

REGULAR MEETING OF THE MAYOR AND BOROUGH COUNCIL

December 13, 2021, MINUTES

Mayor Thaddeus J. Kobylarz called the Regular Meeting of the Borough of Chatham to order on Monday, December 13, 2021, at 7:33 p.m. in the Council Chambers in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

SALUTE TO FLAG

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 acknowledged the approximately 50 million Americans who contracted the virus, and the more than 796,000 who have succumbed to the virus. Finally, he acknowledged the eleven (11) Chatham Borough residents who have died since the pandemic and the lives loss from the devastating tornadoes that made landfall across parts of central and southern parts of the United States, late Friday, and early Saturday.

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, 2021.

VIRTUAL MEETING ACCESS:

Anyone wishing to gain access to the meeting may dial 929-205-6099 (Meeting ID: 896 3857 5957) or obtain online access of the meeting using the following URL: <https://us02web.zoom.us/j/89638575957>

ROLL CALL

On a call of the roll, the following officials were present:

Mayor Thaddeus J. Kobylarz
Council President Carolyn Dempsey
Council Member Jocelyn Mathiasen (*Absent*)
Council Member Karen Koronkiewicz
Council Member Irene Treloar
Council Member Leonard Resto
Council Member Frank Truilo

Also present were:

Stephen W. Williams, Borough Administrator
Tamar Lawful, Borough Clerk (*Attended virtually*)
Steven Kleinman, Borough Attorney

PROCLAMATION

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Resolution # 21-380.

Council Member Koronkiewicz read Resolution # 21-380.

RESOLUTION #21-380

DRIVE SOBER OR GET PULLED OVER 2021 YEAR-END HOLIDAY CRACKDOWN

WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve impaired drivers; and

WHEREAS, impaired driving crashes killed 10,551 people in the United States in 2018; and

WHEREAS, impaired driving crashes cost the United States almost \$44 Billion a year; and

WHEREAS, during the past five years New Jersey's roadways experienced 36,778 crashes and 679 fatalities involving impaired drivers; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the year-end holiday season is traditionally a time for social gatherings which includes alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2021 Year- End Holiday Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from December 3, 2021 through January 1, 2022; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it declares its support for the *Drive Sober or Get Pulled Over 2021 Year-End Holiday Crackdown* from December 3, 2021, through January 1, 2022, and pledges to increase awareness of the dangers of drinking and driving.

Council Member Koronkiewicz motioned to approve Resolution # 21-380, seconded by Council Member Resto. By a unanimous voice vote, Resolution # 21-380 was approved.

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Resolution # 21-381.

Council Member Koronkiewicz read Resolution # 21-381.

RESOLUTION #21-381

RESOLUTION PROMOTING OFFICER MICHAEL PERMISON TO THE RANK OF POLICE SERGEANT (LEVEL I)

WHEREAS, Police Chief Brian K. Gibbons recommended the establishment of a two-year Police Sergeant eligibility list by Resolution # 19-179 adopted on April 22, 2019, and later extended to December 31, 2021 by Resolution # 21-138, adopted on March 8, 2021; and

WHEREAS, Officer Michael Permison is currently #1 on the eligibility list; and

WHEREAS, the Promotion Examination Board agreed that Officer Michael Permison met or exceeded the qualifications and requirements for the position of Police Sergeant; and

WHEREAS, Officer Michael Permison was originally appointed as a Police Detective with the Waterfront Commission on December 10, 2001, and later hired by the Borough of Chatham as a Police Officer on April 26, 2004; and

WHEREAS, Officer Michael Permison received a Bachelor of Arts Degree in psychology and Bachelor of Science Degree in criminal justice from Rutgers University; and

WHEREAS, in accordance with the Police Promotional Policy and Procedures, the Promotion Examination Board recommends that Officer Michael Permison be promoted to the rank of Sergeant; and

WHEREAS, pursuant to the Code of the Borough of Chatham, Chapter 48, Police Department, §48-5.A., and in accordance with N.J.S.A. 40A:14-118 et seq., all members of the Chatham Borough Police Department shall be appointed by the Mayor with the consent and approval of the Borough Council; and

WHEREAS, Mayor Thaddeus J. Kobylarz concurs with the recommendation made by the Promotion Examination Board and wishes to appoint Officer Michael Permison to the rank of Sergeant (Level I) in the Chatham Borough Police Department.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Chatham that they hereby concur with the Mayor's appointment of Officer Michael Permison to the rank of Sergeant (Level I) in the Chatham Borough Police Department and hereby provide their consent; and

BE IT FURTHER RESOLVED, that effective December 13, 2021 Officer Michael Permison is hereby promoted to the rank of Sergeant (Level I) at an annual salary of \$136,744.91 to be pro-rated for the remainder of 2021; and

BE IT FURTHER RESOLVED, that Mayor Thaddeus J. Kobylarz and the Borough Council hereby congratulate and extend their best wishes to Officer Michael Permison. Council Member Koronkiewicz motioned to approve Resolution # 21-381, seconded by Council Member Resto.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Dempsey			X			
Mathiasen						X
Koronkiewicz	X		X			
Treloar			X			
Resto		X	X			
Truilo			X			

Mayor Kobylarz and Council Member Koronkiewicz provided a commemorative copy of Resolution # 21-381 to Sergeant Permison and his family, followed by a group photo.

Brian Chief Gibbons gave a brief speech congratulating the new sergeant and his family for this outstanding achievement.

ADMINISTRATION OF OATH – SERGEANT MICHAEL PERMISON

Mayor Kobylarz asked the Borough Clerk to proceed with the administration of oath for Sergeant Michael Permison.

The Borough Clerk administered the oath to Michael Permison.

DISCUSSION ITEM

Chatham Community Food Distribution Program

Presented by: Rev. Dr. Christa Compton of Gloria Dei Lutheran Church

Deacon Mark Nixon of St. Patrick's Roman Catholic Church

Rev. Jeff Markay of Chatham United Methodist Church

Three religious leaders presented information on the Chatham Community Food Distribution Program, which started in 2020. Each person took turns voicing the significance of the Food Distribution Program. In the words of the Rev. Dr. Christa Compton, she described the community as beautiful, caring, and supportive in its beneficence and altruistic generosity demonstrated by its residents who are committed to donating weekly to assist those who are food insecure. Many who join the Food Distribution line often request and receive prayers for loved ones who are struggling or experiencing challenges. Many asked for courage and strength to face and overcome hardships. The Food Distribution Program is similar to the biblical story in which God takes a small amount of food and multiplies it to feed many. She thanked everyone for their contributions.

Deacon Mark Nixon stated that many visitors often seek prayer. He further reminded the public that without their generosity, the food distribution would not have survived. Rev. Markay thanked the Mayor and Council for the expression of compassion. He described the program's preparation for its weekly food distribution, including the type of food items provided. He acknowledged certain restaurants that have assisted the program, such as Panera Bread and Fleur de Sel. The program has created a unit where residents, generous donors, businesses, churches, and many others come together to contribute towards

a noble cause. He expressed gratitude for the collaborative compassion that continues to grow and continues to strengthen and build our beloved community. He emphasized building a community where all people could unite and work towards a common good, including children. Elementary school children have contributed to the program by walking to the food distribution pantry on Main Street to deliver canned goods. The children are being taught to help others. Sometimes in our lives, we are on the receiving end of generosity, and sometimes we are on the giving end. He thanked the public for their continuous support and for helping to build the community.

Council President Dempsey provided an overview of the role played by everyone when organizing the Food Distribution. She explained that while food insecurity in our communities existed prior to the pandemic, the pandemic exacerbated the situation. The food distribution is available every Wednesday in the rear parking lot of the Chatham United Methodist Church. Many residents wait in line for two hours, which speaks volume to their level of need.

Council Member Resto thanked those in the Council Chambers who have donated continuously. He further explained the various circumstances that lead to residents joining the Food Distribution line. This Wednesday, December 15, 2021, will be week #84 since the program has been up and running. The Food Distribution has had between 20 and 63 cars. Many families join the line to pick up for others. The efforts made by those who contribute are a labor of love. He often leaves the Food Distribution every Wednesday feeling that he has helped to contribute towards a good cause. He thanked everyone for their support.

RECUSALS

There were none.

ADOPTION OF COUNCIL MEETING MINUTES

Mayor Kobylarz asked Council Member Resto to proceed with Resolution # 21-382.

Council Member Resto read Resolution # 21-382.

RESOLUTION #21-382

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:

November 22, 2021

Council Member Resto motioned to approve Resolution # 21-382, seconded by Council Member Truilo. By a unanimous voice vote, Resolution # 21-382 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 that 721 residents of the Borough have contracted COVID-19 since the start of the pandemic. There have been fifty (50) reported new cases in the last three weeks. The Borough's Health Officer, Megan Avallone, reported that the Borough has moved to an area of "high risk." Morris County and the entire State of New Jersey are also categorized as "high risk." The State Health Department projects that cases will continue to rise into the month of January. This current surge is parallel to the surge in January 2020, with the peak of the current surge expected to hit its high in mid-January.

The state of New Jersey's current 7-day rolling average increased from 1,643 cases three weeks ago to 3,720 confirmed new positive cases. However, as a point of reference on July 12, 2021, during the Mayor's Report, the 7-day rolling average was only 260. This is indicative of the state trending in a downward trajectory.

We are back into a robust surge. It is a surge impacting both the unvaccinated and vaccinated alike. As per Mrs. Avallone, the best way to avoid serious illness is to obtain a booster shot. The CDC has approved booster doses for 16- and 17-year-olds. The Westfield Health Department will hold a COVID-19 booster clinic at Forest Road Park, Fanwood, NJ from 10:00 a.m. to 12:00 p.m. There is a pediatric COVID-19 clinic located at 302 Central Avenue, Mountainside, New Jersey. Both clinics are sponsored by the Westfield Regional Health Department.

Council Member Resto informed the public that any senior citizen who is housebound can obtain a booster shot at the convenience of their home.

Channel 21 and Channel 32 have been down for weeks. Residents, especially senior citizens, rely on both channels to remain informed. He asked that restoring these channels be made a priority.

MEETING OPEN TO THE PUBLIC

Residents wishing to make public comments may dial 929-205-6099 (Meeting ID: 896 3857 5957) or obtain online access of the meeting using the following URL: <https://us02web.zoom.us/j/89638575957>

Public participating by phone: To raise your hand, press *9. To speak, press *6 to be unmuted.

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.

Michael Dean –181 No. Passaic Avenue

Mr. Dean expressed his concerns about the local cable channels. He inquired whether franchise fees are collected for the local channels and requested that the channels be fixed. He further inquired if additional volunteers are needed at the Food Distribution. Council Member Resto responded that jobs are available for anyone willing to help. Council Member Resto further suggested canned vegetables and stuffing be

donated in the Christmas boxes. Mr. Dean voiced opposition to Resolution # 21-385, which would raise the utility rate. He requested more discussion prior to adoption.

Frances Drew – 32 Inwood Road

Mrs. Drew presented a plan as a proposal for the Post Office Plaza Redevelopment Project. She emphasized the need for additional parking. The Ken's Glen Plan, as presented, will help improve sales in the downtown area, and attract more retail businesses. The plan will add more parking. Madison has tremendous parking behind the stores. She requested the Council to pass the Ken's Glen Plan.

Mrs. Drew requested the Council to consider adopting a resolution to save the historic Glimmer Glass Bridge in Manasquan.

Valerie Clark – 21 Fern Avenue

Mrs. Clark expressed opposition to the second reading and potential adoption of Ordinance # 21-22. She voiced that the Ordinance had significant flaws and is not consistent with the Master Plan. Blocks 36, 37, 38, 39 and 40, Lot 1 are not located in the M-3 Zone, but instead, are in the Conservation Zone, which has been in existence since the early 2000's. She identified 21 endangered species located in the Conservation Zone. The Conservation Zone she identified is an area on River Road owned by the Borough.

Brigit McMenamin – 133 Center Avenue

Ms. McMenamin voiced her opposition to Ordinance # 21-21, which is scheduled for second reading to amend the Post Office Plaza Redevelopment Ordinance and Plan, and to amend the Requirements for Multi-Family Housing. In her opinion, she stated that this ordinance will allow the Council to authorize the construction of 100 rental units. She stated that she believes the Council has made its final decision with the Fair Share Housing Center in June. Ms. McMenamin asked the Governing Body to salvage the future of Chatham Borough by persuading the Fair Share Housing Center to accept an alternative mechanism that will fulfill the Borough's obligations.

Joe Basralian – Fairfax Terrace, Chatham Township

Mr. Basralian commended the Borough for hiring DMR Architects as planners for the River Road Redevelopment Project. Now is the time for the Borough to envision its redevelopment area of River Road and create a large open area with walking paths along the 3,000-foot riparian area along the Passaic River. He offered a brief power-point presentation promoting the advantages of this project. Mr. Basralian read aloud Chatham Borough's Mission Statement and stated that the natural walking area fits the idea of this Mission Statement.

Valerie Clarke – 21 Fern Avenue

Ms. Clarke stated that what Mr. Basralian discussed are the same lots she discussed earlier, the Greenway lots.

John Dougherty - Gillette NJ

Mr. Dougherty cautioned the Mayor and Council about the dangers of over-development. He felt that the redevelopment laws are helping the developers instead of the community. He made suggestions on how the Borough could wisely deal with their Affordable Housing obligations without over developing. He urged the Borough Council to vote against the ordinances.

Michael Dean – 181 N. Passaic Avenue

Mr. Dean noted that Mrs. Drew has come before the Borough Council several times asking for a resolution to save the Glimmer Glass Bridge. He urged the Borough Council to adopt the resolution.

With respect to the Redevelopment of Post Office Plaza, he clarified that developers are not guaranteed a green light to develop the area.

Patricia Finley - 35 Woodland Road

Ms. Finley endorsed the comments made by Ms. McMenamin, Ms. Clark and Mr. Dean regarding Post Office Plaza and River Road. She cautioned the Governing Body from encountering issues with the Department of Environmental Protection (DEP).

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

Mayor Kobylarz thanked the residents for their comments. He assured Mrs. Drew that the Borough Council would consider her request to adopt a resolution to save the Glimmer Glass Bridge.

Regarding Mr. Dean's comments about franchise fees for the local channels, Mayor Kobylarz explained that the Borough does not collect franchise fees. The State of New Jersey collects those fees, and the Borough gets a portion in the form of state aid.

Mayor Kobylarz acknowledged Mr. Basralian's comments. He noted that there is a definitive vision to extend the pathway along the river from Stanley Park to Shepard Kollock Park. The process involves significant clean up.

In other news, Mayor Kobylarz stated that all comments are listened to and noted. However, there is a distinction between opinion and professional judgement provided to the Governing Body by our paid professionals.

Council Member Resto read aloud a note from Bethany Gianusso, of the Chatham Education Foundation, regarding the Winter Wonderland gathering recently held in the Manor Section. Ms. Gianusso thanked the Mayor, the Council, members of the Chatham Police Department, and business sponsors for their help in making this event a huge success.

ORDINANCES FOR SECOND READING

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Ordinance # 21-20.

Council Member Koronkiewicz read Ordinance # 21-20 entitled:

ORDINANCE #21-20

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 139, ENTITLED “VEHICLES AND TRAFFIC,” OF THE BOROUGH CODE TO ESTABLISH “EMERGENCY VEHICLE” PARKING SPACES ON A PORTION OF MAIN STREET

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on November 22, 2021.

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 # 21-20 was introduced and passed on first reading at the November 22, 2021 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on December 13, 2021 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 Koronkiewicz 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
Dempsey			X			
Mathiasen						X

Koronkiewicz	X		X			
Treloar			X			
Resto		X	X			
Truilo			X			

Mayor Kobylarz asked Council Member Treloar to proceed with Ordinance # 21-21.

Council Member Treloar reads Ordinance # 21-21 entitled:

ORDINANCE # 21-21

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF CHATHAM BY
AMENDING THE POST OFFICE PLAZA REDEVELOPMENT ORDINANCE AND PLAN,
AMENDING THE REQUIREMENTS FOR MULTI-FAMILY HOUSING**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on November 22, 2021.

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 # 21-21 was introduced and passed on first reading at the November 22, 2021 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on December 13, 2021 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 else 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
Dempsey			X			
Mathiasen						X
Koronkiewicz			X			
Treloar	X		X			
Resto		X	X			
Truilo			X			

Mayor Kobylarz asked Council Member Resto to proceed with Ordinance # 21-22.

Council Member Resto read Ordinance # 21-21 entitled:

ORDINANCE #21-22

AN ORDINANCE OF THE BOROUGH OF CHATHAM TO AMEND CHAPTER 165 “LAND DEVELOPMENT REGULATIONS”, TO CREATE THE GATEWAY AFFORDABLE HOUSING OVERLAY 1 DISTRICT – (GAHO-1)

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on November 22, 2021.

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 # 21-22 was introduced and passed on first reading at the November 22, 2021 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on December 13, 2021 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.

John Dougherty - Gillette NJ

Mr. Dougherty commented that density added to an already populated municipality is not beneficial. He asked the Council to consider the comments of other citizens.

Seeing no one else 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 Truilo seconded the motion.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Dempsey			X			
Mathiasen						X
Koronkiewicz			X			
Treloar			X			
Resto	X		X			
Truilo		X	X			

Mayor Kobylarz asked Council President Dempsey to proceed with Ordinance # 21-23.

Council President Dempsey read Ordinance # 21-23 entitled:

ORDINANCE #21-23

AN ORDINANCE OF THE BOROUGH OF CHATHAM TO AMEND CHAPTER 165 “LAND DEVELOPMENT REGULATIONS”, TO CREATE THE GATEWAY AFFORDABLE HOUSING OVERLAY 2 DISTRICT – (GAHO-2)

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on November 22, 2021.

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 # 21-23 was introduced and passed on first reading at the November 22, 2021 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on December 13, 2021 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 Dempsey 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
Dempsey	X		X			
Mathiasen						X
Koronkiewicz			X			
Treloar			X			
Resto		X	X			
Truilo			X			

RESOLUTION

NON-ROUTINE/NON-CONSENT

Mayor Kobylarz asked Council Member Treloar to proceed with Resolution # 21-383.

Council Member Treloar read Resolution # 21-383.

RESOLUTION #21-383

RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY DELINEATING CERTAIN AREAS IN THE BOROUGH OF CHATHAM AS AREAS IN NEED OF REHABILITATION

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “Redevelopment Law”) provides a mechanism to empower and assist local governments to promote the advancement of community interest through programs of redevelopment for the expansion and improvement of commercial, industrial, residential, and civic facilities; and

WHEREAS, the Redevelopment Law empowers the Borough of Chatham (the “Borough”) by and through its Mayor and Council (the “Governing Body”) to delineate an area within the Borough as an area in need of rehabilitation if the area qualifies under one of the criteria enumerated under N.J.S.A. 40A:12A-14; and

WHEREAS, Professional Planners Francis Reiner and Daniel Hauben of DMR Architects have been directed to investigate pursuant to Resolution # 20-215 of the Mayor and Council whether the following areas (the “Study Area”) qualified as an area in need of rehabilitation pursuant to the Redevelopment Law:

Block	Lots
134	1, 2, 3, 4, 5, 6, 7, 26, 27 and 28
135	1, 2, 3, 4, 5, 6, 7 and 8
136	1, 2, 3, 4, 5 and 6
137	1, 2, 3, 4 and 5
138	1, 2, 3, 4, 5, 6 and 7
139	1, 2, 3, 4, 5, 6 and 7
140	1, 2, 3, 4, 5, 6, 7.01, 7.02, 8, 9, 10, 11, 12, 12.01, 13, 14, 15, 16 and 17

and,

WHEREAS, DMR Architects conducted such investigations and prepared a report entitled “Preliminary Investigation for Determination of an Area in Need of Redevelopment and Rehabilitation” (the “Report”); and

WHEREAS, the Report recommended that the lots located to the south of Watchung Avenue within the Study Area be designated as an area in need of redevelopment; and

WHEREAS, the Borough of Chatham Planning Board (the “Planning Board”) recommended by Resolution adopted August 18, 2021 that the lots located to the south of Watchung Avenue within the Study Area be designated as an area in need of redevelopment; and

WHEREAS, the Mayor and Council by Resolution # 21-363 adopted November 8, 2021, designated the lots in the Study Area south of Watchung Avenue as an area in need of redevelopment; and

WHEREAS, the Report recommended that the entire Study Area be designated as an area in need of rehabilitation; and

WHEREAS, to avoid confusion that may be caused by duplicate designations of an area in need of redevelopment and an area in need of rehabilitation, the within resolution shall only deal with the Study Area located north of Watchung Avenue; and

WHEREAS, the Report concludes that the lots within the Study Area located North of Watchung Avenue, specifically Block 134, Lots 1-7 and 26-28 have water and sewer infrastructure that is more than 50 years old and is in need of repair or replacement; and

WHEREAS, the Report concludes that the Study Area north of Watchung Avenue qualifies as an area in need of rehabilitation under the Redevelopment Law; and

WHEREAS, on October 25, 2021, the Mayor and Council referred the Study Report and this Resolution in draft form to the Planning Board for review and comment; and

WHEREAS, on December 1, 2021, the Planning Board returned this Resolution and Study Report with the recommendation that the lots in the Study Area north of Watchung Avenue be delineated as an area in need of rehabilitation; and

WHEREAS, the Mayor and Council find it to be in the best interest of the property owners and business owners within the Study Area north of Watchung Avenue to delineate the Study Area north of Watchung Avenue as an area in need of rehabilitation and that based upon the Study Report and the Planning Board's recommendations finds that the Study Area north of Watchung Avenue meets the criteria of N.J.S.A. 40A:12A-14 of an area in need of rehabilitation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Chatham, County of Morris, State of New Jersey, as follows:

1. Based upon the facts reported in the Report and the recommendations of the Planning Board, the Mayor and Council find that the Study Area north of Watchung Avenue consisting of Block 134, Lots 1, 2, 3, 4, 5, 6, 7, 26, 27 and 28 meets the eligibility criteria of N.J.S.A. 40A:12A-14a(6) in that the majority of the water and sewer infrastructure in the Study Area north of Watchung Avenue is at least 50 years old and is in need of repair or maintenance, for designation as an area in need of rehabilitation, and further finds that the designation of the Study Area north of Watchung Avenue as an area in need of rehabilitation is expected to prevent further deterioration and promote the overall development of the Borough of Chatham in accordance with the requirements of N.J.S.A. 40A:12A-14.
2. The Mayor and Council hereby designation Block 134, Lots 1, 2, 3, 4, 5, 6, 7, 26, 27 and 28 and all the properties therein as an area in need of rehabilitation (hereinafter the "Rehabilitation Area"), which delineation allows the Mayor and Council to, among other things, adopt redevelopment plans for all or part of the Rehabilitation Area, enter into redevelopment agreements with redevelopers for the Rehabilitation Area, and adopt an ordinance pursuant to N.J.S.A. 40A:21-1, et. seq., authorizing short term tax exemptions and/or abatements to properties located within the Rehabilitation Area.
3. The Mayor and Council hereby direct the Borough Clerk to transmit a copy of this resolution to the Commissioner of the Department of Community Affairs in accordance with the Redevelopment Law.
4. 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 Treloar motioned to approve Resolution # 21-383, seconded by Council Member Truilo.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Dempsey			X			
Mathiasen						X
Koronkiewicz			X			

Treloar	X		X			
Resto			X			
Truilo		X	X			

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Resolution # 21-384.

Council Member Koronkiewicz read Resolution # 21-384.

RESOLUTION #21-384

RESOLUTION OF THE BOROUGH COUNCIL OF CHATHAM BOROUGH AUTHORIZING BUDGET APPROPRIATION TRANSFER FOR THE YEAR 2021

BE IT RESOLVED, by the Borough Council of the Borough of Chatham, County of Morris, and State of New Jersey, that the 2021 Budget Appropriations Transfers totaling **\$49,800** are to be made in the following manner:

FROM:	AMOUNT
Municipal Court Operating Expenses	\$49,800
TOTAL	\$49,800
TO:	AMOUNT
Vehicle Maintenance Operating Expenses	\$10,000
Administrative Salary & Wages	\$400
Clerk Salary & Wages	\$1,700
Board of Adjustment Salary & Wages	\$2,700
Recreation Salary & Wages	\$1,000
Social Security Taxes	\$22,000
Vehicle Maintenance Salary & Wages	\$12,000
TOTAL	\$49,800

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Chatham, (not less than two thirds of all members thereof affirmatively concurring) that in accordance with provision N.J.S.A. 40A:4-58, part of the surplus in the accounts heretofore mentioned be and the same is hereby transferred to the accounts mentioned as being insufficient and directs the Chief Financial Officer to execute this transfer transaction.

Council Member Koronkiewicz motioned to approve Resolution # 21-384, seconded by Council Member Truilo.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Dempsey			X			
Mathiasen						X
Koronkiewicz	X		X			
Treloar			X			
Resto			X			
Truilo		X	X			

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Resolution # 21-385.

Council Member Koronkiewicz read Resolution # 21-385.

RESOLUTION #21-385

RESOLUTION AMENDING THE FEE SCHEDULE

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby amend the Fee Schedule as set forth below:

Area to Amend:	Amended From:	Amended To:
Sewer Rate	\$3.95 per 100 cubic feet	\$4.54 per 100 cubic feet
Water Rate	\$4.86 per 100 cubic feet	\$5.15 per 100 cubic feet

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.

Council Member Koronkiewicz motioned to approve Resolution # 21-385, seconded by Council Member Truilo.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Dempsey			X			
Mathiasen						X
Koronkiewicz	X		X			
Treloar		X	X			
Resto			X			
Truilo			X			

Mayor Kobylarz asked Council Member Resto to proceed with Resolution # 21-386.

Council Member Resto read Resolution # 21-386.

RESOLUTION # 21-386**RESOLUTION TO SET THE ANNUAL RATES OF COMPENSATION FOR BOROUGH EMPLOYEES FOR THE YEAR 2022**

WHEREAS, Ordinance #21-18, adopted by the Mayor and Council of the Borough of Chatham on October 12, 2021, established the minimum and maximum rate of pay for the various positions in the Borough of Chatham; and

WHEREAS, specific rates of pay must be established for each individual employee of the Borough.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the following rates of pay shall be established:

Title	Name	2022 Salary
Executive Admin Assistant	Bochniack, Mike	\$ 73,605.39
Accounts Payable and Assessing Clerk	Campo, Evelyn	\$ 58,160.40
Tax Assessor	DePierro, Therese	\$ 22,922.58
Administrative Assistant	Farfalla, Anthony	\$ 51,000.00
Chief Financial Officer	Fornaro, Karen	\$ 127,500.00
Emergency Management Coordinator - Sr. Deputy	Francis, Samuel	\$ 8,670.00
Parking Enforcement Officer	Fricke, Jeffrey	\$ 43,297.29
Fire Chief	Fricke, Jeffrey	\$ 15,387.52
Police Chief	Gibbons, Brian	\$ 171,451.65
Minutes Clerk	Holler, Liz	\$ 42,669.80
Borough Clerk	Lawful, Tamar	\$ 92,325.10
Deputy Registrar	Lawful, Tamar	\$ 663.00
Police Secretary	McGuire, Kellie	\$ 57,305.23
Utility Billing Clerk	Morris, Cheri	\$ 66,703.47
Registrar of Vital Statistics	Morris, Cheri	\$ 6,252.23
Recreation Coordinator	Nauta, Carolyn	\$ 82,720.98
Media Program Supervisor	Nauta, Carolyn	\$ 2,558.80
Community Service Director	Piccolo, Janice	\$ 87,782.31
Tax Collector	Polidor, Madeline	\$ 65,348.82
Administrative Assistant II	Politi, Melanie	\$ 61,550.06
Communications Coordinator	Politi, Melanie	\$ 10,200.00
Parking Enforcement Officer	Sweetin, Robert	\$ 52,335.09
Director of Public Works	Torello, Tony	\$ 142,800.00
Zoning Official/Code Enforcement	Turi, Glen	\$ 30,600.00
Administrator	Williams, Steve	\$ 150,025.68

Part Time Position	Name	2022 Hourly Rate
Land Use Administrative Assistant	Boardman, Frances	\$ 42.45

Assistant Finance Officer	Cittrich, Tyrina	\$ 42.95
Construction Administrative Assistant	Greely, Amy	\$ 25.47
Media Programming Manager	Grobert, John	\$ 35.09
Electrician	Grobert, John	\$ 43.95
Administrative Assistant	McCarty, Shannon	\$ 25.50
Fire Inspector/Fire Official	Nugent, Walter	\$ 42.91
Tax Assistant	Opalewski, Leona	\$ 16.90
Fire Inspector	Pridham, Matt	\$ 29.22
Administrative Assistant	Wotanowski, Dana	\$ 25.50

And,

BE IT FURTHER RESOLVED, that the hourly rate of pay of \$23.87 shall be established for the following school crossing guards:

Arlene Dodds	Barbara Jones	Robert Kelly
Beth Salinardi	Grace Walsh	Annmarie Albanese
Kathy Donnelly	Dave Achille	Robert Ripp
Emily Melander	Mary Spaanstra	
Juliana Stutchbury	Jackie Sweetin	
William Moore	Robert O'Brien	
Mike Yeakel	Juan Garcia-Peralta	
Mario Rattravo	Alexander Sweetin	

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.

Council Member Resto motioned to approve Resolution # 21-386, seconded by Council Member Koronkiewicz.

Mayor Kobylarz asked for a Roll Call Vote:

Name	Motion	Second	Yes	No	Abstain	Absent
Dempsey			X			
Mathiasen						X
Koronkiewicz		X	X			
Treloar			X			
Resto	X		X			
Truilo			X			

REPORTS

COUNCIL MEMBERS

Council President Dempsey – Council President Dempsey reported that on December 15, 2021, there will be a musical collaboration between the school district, Chatham Performing Arts Booster, and the Borough. The event will take place on Main Street at 5:30 p.m. The musical performances can be seen at the corner of Elmwood Avenue and Main Street at Rotary Park, the Gazebo, Memorial Park near Scoops, and the storefronts near Purple Aardvark. She encouraged everyone to enjoy a night of free and cheerful holiday music while supporting the downtown area.

Council Member Mathiasen – Council Member Mathiasen was absent.

Council Member Koronkiewicz – Council Member Koronkiewicz had nothing to report

Council Member Treloar – Council Member Treloar reported that the Joint Municipal Court Committee had its last meeting a week ago. Harding Township will no longer be participating. The four participating members are: Chatham Borough, Chatham Township, Madison Borough, and Morris Township.

She further reported that U.S. Representative Mikie Sherrill is launching a “2021 Heroes” recognition program. She encouraged residents to nominate someone who has been a hero to them during the coronavirus pandemic and who has made a significant difference in their community. Nominations will be accepted beginning and ending Thursday, December 16, 2021.

Council Member Resto – Council Member Resto acknowledged Joann Carroll of Helping Hands for all that she has done to help the community. She has collected funds to purchase \$25 ShopRite gift cards, which are given to families who join the food distribution line. Gift cards are also given to students who qualify for lunch programs and are on school break. She also collects clothing to assist those in need.

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

MAYOR 'S REPORT II

Mayor Kobylarz had nothing further to report.

ADMINISTRATOR'S REPORT

Borough Administrator Stephen Williams reported the following:

- The sidewalk and curbing programs are coming to a rapid close. He advised resident wishing to have their sidewalk repaired to complete a form and submit it for consideration for the coming year.
- The 2022 Borough Calendars will be delivered this Thursday or Friday (December 16th or December 17th) by the Department of Public Works.
- On the Consent Agenda, there are two shared services agreements with the Borough of Madison: IT services and the Construction Office. The Borough is happy to continue its shared services with Madison Borough.

- The new Borough website will launch this week.
- The milling and paving on Chandler Road were complete.
- Tomorrow, December 14, 2021, is the last day for leaf pick-up.

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 #21-387 through Resolution #21-395 have been placed on the Consent Agenda.

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

There were none.

FINANCE

RESOLUTION #21-387

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 # 21-388

RESOLUTION AMENDING THE 2021 MUNICIPAL BUDGET INSERTION OF A SPECIAL ITEM OF REVENUE DONATION FROM CHATHAM RIVER ROAD URBAN RENEWAL

WHEREAS, N.J.S.A. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the 2021 budget: and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough has received donation from Chatham River Road Urban Renewal, LLC per the Redevelopment Agreement for the beautification and/or improvements of public space in the amount of \$150,000.00 and wishes to amend its 2021 Municipal Budget to include the revenue received.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Chatham, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$150,000.00 which is now available as revenue from:

- Miscellaneous Revenues: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenues Off-Set with Appropriations: Donation from Chatham River Road Urban Renewal, LLC per the Redevelopment Agreement for the beautification and/or improvements of public space in the amount of \$150,000.00.

BE IT FURTHER RESOLVED, that the sum of \$150,000.00 and the same is hereby appropriated under the caption of:

- General Appropriations: Operations Excluded from “CAPS”:

Public and Private Programs Off-Set by Revenues: Donation from Chatham River Road Urban Renewal, LLC per the Redevelopment Agreement for the beautification and/or improvements of public space in the amount of \$150,000.00.

RESOLUTION #21-389

RESOLUTION APPROVING TAX APPEAL SETTLEMENT

47 MAIN STREET

BLOCK 129, LOT 5

DOCKET NOS. 011903-2013; 009799-2014; and 009900-2015

WHEREAS, an appeal of the real property tax assessment for the tax years 2013-2015 for the property located at 47 Main Street, also known as Block 129, Lot 5 on the Official Tax Map of the Borough of Chatham have been filed by the taxpayer and is pending in the Tax Court of New Jersey bearing Docket Nos. 011903-2013; 009799-2014; and 009900-2015; and

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

WHEREAS, the property owner has agreed to waive pre-judgment interest due to any refund payable as a result of the proposed settlement provided that the tax refund is paid within 60 days after the receipt of the Tax Court Judgment; and

WHEREAS, as a result of the proposed settlement, the appeal of the real property tax assessment bearing Docket Nos. 011903-2013; 009799-2014; and 009900-2015 reduced as follow:

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>
2013	\$908,000	\$875,000
2014	\$908,000	\$875,000
2015	\$908,000	Withdrawn

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 the above settlement of the real property tax appeals bearing Docket Nos. 011903-2013; 009799-2014; and 009900-2015.

BE IT FURTHER RESOLVED, by the Borough Council that the Borough Tax Counsel is hereby authorized and directed to enter into a Stipulation of Settlement, 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, upon receipt of the Tax Court Judgment, the Borough Tax Collector is hereby authorized to refund the amount due upon receiving the Judgment of the Court.

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 #21-390

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised that the New Jersey Tax Court imposed a judgment for a refund of property taxes for the year 2020 and 2021 for the herein referenced property; and

WHEREAS, the Tax Collector has further advised that a refund per the New Jersey Tax Court Judgement # 003415-2020 in the amount of \$8,889.21 and Judgement # 006279-2021 in the amount of \$8,964.72 is to be made as follows:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
30/7	Colcourt Properties, LLC 560 Main Street Chatham, New Jersey 07928	\$17,853.93	2020 & 2021

***Please make 2020 check amount of \$8,889.21 payable and mail to:**
Irwin & Heinze, PA (Attorney Trust Account)
383 Main Street, Suite 101
Chatham, NJ 07928

***Please make 2021 check amount of \$8,964.72 payable and mail to:**
Colcourt Properties, LLC
560 Main Street
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.

CONTRACTS

RESOLUTION #21-391

RESOLUTION AUTHORIZING THE SECOND AMENDMENT TO THE INTERLOCAL SERVICES AGREEMENT WITH THE BOROUGH OF MADISON FOR UNIFORM CONSTRUCTION CODE 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 Uniform Construction Code Services (“Services”); and

WHEREAS, the Mayor and Council of the Borough of Chatham have determined that a shared services arrangement for Uniform Construction Code Services with Madison Borough offers a beneficial opportunity to reduce the costs associated with providing the Services; and

WHEREAS, the Borough and the Borough of Madison (the “parties”) have previously executed an Interlocal Services Agreement (the “Agreement”) dated January 1, 2018, through December 31, 2021 to establish a 4-year term shared service agreement, pursuant to which the Borough of Madison provides the Services for the Borough; and

WHEREAS, the Amended Agreement is set to terminate on December 31, 2021 and the parties wish to further amend the Interlocal Services Agreement to establish an additional 4-year term, effective January 1, 2022 through December 31, 2025, in accordance with N.J.A.C. 5:23-4.6(b)3 and to stipulate to certain matters as set forth in N.J.A.C. 5:23-4.6 through -4.8.

BE IT RESOLVED, by Council of the Borough of Chatham that the Mayor is hereby authorized to execute an Interlocal Services Agreement with Madison Borough for Uniform Construction Code Services for a four (4) year term beginning January 1, 2012 and terminating on December 31, 2025, contingent upon approval of the contract terms and conditions by the Borough Attorney.

RESOLUTION #21- 392

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 2022; 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 2-01-20-130-213, and that this certification is contingent upon, and will be subject to, appropriations in the 2022 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.

RESOLUTION #21-393

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
JANITORIAL SERVICES FOR YEAR 2022**

WHEREAS, the Borough of Chatham has a need for janitorial services for year 2022 as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5 as appropriate; and

WHEREAS, the purchasing agent has determined and certified in writing that the value of the services exceeds \$17,500; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Melgar Cleaning Services, 2601 Sun Valley Way, Florham Park, NJ 07932 has submitted a quotation to provide janitorial services for Borough Hall and the Firehouse for the amount of \$27,600 per year; and

WHEREAS, the Borough of Chatham received one other quotation and Melgar Cleaning Services provided the lowest cost proposal; and

WHEREAS, Melgar Cleaning Services has completed and submitted a Business Entity Disclosure Certification which certifies that Melgar Cleaning Services has not made any reportable contributions to a political or candidate committee in the Borough of Chatham in the previous one year, and that the contract will prohibit Melgar Cleaning Services from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds will be available in budget account 2-01-26-310-240 for the award of this contract contingent upon and will be subject to appropriations in the 2022 Municipal Budget.

NOW THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Chatham authorizes the Mayor and Borough Clerk to enter into a contract with Melgar Cleaning Services as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BOARDS, COMMISSIONS & COMMITTEES

RESOLUTION #21-394

**RESOLUTION APPOINTING ADRIENNE BIGLEY FRETZ TO
THE PUBLIC ARTS COUNCIL (ADVISORY COMMITTEE)**

12-13-2021 [B]

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WHEREAS, Resolution #21-23, adopted by the Borough Council on January 4, 2021, re-established the Public Arts Council (Advisory Committee) to provide advice on public art projects, enhance the Borough's downtown area, and facilitate the preservation of art objects and artifacts that may be displayed in public places; and

WHEREAS, Adrienne Bigley Fretz has expressed interest in being appointed to the Public Arts Council (Advisory Committee) and has submitted a Volunteer Application to the Mayor and Borough Council for consideration.

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that Adrienne Bigley Fretz is hereby appointed to the Public Arts Council (Advisory Committee), with such term expiring December 31, 2021; and

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.

LAW AND PUBLIC SAFETY

RESOLUTION # 21-395

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, RELAXING TIME LIMIT ON-STREET PARKING UNDER SECTION 139-26, SCHEDULE IV: TIME LIMITED PARKING, OF THE BOROUGH CODE

WHEREAS, pursuant to Section 139-10 and -26 of the Borough Code, the Borough Council may, by resolution, relax the time limits for on street parking contained in Section 139-26, Schedule IV: Time Limited Parking; and

WHEREAS, the Borough Council wishes to relax the 90minute parking restriction for the following parts of streets in order to promote the Chatham Borough downtown as a dining, entertainment and shopping destination during the holiday season:

Side of Street	Street	Between
East	South Passaic Avenue	Main Street & RR Bridge
West	South Passaic Avenue	Main Street & Fire House Plaza
North	Fire House Plaza	Fairmount Avenue & South Passaic Avenue
South	Main Street	RR North & Fairmount Avenue
South	Main Street	Fairmount Avenue & South Passaic Avenue
South	Main Street	South Passaic Avenue & Bowers Lane
South	Main Street	Bowers Lane & Hillside Avenue
North	Main Street	Hillside Avenue & North Passaic Avenue
North	Main Street	North Passaic Avenue & Center Street
North	Main Street	Elmwood Avenue & Coleman Avenue
East	Center Street	Main Street & Center Place
West	Center Street	Main Street & Center Place
West	North Passaic Avenue	Main Street & Center Place
West	Fairmount Avenue	Main Street & RR Bridge

West	Fairmount Avenue	RR Bridge & Chatham Street
East	Fairmount Avenue	Red Road & 2 nd Street
East	Fairmount Avenue	2 nd Street & RR Bridge
East	Fairmount Avenue	RR Bridge & Fire House Plaza

WHEREAS, parking along these parts of streets shall be limited to a maximum one hundred and eighty (180) minutes beginning December 14, 2021 until January 1, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Chatham, in the County of Morris and the State of New Jersey, that the Borough hereby relaxes the 90 minute parking restriction set forth in Section 139-26, Schedule IV: Time Limited Parking of the Borough Code and permits parking limited to a maximum one hundred and eighty (180) minutes beginning December 14, 2021 until January 1, 2022 for the parts of streets identified herein.

BE IT FURTHER RESOLVED, that the Chief of Police, or his/her designee, is hereby authorized and directed to appropriately sign or mark the parts of streets covered by 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.

CONSENT AGENDA VOTE:

Mayor Kobylarz asked Council Member Truilo to proceed with the Resolutions listed on the Consent agenda, Resolutions #21-387 through #21-395.

Council member Truilo made a motion to approve Resolutions #21-387 through # 21-395 on the Consent Agenda. The motion was seconded by Council Member Koronkiewicz. By a unanimous voice vote, the resolutions were approved.

EXECUTIVE SESSION

Mayor Kobylarz asked Council Member Truilo to proceed with Resolution # 21-396.

Council Member Truilo read Resolution # 21-396.

RESOLUTION #21- 396

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:

- Discussion of Chatham Borough Housing Declaratory Action Litigation
- Attorney Client privileged advice regarding the affordable housing litigation

BE IT FURTHER RESOLVED, the matter(s) discussed will be made known to the public at 12-13-2021 [B]

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 return to public session after this closed session where formal action may be taken.

Council Member Truilo motioned to approve Resolution # 21-396, seconded by Council Member Resto. By a unanimous voice vote, Resolution # 21-396 was approved.

The Governing Body adjourned into Closed Session at 10:04 p.m.

THE GOVERNING BODY RETURNED TO PUBLIC SESSION

The Governing Body returned to Public Session at 10:27 p.m.

Roll Call was taken, and all were present, except for Council Member Mathiasen who was absent.

ADD-ON RESOLUTION[S]

Mayor Kobylarz asked Council Member Treloar to proceed with Add-On Resolution #21-397

Council Member Treloar read Resolution # 21-397.

RESOLUTION #21-397

RESOLUTION AUTHORIZING EXECUTION OF CONSENT ORDER CLARIFYING AFFORDABLE HOUSING REQUIREMENTS OF THE RIVER ROAD DEVELOPMENT (BLOCK 135, LOTS 9, 10, 11 AND 12)

WHEREAS, the Borough of Chatham has been engaged in an affordable housing declaratory judgment action it filed in the Superior Court of New Jersey, Law Division, Morris County, captioned I/M/O the Borough of Chatham Mount Laurel Compliance, docket number MRS-L-1906-15 (the “litigation”); and

WHEREAS, the Borough is being represented in the litigation by its special affordable housing counsel, Jonathan E. Drill, Esq., of Stickel, Koenig, Sullivan & Drill, LLC; and

WHEREAS, pursuant to a June 14, 2021 First Amendment (the “First Amendment”) to a November 7, 2016 settlement agreement entered into by and between the Borough and Fair Share Housing Center (“FSHC”) to resolve issues raised in the litigation during the statutorily required so-called “mid-point” review, the Borough committed to re-zone certain properties as part of the Gateway 1 and Gateway 2 overlay zones at 35 units per acre and 18 units per acre, respectively, with a 15% affordable housing set-aside for rental housing and a 20% affordable housing set aside for sales housing, and also committed to “use its best efforts, and act with all continuity of purpose, to designate and enter into a redeveloper’s agreement for the inclusionary development [at Post Office Plaza] by June 1, 2022”; and

WHEREAS, FSHC has sought assurances that, once adopted, the Gateway 1 and Gateway 2 overlay zones shall remain effective and not be superseded by any alternative zoning or redevelopment / rehabilitation plan absent consent of FSHC and a Court order, and FSHC has also sought assurances that the Borough shall continue to “use its best efforts, and act with all continuity of purpose, to designate and enter into a redeveloper’s agreement for the inclusionary development [at Post Office Plaza] by June 1, 2022” to create a realistic opportunity for at least 15 affordable housing units to be created in accordance with the First Amendment, and FSHC has proposed entry into a Consent Order to provide the assurances it seeks; and

WHEREAS, Special Counsel Drill recommends that the Borough authorize him to sign the Consent Order and the Borough Council wishes to authorize Special Counsel Drill to sign same.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham in the County of Morris and the State of New Jersey that Special Counsel Drill is authorized to execute the aforementioned Consent Order on behalf of the Mayor and Council; and,

BE IT FURTHER RESOLVED, that those Borough officials with responsibility for addressing this matter are authorized and directed to take all necessary and appropriate action to effectuate the purpose and intent of this Resolution.

Council Member Treloar motioned to approve Resolution # 21-397, seconded by Council Member Resto.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Dempsey			X			
Mathiasen						X
Koronkiewicz			X			
Treloar	X		X			
Resto		X	X			
Truilo			X			

ADJOURNMENT

Having no other business to conduct in public session, Council Member Truilo made a motion to adjourn the meeting, seconded by Council Member Resto. The meeting was adjourned at 10:32 p.m.

Respectfully submitted on January 3, 2022, by:

Tamar Lawful, RMC
Borough Clerk
BOROUGH OF CHATHAM