | | | | | |
|--------------|--|--|--|--|--|--|
| Koronkiewicz | | | | | | |
| Treloar | | | | | | |
| Resto | | | | | | |

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

MAYOR'S REPORT II

ADMINISTRATOR'S REPORT

CONSENT AGENDA

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

Resolution #20-217 through Resolution #20-219 have been placed on the Consent Agenda.

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

RESOLUTION #20-

FINANCE

RESOLUTION #20-217

RESOLUTION TO APPROVE PAYMENT OF VOUCHERS

WHEREAS, vouchers for payment have been submitted to the Borough Council by the various municipal departments.

BE IT RESOLVED, by the Council of the Borough of Chatham that all vouchers approved by the Finance Chairman be paid subject to the certification of the availability of funds by the Chief Financial Officer.

RESOLUTION #20-218

RESOLUTION AUTHORIZING REFUND FOR SOLID WASTE OVERPAYMENTS

WHEREAS, the Utility Clerk for the Borough of Chatham has advised that an overpayment was made in the payment of solid waste billing; and

WHEREAS, the property owner has requested a refund for the overpayment as follows:

| <u>ACCOUNT #</u> | <u>OWNERS/PROPERTY LOCATION</u> | <u>REFUND AMOUNT</u> |
|------------------|--|----------------------|
| 423-0 | Timothy O'Donnell 13 Mercer Avenue Chatham, NJ 07928 | \$245.00 Solid Waste |
| | Please make check payable & mail to: Timothy O'Donnell 9 Nast Road Morristown, NJ 07960 | |

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough's Utility Clerk to process a refund for the overpayments as herein referenced.

OTHER

RESOLUTION #20-219

RESOLUTION CORRECTING RESOLUTION #20-208 APPROVING TAX APPEAL SETTLEMENT

BLOCK 64, LOT 14.01

DOCKET NOS. 002544-2015; 003110-2016; 000834-2017; 000460-2018; 000493-2019; 000829-2020

WHEREAS, by Resolution #20-208, the Mayor and Borough Council previously authorized settlement of the appeal of the real property tax assessments for tax years 2015 through 2020 for the property located at Block 64, Lot 14.01 on the Official Tax Map of the Borough of Chatham bearing Docket Nos. 002544-2015; 003110-2016; 000834-2017; 000460-2018; 000493-2019; and 000829-2020; and

WHEREAS, Resolution #20-208 stated that the appeal bearing Docket No. 000829-2020 would be withdrawn in light of a change to be made to the assessment for the subject property on the Borough's tax rolls, which reduction was not made; and

WHEREAS, this Resolution shall correct Resolution #20-208 to provide for a reduction to the assessment for 2020 as follows:

| <u>Tax Year</u> | <u>Original Assessment</u> | <u>Revised Assessment</u> |
|-----------------|----------------------------|---------------------------|
| 2020 | \$1,970,400.00 | \$1,900,000.00 |

WHEREAS, this reduction is consistent with the proposed Stipulation of Settlement negotiated with the taxpayer, a copy of which is incorporated herein as if set forth at length; and

WHEREAS, upon the recommendation of the Borough Tax Assessor and Borough Appraisal Consultant, the Borough Council believes that this settlement continues to be 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 correction to Resolution #20-208 regarding the settlement of the real property tax appeals bearing Docket Nos. 002544-2015; 003110-2016; 000834-2017; 000460-2018; 000493-2019; and 000829-2020, specifically the reduction to the assessment for 2020 set forth above.

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.

CONSENT AGENDA VOTE:

Mayor Kobylarz asks Council Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions #20-217 through #20-219.

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 Dempsey to introduce Ordinance # 20-13.

Council Member Dempsey introduces Ordinance # 20-13 by title as follows:

ORDINANCE # 20-13

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

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

Council Member Dempsey reads:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on September 14, 2020.

BE IT RESOLVED, that at the Council meeting to be held on September 28, 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 Dempsey: I offer Ordinance # 20-13 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

RESOLUTION #20-220

RESOLUTION TO ADJOURN INTO CLOSED SESSION

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that it shall adjourn into closed session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of R.S. 10:4-12b:

1. Contract Negotiations: Solid Waste Contract – Council President Mathiasen, Council Member Treloar and Borough Attorney Mr. Lott
2. Attorney Client Privilege: Greenwood Avenue and Dellwood Avenue right of way – Council Member Weber and Mr. DeNave
3. Contract Negotiations Block 78 Lot 8: Mr. Vincent DeNave

BE IT FURTHER RESOLVED, the matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Borough of Chatham, provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege. The Borough Council will not return to public session after this closed session.