

**AGENDA**  
**December 14, 2020**  
**Special Meeting Time: 6:00 p.m.**

**Regular Meeting**  
**Mayor and Borough Council**

**Borough of Chatham**  
**54 Fairmount Avenue**  
**Chatham, NJ 07928**

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**CALL MEETING  
TO ORDER**

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

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**SALUTE TO FLAG**

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**MOMENT OF SILENCE**

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**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 November 25, 2020, a copy of which was posted on the Borough website, including the front and side entrance of Borough Hall.

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**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

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**RECUSALS**

Recusals or abstentions submitted for the record.

## **RESOLUTION #20-266**

### **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:

November 9, 2020 and November 23, 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:

November 23, 2020

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## **MAYOR'S REPORT I**

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### **MEETING OPEN TO THE PUBLIC**

#### **NOTICE OF PUBLIC COMMENT TIME LIMIT**

*Residents wishing to make public comments may dial 929-205-6099 (Meeting ID: 829 9983 3842) or obtain online access of the meeting using the following URL:*

<https://us02web.zoom.us/j/82999833842?pwd=dGRmNVhqVlFqWCtCVkd1QXVNaFRRUT09>

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.

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## **ORDINANCE FOR SECOND READING**

Mayor Kobylarz asks Council Member Treloar to proceed with Ordinance # 20-15.

Council Member Treloar reads Ordinance # 20-15 entitled:

### **ORDINANCE # 20-15**

[CLICK TO VIEW ORDINANCE](#)

#### **ORDINANCE OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE DEFINED TERMS ESTABLISHED IN CHAPTER 165 OF THE CODE OF THE BOROUGH OF CHATHAM ENTITLED "LAND DEVELOPMENT REGULATIONS"**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on November 9, 2020.

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

The Borough Clerk states: Legal notices were submitted to all entities required in accordance with N.J.S.A. 40:55D-15 and also published indicating that Ordinance # 20-15 was introduced and passed on first reading at the November 9, 2020 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on December 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 Treloar: 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 Kobylarz asks Council Member Resto to proceed with Ordinance # 20-16.

Council Member Resto reads Ordinance # 20-16 entitled:

**ORDINANCE #20-16**

[CLICK TO VIEW ORDINANCE](#)

**AN ORDINANCE TO AMEND THE SALARIES AND WAGES FOR CERTAIN MUNICIPAL POSITIONS OF THE BOROUGH OF CHATHAM FOR THE YEAR 2021**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on November 23, 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 # 20-16 was introduced and passed on first reading at the November 23, 2020 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on December 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 Resto: 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 Kobylarz asks Council President Mathiasen to proceed with Ordinance # 20-17.

Council President Mathiasen reads Ordinance # 20-17 entitled:

**ORDINANCE #20-17**

[CLICK TO VIEW ORDINANCE](#)

**AN ORDINANCE AUTHORIZING A COVID -19 SPECIAL EMERGENCY  
APPROPRIATION IN ACCORDANCE WITH N.J.S 40A:4-53**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on November 23, 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 # 20-17 was introduced and passed on first reading at the November 23, 2020 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on December 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 President Mathiasen: 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.

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## REPORTS

### COUNCIL MEMBERS

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### MAYOR'S REPORT II

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### ADMINISTRATOR'S REPORT

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### RESOLUTIONS REQUIRING A SEPARATE VOTE NON-ROUTINE/NON-CONSENT

Mayor Kobylarz asks Council Member Weber to proceed with Resolution # 20-267.

Council Member Weber reads Resolution # 20-267 by title as follows:

#### **RESOLUTION #20-267**

[Require Roll Call Vote]

Majority of Full Membership

#### **RESOLUTION EXTENDING DESIGNATION OF CHATHAM RIVER ROAD PARTNERS, LLC AS THE REDEVELOPER FOR THE RIVER ROAD NORTH REDEVELOPMENT AREA**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1*, et seq., as amended and supplemented ("LRHL"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

**WHEREAS**, in accordance with the LRHL, the Council for the Borough of Chatham (the "Council") designated properties located at River Road and shown on the Borough's Tax Map as Block 135, Lots 9, 10 and 11, as an area in need of redevelopment (the "Redevelopment Area"); and

**WHEREAS**, the Council adopted a Redevelopment Plan by Ordinance No. 19-11, adopted on June 10, 2019 for the Redevelopment Area (the "Redevelopment Plan") which sets forth, inter alia, the plan for the redevelopment of the Redevelopment Area; and

**WHEREAS**, Chatham River Road Partners, LLC (the “Redeveloper”), an affiliate of BNE Real Estate Group of Livingston, New Jersey, was designated as the redeveloper for the Redevelopment Area by Resolution 2019-229 on June 24, 2019; and

**WHEREAS**, the designation of Redeveloper was initially set to expire on December 26, 2019; and

**WHEREAS**, the developer and the Borough of Chatham entered into an Interim Cost Agreement on June 26, 2019, which was also set to expire on December 26, 2019; and

**WHEREAS**, both the Redeveloper designation and Interim Cost Agreement were further extended from December 26, 2019 to June 26, 2020 by Resolution # 19-354 adopted on December 19, 2019; and

**WHEREAS**, both the Redeveloper designation and Interim Cost Agreement were further extended from June 26, 2020 to December 26, 2020 by Resolution # 20-184 adopted on June 22, 2020; and

**WHEREAS**, the Council continues to desire that the Redevelopment Area be redeveloped by the Redeveloper in accordance with the Redevelopment Plan; and

**WHEREAS**, the Council desires that the designation of Redeveloper and the Interim Cost Agreement be extended for an additional six (6) months; and

**WHEREAS**, the Council is authorized to exercise all powers under the LRHL, pursuant to *N.J.S.A. 40A:12A-8*, including but not limited to the ability to negotiate with developers to undertake redevelopment projects; and

**WHEREAS**, the Council and the Redeveloper shall have an additional period of six months to agree on a specific development proposal and enter into a Redevelopment Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council for the Borough of Chatham as follows: (i) the designation of Chatham River Road Partners, LLC as the Redeveloper of the Redevelopment Area shall continue; (ii) the Mayor, and Borough Council’s authorization to negotiate a Redevelopment Agreement with the Redeveloper shall continue; and (iii) authorizes the extension of the Interim Cost Agreement; and (iv) staff and consultants to the Borough are hereby authorized and directed to continue to take all other administrative actions to implement this Resolution as may be necessary and appropriate to accomplish its goals and intent; and

**BE IT FURTHER RESOLVED**, that this Resolution shall be effective for a period of six months from December 26, 2020 through June 26, 2021, after which time it shall be of no further force and effect unless the Redeveloper shall have entered into a Redevelopment Agreement with the Borough of Chatham.

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

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        |        |        |     |    |         |        |

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## **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 #20-268 through Resolution #20-281 have been placed on the Consent Agenda.

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

### **RESOLUTION #20-**

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## **CONTRACTS**

### **RESOLUTION #20-268**

#### **RESOLUTION AUTHORIZING A CONTRACT WITH ANIMAL CONTROL SOLUTIONS, LLC FOR ANIMAL CONTROL SERVICES IN THE AMOUNT NOT TO EXCEED \$10,000.00**

**WHEREAS**, there exists a need to contract for animal control services for the Borough; and

**WHEREAS**, the value of this contract is less than the bid threshold of \$40,000.00, and therefore may be awarded by soliciting competitive quotes without advertising for bids under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Borough Administrator solicited competitive quotes from two (2) qualified contractors for animal control services for the 2021 and 2022 calendar years; and

**WHEREAS**, only one (1) quote was received from Animal Control Solutions, LLC, 2 Marshall Drive, Flemington, NJ 08822; and

**WHEREAS**, upon the recommendation of the Borough Administrator, the Mayor and Borough Council wish to authorize the award of contract to Animal Control Solutions, LLC, 2 Marshall Drive, Flemington, NJ 08822 for animal control services effective January 1, 2021 through December 31, 2022; and

**WHEREAS**, the Chief Financial Officer has certified that the maximum dollar amount of the contract per year shall not exceed \$10,000.00 and that funds are currently available for the purpose of awarding the contract to Animal Control Solutions, LLC from trust fund account #T-20-56-501-010.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that the Mayor is hereby authorized to execute a contract with Animal Control Solutions, LLC for animal control services in accordance with the terms and conditions set forth in the proposal; 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 #20-269**

#### **RESOLUTION AWARDING A CONTRACT TO AMERICAN ALARM SYSTEMS, INC. FOR THE MAINTENANCE OF FIRE DETECTION EQUIPMENT AND SYSTEMS AND MONITORING OF SYSTEM SIGNALS**

**WHEREAS**, the Borough of Chatham is required to comply with the Uniform Fire Code as promulgated by the New Jersey Uniform Fire Safety Act to ensure the proper monitoring and inspection of Borough Hall, the Firehouse, and the Department of Public Works; and

**WHEREAS**, Tony Torello, Director of the Department of Public Works, has reviewed the proposal submitted by American Alarm Systems, Inc. for the maintenance of fire detection equipment and systems and monitoring of system signals (the "Agreement") and has confirmed that it meets all requirements as set forth by the New Jersey Uniform Fire Safety Act; and

**WHEREAS**, the Borough Administrator and the Director of Public Works recommends that a contract be awarded to American Alarm Systems, Inc. for one-year period, effective January 1, 2021 to December 31, 2021, in the amount not to exceed \$9,150.00; and

**WHEREAS**, the Chief Financial Officer, has certified that sufficient funds are available in Current Fund Account #0-01-26-310-240 for the award of this contract, and that this certification is contingent upon, and will be subject to, appropriations in the 2021 Municipal Budget.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that it concurs with the recommendation of the Borough Administrator and the Director of Public Works and hereby authorizes the Mayor to execute the renewal Agreement with American Alarm Systems, Inc., effective January 1, 2021 to December 31, 2021.

**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.

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#### **FINANCE**

#### **RESOLUTION #20-270**

#### **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 #20-271

### RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

**WHEREAS**, the Tax Collector for the Borough of Chatham has advised of an overpayment on the fourth quarter property taxes for the property listed below; and

**WHEREAS**, the Tax Collector has further advised that a refund for the property tax overpayment is to be made as follows:

| <b><u>BLOCK/LOT</u></b> | <b><u>OWNERS/PROPERTY LOCATION</u></b>                                   | <b><u>AMOUNT</u></b> | <b><u>TAX QTR.</u></b> |
|-------------------------|--|----------------------|------------------------|
| 5/14                    | Larry & Dorian Gamboa<br>60 Highland Avenue<br>Chatham, New Jersey 07928 | \$224.25             | 2020/4 <sup>th</sup>   |

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

Larry & Dorian Gamboa  
60 Highland Avenue  
Chatham, NJ 07928

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough Tax Collector to process a refund of property taxes as herein referenced.

## RESOLUTION #20-272

### RESOLUTION AUTHORIZING CHANGE IN CLAIMANT SIGNATURE REQUIREMENT

**WHEREAS**, N.J.S.A. 40A:5-16 requires that the governing body of any local unit shall not pay out of its monies unless:

(a) the person claiming or receiving payment first presents a detailed bill of items or demand, specifying particularly how the bill or demand is made up (the Invoice), with the certification of the party claiming payment that the bill or demand is correct (the Claimant Certification).

(b) the payment carries a written or electronic certification of some officer or duly designated employee of the local unit having knowledge of the facts that the goods have been received by, or the services rendered to, the local unit (certification of the user department).

**WHEREAS**, N.J.A.C. 5:30-9A.6(c), N.J.A.C. 5:31-4.1, and Local Finance Notice 2018-13 gives local units discretion to not require claimant certification by enacting a standard policy by resolution for vendors or claimants who do not provide such certification as part of its normal course of business; and

**WHEREAS**, the Chief Financial Officer has in place internal accounting controls and has determined same to be sufficient to avoid errors and fraud in the processing of claims for payment.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council in the Borough of Chatham, in the County of Morris, State of New Jersey that is hereby establishes a policy requiring the claimant signature under the following circumstances only:

1. Advances or reimbursement of employee expenses, and
2. Services provided exclusively and entirely by an individual (e.g. sole proprietors)
3. The local unit shall have the discretion to require claimant certification as it deems necessary and appropriate.

**BE IT FURTHER RESOLVED**, this policy will be applied in a non-arbitrary fashion and will be affirmatively communicated to vendors.

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## **LAW AND PUBLIC SAFETY**

### **RESOLUTION #20-273**

#### **RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) NEW 2021 FORD INTERCEPTOR UTILITY POLICE VEHICLES FOR THE CHATHAM BOROUGH POLICE DEPARTMENT**

**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**, P.L. 2011, c.139 allows local contracting units to utilize cooperative contracts as a method of procurement; and

**WHEREAS**, the Borough realizes the financial benefits of purchasing services, equipment and materials through the Cooperative Pricing System; and

**WHEREAS**, the Chatham Borough Police Department has a need to purchase two (2) new 2021 Ford Interceptor Utility police vehicles; and

**WHEREAS**, the Police Department recommends that the vehicle purchase be made through the Koch 33 Ford in Easton, PA, who provides competitive pricing below Cooperative Program Pricing and NJ State Contract Awards in the amount not to exceed \$64,720.27; and

**WHEREAS**, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$64,720.27 and that funds are currently available for the purpose of awarding the contract and shall be encumbered from the Police Capital account #C-04-55-920-501.

**WHEREAS**, this contract is awarded without competitive bidding pursuant to the provisions of N.J.S.A 40A:11-5 for the maximum amount of \$64,720.27.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Police Department is hereby authorized to purchase two (2) new 2021 Ford Interceptor Utility police vehicles from Koch 33 Ford in Easton, PA in the amount not to exceed \$64,720.27; 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

## **RESOLUTION #20-274**

### **RESOLUTION AUTHORIZING THE LEASE OF ONE (1) NEW 2021 FORD INTERCEPTOR UTILITY POLICE VEHICLE FOR THE CHATHAM BOROUGH POLICE DEPARTMENT**

**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**, P.L. 2011, c.139 allows local contracting units to utilize cooperative contracts as a method of procurement; and

**WHEREAS**, the Borough realizes the financial benefits of purchasing services, equipment and materials through the Cooperative Pricing System; and

**WHEREAS**, the Chatham Borough Police Department has a need to lease one (1) new 2021 Ford Interceptor Utility police vehicle; and

**WHEREAS**, the Police Department recommends that the lease contract be made through the Koch 33 Ford in Easton, PA who provides competitive pricing below Cooperative Program Price and State Contract Awards for the lease of one (1) new 2021 Ford Interceptor Utility police vehicle to be financed through Univest Capital in the amount not to exceed \$35,031.21 for a term of 36 months at .3650595%, with an annual payment amount of \$11,677.07; and

**WHEREAS**, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$35,031.21 and that funds are currently available for the purpose of awarding the contract and shall be encumbered in three annual payments not to exceed \$11,677.07 from the Current Fund Account #0-01-25-240-295; and

**WHEREAS**, this contract is awarded without competitive bidding pursuant to the provisions of N.J.S.A 40A:11-5 for the maximum amount of \$35,031.21.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Police Department is hereby authorized to lease one (1) new 2021 Ford Interceptor Utility police vehicle from Koch 33 Ford in Easton, PA, to be financed through Univest Capital; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer is hereby authorized to submit its first annual payment to Univest Capital in the amount of \$11,677.07.

**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.

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## **PERSONNEL**

## **RESOLUTION #20-275**

### **RESOLUTION AUTHORIZING THE HIRING OF ARLENE L. DODDS AS A CROSSING GUARD FOR THE BOROUGH OF CHATHAM POLICE DEPARTMENT**

**WHEREAS**, the Chief of Police has informed that a vacancy currently exists on the Borough of Chatham's Police Department Crossing Guard roster; and

**WHEREAS**, the Chief of Police recommends the hiring of Arlene L. Dodds to fill the vacancy.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby authorize the hiring of Arlene L. Dodds as a Crossing Guard for the Borough of Chatham Police Department effective December 15, 2020, with an hourly rate of \$22.49.

**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.

#### **RESOLUTION #20-276**

#### **RESOLUTION AUTHORIZING THE HIRING OF ANNAMARIE ALBANESE AS A CROSSING GUARD FOR THE BOROUGH OF CHATHAM POLICE DEPARTMENT**

**WHEREAS**, the Chief of Police has informed that a vacancy currently exists on the Borough of Chatham's Police Department Crossing Guard roster; and

**WHEREAS**, the Chief of Police recommends the hiring of AnnaMarie Albanese to fill the vacancy.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby authorize the hiring of AnnaMarie Albanese as a Crossing Guard for the Borough of Chatham Police Department effective December 15, 2020, with an hourly rate of \$22.49.

**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.

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#### **SHARED SERVICES**

#### **RESOLUTION #20-277**

#### **RESOLUTION AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE BOROUGH OF MADISON FOR INFORMATION TECHNOLOGY SERVICES**

**WHEREAS**, the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1 et seq.*, permits a local unit of the State to enter into an agreement with any other local unit to provide or receive any service that each local unit participating in the agreement is empowered to render within its own jurisdiction; and

**WHEREAS**, the Borough of Chatham (the "Borough") has a need for Information Technology services ("IT services"); and

**WHEREAS**, the Borough of Madison ("Madison Borough") has submitted a proposal to provide IT services to the Borough for the calendar year 2021; and

**WHEREAS**, the Council of the Borough of Chatham have determined that a shared services arrangement for IT services with Madison Borough offers a beneficial opportunity to improve efficiencies and reduce the costs of having to independently contract for these services; and

**WHEREAS**, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$25,000.00 and that funds are currently available for the purpose of awarding this contract from Current Fund 0-01-20-1630-213, and that this certification is contingent upon, and will be subject to, appropriations in the 2020 Municipal Budget; and

**BE IT RESOLVED**, by Council of the Borough of Chatham that the Mayor is hereby authorized to execute a shared service agreement with Madison Borough for IT support services, contingent upon approval of the contract terms and conditions by the Acting Administrator and Borough Attorney.

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## **OTHER**

### **RESOLUTION #20-278**

#### **RESOLUTION SUPPORTING THE NEW JERSEY SAFE ROUTES TO SCHOOLS PROGRAM**

**WHEREAS**, our residents desire a healthy, stable, and sustainable future for themselves and future generations and have the desire to take steps to sustain their quality of life over the long term; and

**WHEREAS**, each year the Borough undertakes a comprehensive evaluation of pedestrian improvements that may be needed throughout the community and incorporates these improvements into road improvement projects and the annual capital Curb and Sidewalk Program; and

**WHEREAS**, driving children to school by private vehicles, and the idling of vehicles in the vicinity of schools, contributes to traffic congestion and air pollution and can contribute to adverse effects on student health, including decreased lung development, allergies and asthma; and

**WHEREAS**, lack of physical activity also has a significant impact the health and well-being of children, resulting in higher rates of obesity, diabetes, and heart disease; and

**WHEREAS**, bicycling and walking to school can have positive physical and mental impacts on the health and well-being of children, and helps them to arrive at school ready to learn; and

**WHEREAS**, the Safe Routes to School Program is about promoting safe and easier ways for children to walk and making it a more attractive alternative for children going to and from school through educational programs, infrastructure improvements and public safety initiatives; and

**WHEREAS**, providing safer routes to and from schools aims to decrease pedestrian and bicycling related injuries, not just for students but for the entire community; and

**WHEREAS**, a successful Safe Routes to School Program involves schools, school boards, local government officials, and citizens collaborating in efforts to promote and encourage children, including those with disabilities, to walk and bicycle to school safely.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they support the Safe Routes to School Program and are proponents of developing and maintaining safe ways to walk and bicycle to school.

### **RESOLUTION #20-279**

#### **RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF THE EMERGENCY MANAGEMENT**

**PERFORMANCE GRANT (EMPG)/EMERGENCY MANAGEMENT AGENCY ASSISTANCE GRANT (EMAA)**

**WHEREAS**, the Borough of Chatham Office of Emergency Management has been awarded the Emergency Management Performance Grant (EMPG)/Emergency Management Agency Assistance (EMAA) grant from the New Jersey State Police, Office of Emergency Management, under subaward number FY20-EMPG-EMAA-1404; and

**WHEREAS**, the FY2020 subaward consists of a total amount of \$10,000.00 in a federal grant for the purpose of enhancing the Borough of Chatham's ability to prevent, protect against, respond to, and recover from acts of terrorism, natural disasters, and other catastrophic events and emergencies; and

**WHEREAS**, the subaward grant period is from July 1, 2020 to June 30, 2021; and

**WHEREAS**, the total award amount is \$10,000.00 in federal award, with no requirement to match.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham do accept the award of the FY2020 Emergency Management Performance Grant in the amount of \$10,000.00 of federal funds through the New Jersey State Police, Office of Emergency Management to, enhance the Borough's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

**BE IT FURTHER RESOLVED**, that the funding received will be used solely towards emergency management purposes for the Borough of Chatham; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officers and the Emergency Management Coordinator for the Borough of Chatham are hereby authorized to sign the appropriate subgrant award documents; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution shall be forwarded to the Borough of Chatham Office of Emergency Management and the New Jersey State Police, Office of Emergency Management.

**RESOLUTION #20-280**

**RESOLUTION APPROVING TAX APPEAL SETTLEMENT**

**BLOCK 95, LOT 21**

**DOCKET NO. 006193-2020**

**WHEREAS**, an appeal of the real property tax assessment for tax year 2020 for the property located at Block 95, Lot 21 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 No. 006193-2020; and

**WHEREAS**, the property owners and the Borough have agreed to a settlement for the pending appeal; and

**WHEREAS**, the property owners have agreed to waive pre-judgement interest due on any refunds payable as a result of the proposed settlement provided that the refund is made within sixty (60) days of the date of entry of Judgment by the Tax Court; and

**WHEREAS**, as a result of the proposed settlement, the assessment for 2020 is reduced as follows:

| <u>Tax Year</u> | <u>Original Assessment</u> | <u>Revised Assessment</u> |
|-----------------|----------------------------|---------------------------|
| 2020            | \$1,373,100.00             | \$1,305,000.00            |

And;

**WHEREAS**, the settlement of this matter, as set forth herein, is in the best interest of Chatham Borough and is recommended by the Borough Tax Expert and should, therefore, be settled pursuant to the terms set forth herein.

**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 appeal bearing Docket No. 006193-2020; and

**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 #20-281**

### **RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, AMENDING THE CONTRACT FEE FOR SPECIAL LEGAL COUNSEL JONATHAN DRILL OF THE FIRM STICKEL, KOENIG, SLLIVAN & DRILL, LLC**

**WHEREAS**, the Borough of Chatham was granted Substantive Certification and a Judgment of Compliance and Repose by Order dated September 29, 2016 in connection with the Borough's affordable housing compliance action, in the Matter of Borough of Chatham Affordable Housing Compliance, Docket No. MRS-L-1906-15; and

**WHEREAS**, attorneys for AST Bradley Chatham, LLC have filed a Motion Requesting a Mid-Point Review pursuant to N.J.S.A. 52:27-313 and Assignment of a Special Master in that action; and

**WHEREAS**, the Mayor and Council appointed Jonathan Drill of the firm Stickel, Koenig, Sullivan & Drill, LLC on by Resolution # 20-265 on November 23, 2020 as special counsel to the Borough in connection with this matter; and

**WHEREAS**, the Mayor and Council which to amend the legal contract fees to not exceed \$30,000.00; and

**WHEREAS**, the Borough Chief Financial Officer has certified that there are available sufficient funds for this contract.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Jonathan Drill of the firm Stickel, Koenig, Sullivan & Drill, LLC, legal contract fee shall be amended to not exceed \$30,000.00.

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

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**CONSENT AGENDA VOTE:**

Mayor Kobylarz asks Council Member \_\_\_\_\_ to proceed with the Resolutions listed on the Consent agenda. Resolutions #20-268 through #20-281.

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:\_\_\_\_\_.

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**ADD-ON RESOLUTION[S]**

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**ORDINANCES FOR FIRST READING**

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Mayor Kobylarz asks Council Member Treloar to introduce Ordinance #20-18.

Council Member Treloar introduces Ordinance #20-18 by title as follows:

**ORDINANCE #20-18**

[CLICK TO VIEW ORDINANCE](#)

**ORDINANCE OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 165 OF THE CODE OF THE BOROUGH OF CHATHAM TO ADD NEW SECTION RELATED TO CERTIFICATES OF CONTINUED OCCUPANCY AND ZONING PERMITS AND ESTABLISHING BONDING AND FEE PROVISIONS FOR LAND DISTURBANCE PERMITS**

Council Member Treloar explains the purpose of the Ordinance and moves for introduction on First Reading.

Council Member Treloar reads:

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

**BE IT RESOLVED**, that at the Special Council meeting to be held on December 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 Treloar: I offer Ordinance #20-18 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        |        |        |     |    |         |        |

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## **RESOLUTION #20-282**

### **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. Attorney Client Privilege/Litigation: AST Bradley – Mr. Lott
2. Personnel Matter: 2021 Salaries – Council Member Resto and Mr. Williams

**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.

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## **ADJOURNMENT**