

REGULAR MEETING OF THE MAYOR AND BOROUGH COUNCIL

December 14, 2020 MINUTES

Mayor Thaddeus J. Kobylarz called the Regular Council Meeting of the Borough of Chatham to order on Monday, December 14, 2020, at 6:04 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. He further acknowledged the 16.3 billion Americans who contracted COVID-19, and the nearly 300,000 people who have died from the insidious disease. Finally, he acknowledged the two residents currently hospitalized and the nine (9) Chatham Borough residents who died during the current pandemic.

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 November 25, 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 (*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: Police Chief Brian Gibbons (*Attended Virtually*)

RECUSALS

Recusals or abstentions submitted for the record.

There were none.

Mayor Kobylarz proceeded with Resolution # 20-266.

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

Council Member Resto moved to approve Resolution # 20-266, seconded by Council Member Weber. By a unanimous voice vote, Resolution # 20-266 was approved.

MAYOR'S REPORT I:

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

Statistical Update on the Coronavirus:

Mayor Kobylarz reported 195 COVID-19 cases in the Borough of Chatham. Recently, 18 new cases were reported. The majority of residents contracting the virus are 60 years of age and under. Statistics reflect 83% of positive cases are among those 60 years of age and under, while a large percentage of cases are among those 20 years of age and under. The largest age group to contract the virus are among teenagers, 14 to 19 years of age. In the state of New Jersey, positive COVID-19 cases reported are under 5,000 per day. Due to the continuous surge in cases, Mayor Kobylarz urged the public to put forth more effort and to adhere to the protective measures of washing hands, maintaining social distancing, wearing masks, cooperating with contact tracing, and refraining from indoor gathering.

COVID-19 Ambassador Program:

Mayor Kobylarz called for additional volunteers to participate in the COVID-19 Ambassador Program to gently remind the public to "Mask Up, Chatham". Governor Murphy acknowledged the Borough's program in his daily COVID-19 briefing on December 9, 2020. Chief Gibbons acknowledged Rick Jaremba and Brian Colatrella for implementing the program. The program is progressing ahead with 20 ambassadors, most of which are school guards. However, younger volunteers are being sought to facilitate in spreading the message.

River Road Redevelopment Project:

The Borough will continue to proceed with the proposed River Road Redevelopment Project. Due to fair share housing obligations, the redevelopment project can no longer be delayed. The corner of Watchung Avenue and River Road is in need of improvement. The Borough will hold multiple town hall meetings to inform residents of the proposed changes to the area.

Statement of Gratitude:

Mayor Kobylarz read a letter composed by himself and Council President Mathiasen. Immense gratitude was expressed to the residents of the Borough and to the staff of the Borough who invested innumerable hours during challenging circumstances to maintain the continuous operation of the Borough.

Mr. Williams thanked the Mayor and Council on behalf of the Borough staff.

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: 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.

Rozella Clyde – 33 Carmine Street

Mrs. Clyde echoed the Mayor's statement of gratitude to the Borough staff for maintaining services during this pandemic. She thanked the Borough administration for facilitating in organizing the St. Patrick Church "Best of Videos Concert" and especially the tribute to Kenneth Chmura, which coordinated well with the show that followed by young adults sending the significant and powerful message of the importance to mask up. She further discussed Resolution # 20-273 and Resolution #20-274 for the lease and purchase of police vehicles. Mrs. Clyde does not object with the Borough engaging in a lease agreement; however, she is displeased with purchasing vehicles that are not environmentally friendly. She encouraged the Police Department to follow the lead of the Madison Police Department and purchase electric vehicles.

Chief Gibbons stated that he and his team are great supporters of electric or hybrid vehicles. However, his department is behind in its acquisition of vehicles and did not have sufficient time to conduct the proper research for electric vehicles. However, he has contacted the Madison Police Department as he is interested in moving forward with electric vehicles in the future.

Lisa DeRosa – 11 Dellwood Avenue

Lisa DeRosa, the President of the Board of Health called to thank Council Member Weber for his dedicated service to the Borough and the Board of Health. She expressed that he has been an amazing liaison member for the Board of Health. She will miss his dedication, his ability to communicate effectively and to provide information. She will further miss how approachable he is, and how willing

he is to engage and participate. Bob, you will be missed!

Michael Dean – 181 N. Passaic Avenue

Mr. Dean thanked Council Member Weber for his years of service on the Council and hopes he remains involved especially with respect to the Post Office Plaza Redevelopment Project. He also inquired whether the designation extension for Chatham River Road Partners can be extended. Mr. Lott responded yes. He further inquired the reason why one vehicle is being leased and not purchased. Chief Gibbons stated that it was more advantageous to lease the vehicle due to the low interest rate.

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

ORDINANCE FOR SECOND READING

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

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

The Borough Clerk stated that 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 opened the meeting for 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 Treloar 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 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			
Koronkiewicz			X			
Treloar	X		X			
Resto		X	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 Resto to proceed with Ordinance # 20-16.

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

The Borough Clerk stated a legal notice was published indicating that Ordinance # 20-16 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 opened the meeting for 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 Resto 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 Weber 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			
Koronkiewicz			X			
Treloar			X			
Resto	X		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 President Mathiasen to proceed with Ordinance # 20-17.

Council President Mathiasen read 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 asked the Borough Clerk to give a summary of the legal notice.

The Borough Clerk stated that 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 opened the meeting for 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 President Mathiasen 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 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 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.

REPORTS

COUNCIL MEMBERS

Council President Mathiasen – Council President Mathiasen had nothing new to report.

Council Member Weber – Council Member Weber had nothing new to report.

Council Member Dempsey – Council Member Dempsey reported that the HPC will meet on December 15th to narrow down nominations for the Flag Award for outstanding restoration. She also encouraged residents to “Shop Small for Big Impact” by purchasing local gift cards and dropping them off at the United Methodist Church for distribution to our neighbors.

Council Member Koronkiewicz – Council Member Koronkiewicz reminded residents to submit their applications to the Chatham Community Garden for a garden plot for the year 2021.

Council Member Treloar – Council Member Treloar reported that the Joint Court Committee met to discuss preliminary numbers and the decline in court revenue. She reported that the Borough’s contributions will be \$50,000 less for the year 2021. Council Member Treloar was congratulated for her appointment as Chairperson to the Joint Court Committee for the year 2021.

Council Member Resto – Council Member Resto reported that the Personnel Committee met to discuss employee salaries for the coming year. He thanked the Borough staff for their outstanding work performance and congratulated those who celebrated a milestone. He acknowledged the names of those employees and informed them that the Borough will acknowledge their dedication with a gift of appreciation. It was also reported that the food drive will be postponed to Friday, December 18, 2020 due to the possible inclement weather. Residents were encouraged to support local businesses during this challenging time. Council Member Resto acknowledged the 8th year anniversary of the unfortunate massacre that occurred at the Sandy Hook Elementary School.

Council Member Resto read a letter written by Robert Penn concerning those who may have been embarrassed from benefitting from the food pantry. In his letter, he informed residents that “there is a light at the end of the tunnel, and we are going to cross that finish line TOGETHER – NOBODY GETS LEFT BEHIND! Whatever it takes for as long as it takes!”

An anonymous letter was read aloud from someone who benefited from the program. The person expressed gratitude and appreciation for the program.

MAYOR’S REPORT II

Mayor Kobylarz acknowledged the 8th year anniversary of the massacre of 26 people who died at the Sandy Hook Elementary School on December 14, 2012, in Newtown, Connecticut. He asked for a renewed determination that this tragedy will never happen again.

ADMINISTRATOR’S REPORT

Mr. Williams reported on the following:

- The Borough finalized the grant request to receive \$71,000 as reimbursement for unanticipated expenses related to COVID-19.
- It was reported that underage drinking was taking place at Kelley’s Pond. The Police Department will be monitoring this area. He reminded residents that the park is closed from dusk till dawn.
- He informed residents that a new textile recycling bin was installed at the Recycling Center for those interested in donating used clothing.
- The Borough calendar will be finalized this week. It is expected to be delivered between the week of Christmas and New Year.

- It was reported that the County of Morris will be providing rapid COVID-19 tests at no cost to the residents of Morris County upon request. The test will be mailed to the homes of Morris County residents.
- Due to the snowstorm on Wednesday and Thursday, DPW requested that all basketball hoops be removed to allow the roads to be properly plowed.
- The Fire Department announced that the annual Santa Claus visit will be canceled. However, on December 19th, Santa will be making his way around town to greet residents. Mayor Kobylarz acknowledged a young man by the name of Decker to whom he credited for this idea.

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

Mayor Kobylarz asked Council Member Treloar to proceed with Resolution # 20-267.

Council Member Treloar read 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 Treloar offered the following Resolution and moved its adoption.

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			
Koronkiewicz			X			
Treloar	X		X			
Resto			X			

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.

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

RESOLUTION #20-

There were none.

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.

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:

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

***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.

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

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.

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.

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.

CONSENT AGENDA VOTE

Council Member Koronkiewicz made a motion to approve Resolutions #20-268 through #20-281 on the Consent Agenda. The motion was seconded by Council President Mathiasen. By a unanimous voice vote, the resolutions aforementioned were approved.

ADD-ON RESOLUTION[S]

There were none.

ORDINANCES FOR FIRST READING

Mayor Kobylarz asked Council President Mathiasen to introduce Ordinance #20-18.

Council President Mathiasen introduced 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 President Mathiasen explained the purpose of the Ordinance and moves for introduction on First

Reading.

Council President Mathiasen read:

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 President Mathiasen offered Ordinance #20-18 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			
Mathiasen	X		X			
Koronkiewicz			X			
Treloar			X			
Resto		X	X			

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.

Council President Resto made a motion to adjourn into Closed Session, seconded by Council President Mathiasen. By a unanimous voice vote, the motion was approved.

ADJOURNMENT

Having no other business to be conducted in public session, Mayor Kobylarz adjourned into Closed Session at 7:27 p.m.

Respectfully Submitted on December 28, 2020 by:

Tamar Lawful, RMC
Borough Clerk
BOROUGH OF CHATHAM