

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

August 10, 2020 MINUTES

Mayor Thaddeus J. Kobylarz called the Regular Council Meeting of the Borough of Chatham to order on Monday, August 10, 2020 at 6:07 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 the following professionals during the existential health pandemic caused by the coronavirus, COVID-19: First Responders, EMS personnel, Police Officers, Fire Fighters, Office of Emergency Management (OEM), nurses, doctors, long-term care workers, home care workers, other medical personnel, local government professionals, employees and volunteers, and research scientists working diligently to develop a vaccine to combat the existing global health crisis and those afflicted by it. 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 (*Attended Virtually*)
Council Member Robert A. Weber, Sr.
Council Member Carolyn Dempsey
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: Steve Rogut, Bond Counsel (*Attended Virtually*)

Mayor proceeded to read the following Proclamation:

Mayor's Proclamation

Honoring the 100th Anniversary of the 19th Amendment to the United States Constitution

WHEREAS, the bold, courageous, and powerful women who fought for ratification of the 19th Amendment to the United States Constitution on August 18, 1920, and its subsequent certification on August 26, 2020, deserve special celebration on the 100th anniversary of this noteworthy achievement; and

WHEREAS, New Jersey was the 29th state to ratify the 19th Amendment on February 9, 1920; and

WHEREAS, New Jersey holds a special place in women's suffrage history as thousands of New Jersey women advocated for the right to vote – in the streets, in the newspapers, in the state capital, and in numerous locations throughout the state; and

WHEREAS, the 19th Amendment did not actually guarantee suffrage for all women, including Native American women, who did not gain the right to vote until 1924; Asian and Pacific Islander American women, who did not do so until 1952; and both African-American and Latin-American women, who were frequently the victims of voter suppression until passage of the Voting Rights Acts of 1965 and 1975; and

WHEREAS, today, record numbers of women are now serving in local, state, and national government, and running for office in unprecedented numbers, as part of the legacy of these resolute American suffragists; and

WHEREAS, the 19th Amendment to the United States Constitution has played an important role in advancing the rights of all women; and

WHEREAS, we honor the role of ratification of the 19th Amendment in further promoting the core values of our democracy as established under the United States Constitution; reaffirm this opportunity to learn about, and commemorate, the efforts of the women's suffrage movement, and the role of women generally, in our democracy; and reaffirm our desire to continue to strengthen democratic participation, and to inspire future generations of Americans to cherish and preserve the historic precedent established under the 19th Amendment;

NOW, THEREFORE, I, Thaddeus J. Kobylarz, do hereby recognize, and ask all Chatham Borough residents to join me in recognizing, August 18, 2020, as the 100th anniversary of the passage and ratification of the 19th Amendment to the United States Constitution, thus providing for women's suffrage, and August 26, 2020, as the date of its official certification.

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Mayor Kobylarz provided a commemorative copy of the Proclamation to Council President Mathiasen, Council Member Dempsey, Council Member Koronkiewicz, Council Member Treloar and Borough Clerk, Tamar Lawful. On behalf of the all the women aforementioned, Council Member Dempsey accepted the Proclamation in person.

RECUSALS

Recusals or abstentions submitted for the record.

There were none.

Mayor Kobylarz proceeded with Resolution # 20-199.

RESOLUTION #20-199

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:

June 22, 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:

June 22, 2020

Council Member Resto moved to approve Resolution # 20-199, seconded by Council Member Weber. By a unanimous voice vote, Resolution # 20-199 was approved.

DISCUSSION ITEMS

Electric Vehicle Charging Stations:

Torri Van Wie, Joe Treloar and John Stuckey presented virtually on the implementation of an electric charging station within the Borough. Ms. Van Wie proposed the installation of electric charging stations at the Center Street West parking lot on the west side of the lot nearest Rotary Park. The lot area is desirable and unobtrusive. An electric charging station would be an enhancement to the amenities already offered in the Borough. It will further attract people to the downtown area to support local businesses.

Volta was the company proposed to offer electric charging stations in the Borough. The company provides free installation and free charging for both the Borough and the public's use.

Grant funding is available to support this purpose. A total of \$4,715,612.00 was allocated to help 213 projects. However, of the total amount allocated, only \$77, 217.00 remains available. Ms. Van Wie encouraged the Borough to apply for funding as soon as possible.

The image of the charging station and the size that would fit appropriately within the Borough was explained by Mr. Treloar. The charging station offered by Volta is an elegant way to fuel an electric vehicle. It is built and operated free of cost and provides advertisement, stated Mr. Stuckey. Mr. Stuckey further explained how Volta works, from set-up to ongoing support.

MAYOR'S REPORT I:

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

Statistical Update on the Coronavirus:

Mayor Kobylarz reported five (5) new positives cases since July 20, 2020. The new infections were among teenagers, younger adults and older adults 17, 22, 24, 54 and 57 years-of-age. The viral reproduction rate is slightly above 1.0. Failure to wear proper facial coverings and practice social distancing and avoiding social gatherings will increase the spread of the virus. By adhering to these measures, it will facilitate in the fight against COVID-19.

Postponing Revaluation of Real Properties:

Mayor Kobylarz reported that the revaluation of all real properties in Chatham Borough has been postponed until 2021.

Hurricane Isaias:

Mayor Kobylarz expressed his discontent with how JCP&L handled the power outage in Chatham Borough. He further explained the challenging efforts to restore power. Governor Murphy and the Mayor of Madison, Robert Conley and Borough Administrator of Madison, Raymond Codey were acknowledged for their assistance in the process.

It was announced that the Borough may introduce an ordinance that requires newly constructed homes to bury electrical wires underground.

Mayor Kobylarz thanked each department for their tireless effort throughout the week and weekend since hurricane Isaias. He gave special acknowledgement to Police Chief Brian Gibbons, Lieutenant Ralph Colatrella, Sergeant Rick Jaremba, Fire Chief Jeffrey Fricke, OEM Coordinator Steven Davenport, OEM Deputy Coordinator Sam Francis, Director of D.P.W. Tony Torello and Borough Administrator Stephen Williams.

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: 8111-669-4770) or obtain online access of the meeting using the following URL <https://us02web.zoom.us/j/81116694770>.

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.

Rozella Clyde – 33 Carmine Street:

Ms. Clyde expressed her appreciation to the Mayor’s ongoing support of the 19th Amendment and the women’s suffrage movement. She further encouraged the Governing Body to consider purchasing electric vehicles for the use of certain departments in support of a sustainable environment.

Fran Drew – 32 Inwood Road:

Mrs. Drew commented that the 13 counties in New Jersey serviced by JCP&L were affected the worst from hurricane Isaias. Due to environmental changes resulting in more hurricanes, she recommended burying wires underground and discontinuing service with JCP&L.

Jack Drew – 32 Inwood Road:

Mr. Drew applauded the Mayor on how he handled his discontent with JCP&L and the unsatisfactory performance to restore power-outage during the aftermath of hurricane Isaias. He requested Mayor Kobylarz to communicate with Governor Murphy and urge the governor to create a state-wide program encouraging municipalities to bury their wires underground.

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

ORDINANCE FOR SECOND READING

Mayor Kobylarz asked Council President Mathiasen to proceed with Bond Ordinance # 20-09.

Council President Mathiasen read Bond Ordinance # 20-09 entitled:

ORDINANCE # 20-09

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,155,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

Which Bond Ordinance was introduced and passed on first reading at a regular Council meeting held on July 13, 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 Bond Ordinance # 20-09 was introduced and passed on first reading at the July 13, 2020 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on August 10, 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 for a public hearing on the Bond Ordinance and any member of the public may be heard.

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

Council President Mathiasen offered the following Bond Ordinance and move its adoption:

BE IT RESOLVED, that this Bond Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.
 Council Member Resto seconded the motion.

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

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

Mayor Kobylarz declared this Bond 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 Kobylarz asked Council Member Weber to proceed with Ordinance # 20-10.

Council Member Weber read Ordinance # 20-10 entitled:

ORDINANCE # 20-10

CAPITAL ORDINANCE OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFORE THE SUM OF \$37,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on July 13, 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 # 20-10 was introduced and passed on first reading at the July 13, 2020 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on August 10, 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 else 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 President Mathiasen 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			
Mathiasen		X	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 Kobylarz asked Council Member Koronkiewicz to proceed with Ordinance # 20-11.

Council Member Koronkiewicz read Ordinance # 20-11 by title as follows:

ORDINANCE # 20-11

CAPITAL ORDINANCE OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFORE THE SUM OF \$56,000 AND PROVIDING THAT SUCH SUM, SO APPROPRIATED SHALL BE RAISED FROM THE GENERAL CAPITAL FUND BALANCE OF THE BOROUGH

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on July 13, 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 # 20-11 was introduced and passed on first reading at the July 13, 2020 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on August 10, 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 else wishing to be heard, Mayor Kobylarz closed the public hearing.

Council Member Koronkiewicz offered 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 President Mathiasen 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			
Mathiasen		X	X			
Koronkiewicz	X		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 thanked the Governing Body for their assistance in the preparation of the 2020 Municipal Budget, adopted on July 13, 2020 and the adoption of tonight's capital budgets. He expressed gratitude to the Administrator in Madison Borough, Raymond Codey, the Borough's Mayor, Robert Conley and Assistant Administrator, Jim Burnet. He acknowledged two gentlemen from JCP&L whom he worked closely with to facilitate in the restoration of power in Chatham Borough. The men and women of JCP&L worked tirelessly during the aftermath of hurricane Isaias and their efforts are appreciated. Lastly, he thanked the Chatham Borough Police Department, Fire Department, Office of Emergency Management (OEM) and the Department of Public Works (DPW) for their assistance, as well as the residents of the Borough for their patience during the restoration process.

Mr. Williams warned residents to be cautious of down wires and urged them to treat downed wires as if they were live wires.

The D.P.W. began removing debris on Wednesday morning, and will continue to do so until all is gone. For residents wishing to drop off debris themselves, the Mulch Area is open from 8:00 a.m. to 4:00 p.m.

In concluding his report, Mr. Williams clarified the concerns of algae at Kelly's Pond. The pond is covered in duckweed, watermeal and cattail, not algae. The D.P.W. is currently working on this matter.

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 #20-200 through Resolution #20-211 have been placed on the Consent Agenda.

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

RESOLUTION #20-

Council Member Weber requested Resolution # 20-205 be removed from the Consent Agenda for further discussion.

The Consent Agenda proceeded as follow:

FINANCE

RESOLUTION #20-200

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.

LAW AND PUBLIC SAFETY

RESOLUTION #20-201

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

WHEREAS, the temporary waiver for the SLEO II position will expire at the expiration of the Public Health Emergency and Agapito Guzman will automatically revert to his previous status as a Class III SLEO; and

WHEREAS, upon the recommendation of the Chief of Police, the Mayor and Borough Council desire to formally appoint Agapito Guzman as a SLEO II, subject to approval by the Police Training Commission, in order to increase available manpower in the Department during the Public Health Emergency and beyond; and

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

WHEREAS, the statutory limitation on the number of hours a SLEO may work is not applicable during periods of emergency in accordance with N.J.S.A. 40A:14-146.16a(2); and

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

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

WHEREAS, Agapito Guzman shall be paid a salary of \$35.00 per hour when assigned to work as a SLEO II by the Chief of Police or his/her designee.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Chatham, in the County of Morris and the State of New Jersey that Agapito Guzman is hereby appointed as a Class II Special Law Enforcement Officer (SLEO II) without any limitation of hours in accordance

with N.J.S.A. 40A:14-146.16c, subject to approval by the Police Training Commission, and in accordance with terms and conditions of this Resolution.

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.

BOARDS, COMMISSIONS & COMMITTEES

RESOLUTION #20-202

RESOLUTION APPOINTING EMILIE BOGGIS AS A MEMBER TO THE TRAFFIC AND PEDESTRIAN SAFETY ADVISORY COMMITTEE FOR CALENDAR YEAR 2020

WHEREAS, the Mayor and Borough Council support initiatives that promote traffic safety among Borough residents and employees; and

WHEREAS, the Council of the Borough of Chatham has determined that it needs advice with respect to traffic and pedestrian safety matters; and

WHEREAS, the Mayor and Council of the Borough of Chatham desire to appoint an additional member to the Traffic and Pedestrian Safety Advisory Committee; and

WHEREAS, Emilie Boggis has expressed interest in being appointed to the Traffic and Pedestrian Safety Advisory Committee for calendar year 2020; and

WHEREAS, the Mayor and Council of the Borough of Chatham has considered the volunteer application of Emilie Boggis.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Emilie Boggis is hereby appointed to the Traffic and Pedestrian Safety Advisory Committee for calendar year 2020; and

BE IT FURTHER RESOLVED, that the Borough Clerk is authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution in accordance with *N.J.S.A. 40A:9-2a* and the Code of the Borough of Chatham, Chapter 3, §3.3.

OTHER

RESOLUTION #20-203

RESOLUTION FOR THE RETURN OF THE CASH PERFORMANCE BOND TO MR. MICHAEL BURGOSKI, FOR WORK COMPLETED AT 8 DUCHAMP PLACE

WHEREAS, Mr. Burgoski submitted to the Borough of Chatham a Cash Bond in the amount of \$2,500.00 to finish grading and driveway work at his new home at 8 Duchamp Place; and

WHEREAS, Mr. Burgoski has submitted a request to the Chatham Borough Engineer to release the \$2,500.00 Cash Bond based on the fact the work has been completed; and

WHEREAS, the Chatham Borough Engineer has reviewed the request Mr. Burgoski and determined that Mr. Burgoski has completed all of the remaining items set forth by the Chatham Borough Engineer.

NOW, THEREFORE, BE IT RESOLVED, by the Chatham Borough Council authorizes the release of the Cash Bond in the amount of \$2,500.00 to Mr. Burgoski by escrow check.

RESOLUTION #20-204

RESOLUTION APPROVING THE RENEWAL OF LIQUOR LICENSES FOR THE 2020-2021 LICENSING TERM

WHEREAS, annual renewal applications have been filed by holders of liquor licenses in the Borough of Chatham for the 2020-2021 licensing term; and

WHEREAS, inspections were conducted at each of the licensee’s premises in accordance with N.J.S.A. 33:1-24 and the Borough of Chatham Board of Health regulations; and

WHEREAS, the Chatham Borough Police Department prepared an annual investigation report, which reported no items of concern; and

WHEREAS, the Borough Clerk reported no objections were filed, either written or in person, with respect to the renewal of any liquor license in the Borough; and

WHEREAS, the Borough Clerk confirmed that all liquor license renewal applications have been completed in all respects and all required fees have been paid, and that Tax Clearance Certificates have been issued by the New Jersey Division of Taxation for each of the following licensees.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they are hereby satisfied that all requirements have been met and approve the renewal of the following liquor licenses for the 2020-2021 licensing term:

PLENARY RETAIL CONSUMPTION LICENSES

1404-33-008-001	Charley’s Aunt Inc. t/a Charley’s Aunt
1404-33-007-004	Jesus Saves, Inc. t/a Scalini Fedeli

PLENARY RETAIL DISTRIBUTION LICENSES

1404-44-003-009	Chatham Bottle King, Inc. t/a Chatham Bottle King
1404-44-004-005	Srinidhi Liquors, Inc. [inactive]

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they are hereby satisfied that all requirements for the renewal of said liquor licenses have been met and approve the renewal of the herein referenced liquor licenses for the 2020-2021 licensing term; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to file a certified copy of this Resolution with the Director of the Division of Alcoholic Beverage Control with respect to each of the herein referenced liquor licenses and is further authorized to issue liquor licenses for the 2020-2021 licensing term on the form and certificate approved by the Alcoholic Beverage Control Commission in the State of New Jersey for each of the herein-referenced licenses.

RESOLUTION # 20-206

**RESOLUTION APPROVING TAX APPEAL SETTLEMENT
BLOCK 97, LOT 8
DOCKET NO. 005868-2019**

WHEREAS, an appeal of the real property tax assessment for tax year 2019 for the property located at Block 97, Lot 8 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. 005868-2019; and

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

WHEREAS, as a result of the proposed settlement, the assessment for 2019 is reduced as follows:

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>
2019	\$2,023,600.00	\$1,700,000.00

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 appeal bearing Docket No. 005868-2019.

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 #20-207

RESOLUTION APPROVING TAX APPEAL SETTLEMENT

BLOCK 12, LOT 24

DOCKET NO. 004797-2018

WHEREAS, an appeal of the real property tax assessment for tax year 2018, for the property located at Block 12, Lot 24 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. 004797-2018; and

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

WHEREAS, as a result of the proposed settlement, the assessment for 2018 is reduced as follows:

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>
2018	\$1,535,700.00	\$1,350,000.00

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 appeal bearing Docket No. 004797-2018.

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 #20-208

RESOLUTION APPROVING TAX APPEAL SETTLEMENT

BLOCK 64, LOT 14.01

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

WHEREAS, an 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 have been filed by the taxpayer and are pending in the Tax Court of New Jersey bearing Docket Nos. 002544-2015; 003110-2016; 000834-2017; 000460-2018; 000493-2019; and 000829-2020; 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. 002544-2015; 003110-2016; 000834-2017; and 000829-2020 are withdrawn and the assessment for 2018 and 2019 are reduced as follows:

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>
2018	\$1,970,400.00	\$1,900,000.00
2019	\$1,970,400.00	\$1,900,000.00

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

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 #20-209

RESOLUTION APPROVING TAX APPEAL SETTLEMENT

BLOCK 129, LOT 4

DOCKET NOS. 008865-2012; 000940-2013; 000231-2014; 000292-2015; and 0011744-2017

WHEREAS, appeals of the real property tax assessments for tax years 2012 through 2015 and 2017 for the property located at Block 129, Lot 4 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. 008865-2012; 000940-2013; 000231-2014; 000292-2015; and 0011744-2017; 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. 008865-2012; 000940-2013; 000231-2014 and 0011744-2017 are withdrawn and the assessments for 2015 and 2016 (pursuant to the Freeze Act) are reduced as follows:

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>
2012 through 2014	\$1,793,000.00	Withdrawn
2015	\$1,793,000.00	\$1,600,000.00
2016	\$1,793,000.00	\$1,600,000.00 (Freeze Act)
2017	\$1,793,000.00	Withdrawn

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. 008865-2012; 000940-2013; 000231-2014; 000292-2015; and 0011744-2017.

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 #20-210

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, AUTHORIZING A LICENSE AGREEMENT BETWEEN THE BOROUGH OF CHATHAM AND THE PINGRY SCHOOL, ALLOWING THE USE OF A PARKING LOT ON PROPERTY SITUATED ON THE EASTERLY SIDE OF DIVISION AVENUE (BLOCK 29, LOT 1) FOR THE PURPOSE OF USE AS A SCHOOL BUS PICK-UP AND DROP-OFF LOCATION FOR AREA STUDENTS

WHEREAS, the Borough of Chatham has entered into a License Agreement dated December 30, 2014 with Public Service Electric and Gas Company (“PSE&G”) for the construction, installation and use of a parking lot located on the easterly side of Division Avenue designated as 603 Main Street, Block 29 Lot 1 on the Tax Map of the Borough of Chatham on property owned by PSE&G (the “Property”); and

WHEREAS, the Council of the Borough of Chatham approved and authorized this License Agreement by Resolution No. 14-264, adopted August 11, 2014; and

WHEREAS, the Borough of Chatham wishes to enter into a License Agreement with the Pingry School (“Pingry”) for the non-exclusive use of the parking lot located on the Property to serve as a bus stop pick-up and drop-off location for Pingry’s students who reside in Chatham and nearby towns during the 2020-2021 school year; and

WHEREAS, the License Agreement with Pingry shall be subordinate to the License Agreement with PSE&G;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Chatham, County of Morris, State of New Jersey hereby approve the license agreement with Pingry for Pingry's use of the parking lot on the easterly side of Division Avenue; and

BE IT FURTHER RESOLVED, the Council authorizes the Mayor to execute the License Agreement on behalf of the Borough contingent upon the review and approval of the contract's terms and conditions by the Borough Attorney; 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 #20-211

RESOLUTION APPROVING THE MADISON-CHATHAM JOINT MEETING AGENDA ITEMS FROM THE JULY 19, 2020 JOINT MEETING

WHEREAS, the Board Members of the Madison-Chatham Joint Meeting met at its regular meeting on July 19, 2020; and

WHEREAS, the following items of business require approval by its members:

1. Capital expenditures for the month of July authorizing the release of check numbers 129 through 133 in the total amount of \$1,014,158.86; and
2. Operating expenditures for the month of July authorizing the release of check numbers 597 through 658 in the total amount of \$179,409.48.

BE IT RESOLVED by the Mayor and Council of the Borough of Chatham, that the above listed actions by the Madison-Chatham Joint Meeting are hereby approved.

CONSENT AGENDA VOTE:

Council Member Resto made a motion to approve Resolutions #20-200 through #20-211, with the exclusion of Resolution # 20-205 on the Consent Agenda. The motion was seconded by Council President Mathiasen. A vote was taken and Resolutions aforementioned were approved unanimously.

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

Council Member Weber requested Resolution # 20-205 be revised to add the verbiage that the Council delegate the Mayor to respond to the PBA Grievance matter consistent with the decision reached in Executive Session on July 13, 2020 by the Mayor and Council and in accordance with Step 3 of the grievance procedure under the Agreement.

RESOLUTION #20-205

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, DELEGATING AUTHORITY TO RESPOND TO STEP 3 OF THE GRIEVANCE PROCEDURE UNDER THE AGREEMENT BETWEEN THE BOROUGH OF CHATHAM AND CHATHAM PBA LOCAL NO. 226

WHEREAS, Article V of the current Agreement between the Borough of Chatham and Chatham PBA Local No. 226 (“PBA”) establishes a procedure for handling grievances alleging violation of any provisions of that Agreement; and

WHEREAS, Step 3 of the grievance procedure provides that a grievance may be submitted to the Mayor and Borough Council, who shall respond to said grievance within 15 calendar days; and

WHEREAS, on or about June 19, 2019, the PBA submitted a grievance related to overtime requests filed by TSO George and TSO Maher (the “Grievance”); and

WHEREAS, the Grievance was denied by the Chief of Police and Borough Administrator at Steps 1 and 2, respectively, of the grievance procedure under the Agreement; and

WHEREAS, by memorandum dated June 22, 2020, received by Chatham Borough Administration on June 23, 2020, the PBA submitted the Grievance to the Mayor and Borough Council for consideration in accordance with Step 3 of the grievance procedure under the Agreement; and

WHEREAS, the Borough Council wishes to delegate authority to respond to the Grievance in accordance with Step 3 of the grievance procedure under the Agreement to the Mayor; and

WHEREAS, the PBA has consented to an extension of the time required for the Mayor and Borough Council to respond to the Grievance in accordance with Step 3 of the grievance procedure under the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Chatham, in the County of Morris and the State of New Jersey that the Borough Council hereby delegates authority to respond to the Grievance in accordance with Step 3 of the grievance procedure under the Agreement to the Mayor.

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

Council Member Resto motioned to approve Resolution # 20-205 with the recommended changes. Council President Mathiasen seconded the motion. By a unanimous voice vote, Resolution #20-205 was approved.

ADD-ON RESOLUTION[S]

There were none.

ORDINANCES FOR FIRST READING

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

Council Member Weber introduced Ordinance # 20-12 by title as follows:

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

Council Member Weber explained the purpose of the Ordinance and moved its introduction on First Reading.

Council Member Weber read:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on August 10, 2020.

BE IT RESOLVED, that at the Council meeting to be held on September 14, 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 offered Ordinance # 20-12 and moved its adoption on first reading.

Council Member Resto seconded the motion.

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

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

ADJOURNMENT

RESOLUTION #20-212

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: River Road Redevelopment – Mayor Kobylarz, Mr. Vince DeNave and Borough Attorney, James Lott

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 #20-212, seconded by Council President Mathiasen. By a unanimous voice vote, Resolution #20-212 was approved.

ADJOURNMENT

Having no other business to be conducted in public session, Mayor Kobylarz adjourned into Closed Session at 8:07 p.m.

Respectfully Submitted on September 14, 2020 by:

Tamar Lawful, RMC
Borough Clerk
BOROUGH OF CHATHAM