

**REGULAR MEETING OF THE  
MAYOR AND BOROUGH COUNCIL**

**September 14, 2020 MINUTES**

Mayor Thaddeus J. Kobylarz called the Regular Council Meeting of the Borough of Chatham to order on Monday, September 14, 2020 at 6:21 p.m. in the Council Chambers in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

Note: *The start time of this meeting was moved from 7:30 p.m. to 6:00 p.m. to accommodate the emergency measures in place due to the coronavirus pandemic.*

**SALUTE TO FLAG**

Mayor Kobylarz and the Borough Council led the assembled in the Pledge of Allegiance.

**MOMENT OF SILENCE**

Mayor Kobylarz asked for a moment of silence for those who have given their lives for our country. He also gave recognition to those protecting our lives during the current health pandemic caused by coronavirus, COVID-19. Finally, he acknowledged the passing of all nine (9) Chatham Borough residents who died during the current pandemic. May this community endure no more loss.

**STATEMENT OF  
ADEQUATE NOTICE**

Tamar Lawful, Borough Clerk, read the following statement of adequate notice:

Pursuant to the requirements of the Open Public Meetings Act, adequate notice of this meeting has been provided by including same in the Annual Notice, copies of which were posted on the official bulletin board on the main floor of Borough Hall, emailed to the Daily Record, the Star-Ledger, the Chatham Courier, the Chatham Patch, and TAPinto Chatham and was filed with the Borough Clerk, all on January 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 August 05, 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 (*Attended Virtually*)  
Council Member Karen Koronkiewicz (*Attended Virtually*)  
Council Member Irene Treloar (*Attended Virtually*)  
Council Member Leonard Resto (*Attended Virtually*)  
Stephen W. Williams, Borough Administrator  
Tamar Lawful, Borough Clerk (*Attended Virtually*)  
James L. Lott, Jr., Borough Attorney (*Attended Virtually*)

Also, in attendance: Megan Avallone, Health Officer and Brian Gibbons, Chief of Police  
(*Both Attended Virtually*)

Mayor proceeded to read the following Proclamation:

## *Mayor's Proclamation*

### **RESOLUTION SUPPORTING THE 14<sup>TH</sup> ANNUAL TURN THE TOWNS TEAL<sup>®</sup> 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<sup>®</sup>, 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<sup>®</sup> and the Ovarian Cancer Research Fund Alliance (OCRFA) are partnering to promote awareness of ovarian cancer through the Turn The Towns Teal<sup>®</sup> campaign.

**BE IT RESOLVED**, I, Thaddeus J. Kobylarz, hereby support the Turn The Towns Teal<sup>®</sup> 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 Kobylarz provided a commemorative copy of the Proclamation to Council Member Dempsey and Council Member Koronkiewicz.

Mayor Kobylarz proceeded to read the following Proclamation:

## *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.

Mayor Kobylarz provided a commemorative copy of the Proclamation to Council Member Resto and to Borough resident Robert Olpp.

## **RECUSALS**

Recusals or abstentions submitted for the record.

There were none.

Mayor Kobylarz proceeded with Resolution # 20-216.

## **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

Council Member Weber moved to approve Resolution # 20-216, seconded by Council Member Treloar. By a unanimous voice vote, Resolution # 20-216 was approved.

## **DISCUSSION ITEMS**

### 2020 General Election Voting Process:

Barbara KupperSmith of the League of Women Voters presented on the voting process for the 2020 General Election. For this election, all registered voters will be mailed a mail-in ballot on October 2, 2020. For those who are not registered to vote, they can do so by October 13, 2020. This includes updating personal information. The 2020 ballot will include two public questions: The legalization of marijuana and property tax deduction and exemption for peacetime veterans.

Voters were informed that drop boxes for mail-in ballots will be placed throughout Morris County. The closest drop box to the Borough of Chatham will be located in Madison Borough by the Public Safety Building on Kings Road near the Madison Train Station.

Ms. KupperSmith answered various questions by the Mayor and Council. In response to a particular question posed by Council Member Dempsey, a voter whose mail-in ballot was rejected will not be notified until after the election.

### Recent COVID-19 Outbreak – Chatham High School Students:

Borough Health Officer Megan Avallone discussed a social event that took place involving a number of high school students from the Chathams. The event resulted in the transmission of COVID-19 in sixteen (16) high school students. Once the school became aware of the students who tested positive, the High School switched to virtual learning. It was clarified that no transmission occurred in the school. To mitigate the virus from proliferating, the Department of Health will contact the appropriate households. Ms. Avallone requested parents to cooperate with contact tracing and return her calls. The goal is to get ahead of the outbreak and save lives by ascertaining the necessary information to reduce further spread of the virus. Quarantine protocols were discussed.

Various questions were asked by the public via Zoom chat. Those questions were read aloud by Mayor Kobylarz and answered by Ms. Avallone.

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

Mayor Kobylarz delivered a portion of his Mayor's Report as follows:

### Statistical Update on the Coronavirus:

Mayor Kobylarz reported that a total of 76 residents of the Borough have contracted the virus since March 2020. Since September 1, 2020, there has been four (4) new positive cases. The four (4) new infections were among younger adults 15, 20, 20 and 21 years of age. Recently, there is an alarming trend of infections among teens and young adults. The State of New Jersey viral reproduction rate is now 1.06.

### COVID-19 Outbreak:

Mayor Kobylarz reported of an outbreak of COVID-19, in which 16 high school students have tested positive. Of the sixteen (16) who tested positive, nine (9) are residents of the Borough and students at the high school. This phenomenon is categorized as a community spread event, the extent of which is currently unknown.

On behalf of Stephen Williams and Brian Gibbons, we are deeply troubled by the incident and concerned for the children and family members who tested positive. Residents must be scrupulous to ensure the safety of the public. Epidemiologists have anticipated a spike of COVID-19 in the fall and winter, and consequently additional deaths. Each person is responsible for acting in a way that will mitigate the spread of the virus. Until there is a reliable vaccine, this is the unfortunate reality. We are highly connected which can easily cause transmission. He reminded everyone to practice the basic protective measures: wear your masks, practice social distancing, and wash your hands. He advised the public to avoid gathering among large crowds as one may not know who is carrying the virus.

Police Chief Gibbons stated that the individual(s) responsible for the event resulting in the transmission among students acted poorly and endangered students and residents before the opening of school. This was a poor decision on behalf of the students involved and egregious on behalf of the parents who may have participated. The Police Department has little information at the moment; however, that matter is being reviewed internally. He pleaded with residents to cooperate with the Department of Health and to quarantine as required. He further reminded residents to wear their masks and to practice social distancing.

#### COVID-19 Ambassador Program:

Mayor Kobylarz reported that his observation of people wearing facial coverings and maintaining proper social distancing encouraged him to implement a new measure to remind the public to adhere to the proper protective measures in place. There will be signs throughout the Borough urging everyone to wear masks and to maintain proper social distancing. The Borough will be recruiting residents to walk around town and to gently remind everyone to “Mask up Chatham” and maintain proper social distancing. These volunteers will be identified by a bright neon shirt/vest and will work under the direction of the Police Department.

Police Chief Gibbons stated he is proud to initiate this program to gently remind the public of their social responsibility to ensure the protection of the community. The department is looking for volunteers and the program will be up and running in the coming weeks.

Mayor Kobylarz proceeded to open the meeting to public comment and read the Notice of Public Comment Time Limit.

#### **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.

There were no public comments.

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

**ORDINANCE FOR SECOND READING**

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

Council Member Weber read 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 asked the Borough Clerk to give a summary of the legal notice.

The Borough Clerk stated: 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 opened a public hearing on the Ordinance and any member of the public may be heard.

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

Council Member Weber offered the following Ordinance and moved 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 Dempsey seconded the motion.

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

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

Mayor Kobylarz declared this Ordinance adopted and finally passed and requested 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**

Mayor Kobylarz had nothing further to report.

## **ADMINISTRATOR'S REPORT**

Mr. Williams gave recognition to the 9/11 Committee for the 9/11 memorial service held on Friday, September 11, 2020. A tour of Garden Park and the display of its new path will be held on Thursday, September 17, 2020. On October 6, 2020, the Chatham Borough Police Department will conduct its National Night Out event at Memorial Park. Mr. Williams reminded residents to avoid riding bicycles on the sidewalk of the downtown area where tables and diners are present. He concluded his report by reminding residents to mask-up and to practice social distancing.

## **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-**

There were none.

## **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:**

Council Member Resto made a motion to approve Resolutions #20-217 through #20-219 on the Consent Agenda. The motion was seconded by Council Member Weber. A vote was taken and Resolutions aforementioned were unanimously approved.

#### **ADD-ON RESOLUTION[S]**

There were none.

#### **ORDINANCES FOR FIRST READING**

Mayor Kobylarz asked Council Member Dempsey to introduce Ordinance # 20-13.

Council Member Dempsey introduced Ordinance # 20-13 by title and read the Ordinance in its entirety.

#### **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 explained the purpose of the Ordinance and moved its introduction on First Reading.

Council Member Dempsey read:

**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 offered Ordinance # 20-13 and moved its adoption on first reading.

Council Member Resto seconded the motion.

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

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

**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.

Council Member Resto made a motion to approve Resolution #20-220, seconded by Council Member Weber. By a unanimous voice vote, Resolution #20-220 was approved.

**ADJOURNMENT**

Having no other business to be conducted in public session, Mayor Kobylarz adjourned into Closed Session at 8:42 p.m.

Respectfully Submitted on October 13, 2020 by:

Tamar Lawful, RMC  
 Borough Clerk  
 BOROUGH OF CHATHAM