

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

**AUGUST 09, 2021 MINUTES**

Mayor Thaddeus J. Kobylarz called the virtual Regular Meeting of the Borough of Chatham to order on Monday, August 9, 2021, at 7:35 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 35.8 million Americans who contracted COVID-19, and the more than 617,000 people who have succumbed to the virus. Finally, he acknowledged the ten (10) Chatham Borough residents who have died since the 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, 2021.

**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  
Council Member Karen Koronkiewicz  
Council Member Irene Treloar (Attended virtually)  
Council Member Leonard Resto  
Council Member Frank Truilo

Also present were:

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

Mayor Kobylarz asked Council President Dempsey to proceed with Resolution # 21-272.

Council President Dempsey read Resolution # 21-272.

**RESOLUTION # 21-272**

**RESOLUTION SUPPORTING THE 15<sup>TH</sup> ANNUAL TURN THE TOWNS TEAL® CAMPAIGN, A NATIONAL CAMPAIGN PROMOTING AWARENESS OF OVARIAN CANCER AND ITS SYMPTOMS**

**WHEREAS**, ovarian cancer is the fifth leading cause of cancer-related death among women in the United States; and

**WHEREAS**, the month of September is dedicated to raising awareness of ovarian cancer; and

**WHEREAS**, ovarian cancer is called the “silent disease” because its symptoms are often vague or subtle; and

**WHEREAS**, if detected in its early stages, the survival rate from ovarian cancer is 90-95 percent, yet the relative five-year survival rate for ovarian cancer is 46 percent because it is so difficult to detect early. Survival rates vary greatly depending on the stage of diagnosis; and

**WHEREAS**, the Turn The Towns Teal®, a national campaign to promote awareness of ovarian cancer and its symptoms, was the inspiration of Gail MacNeil of Chatham, New Jersey during her 10-year battle with ovarian cancer. This campaign continues to go forward in her name and in her honor; and

**WHEREAS**, Turn The Towns Teal® and the Ovarian Cancer Research Fund Alliance (OCRFA) are partnering to promote awareness of ovarian cancer through the Turn The Towns Teal® campaign.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby support the Turn The Towns Teal® campaign, a national campaign to promote awareness of ovarian cancer and its symptoms, and authorize the placement of teal colored ribbons around Borough trees during the month of September; and

**BE IT FURTHER RESOLVED**, that the placement of any banners or signage must be reviewed and approved in advance of their posting on Borough property by the Borough’s Zoning Officer and that all ribbons shall be removed from Borough trees on or before September 30, 2021.

Council President Dempsey motioned to approve Resolution # 21-272, seconded by Council Member Resto. By a unanimous voice vote, Resolution # 21-272 was approved.

Ana McCormick accepted the proclamation and gave a brief speech.

Mayor Kobylarz asked Council Member Truilo to proceed with Resolution # 21-273.

Council Member Truilo read Resolution # 21-273.

**RESOLUTION #21-273**

**RESOLUTION ACKNOWLEDGING JERRY DUFFEY, HUNTER STUSNICK, DARREN YEN, PRESTON YEN AND KAILING SATHYANATH FOR THEIR OUTSTANDING ACHIEVEMENT AT THE 2021 USA FENCING SUMMER NATIONALS SEASON CHAMPIONSHIP**

**WHEREAS**, the United States Fencing Association (USFA) was established in April 1891 as the national governing body for sports and fencing in the United States; and

**WHEREAS**, the 2021 USA Fencing National Championship was held on July 3, 2021, through July 12, 2021 at the Pennsylvania Convention Center in Philadelphia; and

**WHEREAS**, Chatham High School fencers participated in this national championship, two of which are siblings, and former members of the Chatham High School boys' varsity fencing team; and

**WHEREAS**, the Chatham Fencing coaches, its team members and its female fencer competed and won national medals; and

**WHEREAS**, Chatham High School Fencing coaches Jerry Duffey, Hunter Stusnick and Darren Yen won bronze medals in the 2021 USA Fencing Nationals; and

**WHEREAS**, Darren Yen won the gold medal and his sibling Preston Yen won the silver medal in the 2021 USA Fencing Nationals; and

**WHEREAS**, Kailing Sathyanath with her team from the Advance Fencing and Fitness Academy won the gold medal in the Senior Women's Team Saber event at the 2021 USA Fencing Nationals; and

**WHEREAS**, the Borough of Chatham Mayor and Council are ecstatic and proud of all coaches and team members for their outstanding achievement, sportsmanship, skills and competitiveness in the 2021 USA Summer National Season Championship.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham commend the Chatham High School Fencing coaches and team members for their exemplary performance and exceptional achievement for securing gold, silver and bronze medals during the 2021 USA Summer National Season Championship; and

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Council are proud of all individuals for their unrelenting dedication to athletic excellence and wishes each individual continued success in fencing; and

**BE IT FURTHER RESOLVED**, that a commemorative copy of this resolution be presented to each honoree.

Council Member Truilo motioned to approve Resolution # 21-273, seconded by Council Member Resto. By a unanimous voice vote, Resolution # 21-273 was approved.

Fencing coach Jerry Duffey accepted the proclamation and gave a speech. Hunter Stusnick, Darren Yen, Preston Yen, and Kailing Sathyanath, all attended virtually, and each thanked the Governing Body for the recognition.

## **RECUSALS**

There were none.

## **ADOPTION OF COUNCIL MEETING MINUTES**

Mayor Kobylarz asked Council Member Resto to proceed with Resolution # 21-274.

Council Member Resto read Resolution # 21-274.

## **RESOLUTION #21-274**

## **RESOLUTION TO ADOPT COUNCIL MEETING MINUTES**

**BE IT RESOLVED**, by the Council of the Borough of Chatham that the minutes from the following meeting are approved as prepared and shall be filed as a permanent record in the Borough Clerk's office:

June 28, 2021

And,

**BE IT FURTHER RESOLVED**, by the Council of the Borough of Chatham that the minutes from the following Closed Session meeting(s) are approved as prepared and shall be filed as a permanent record in the Borough Clerk's office:

June 28, 2021

Council Member Resto motioned to approve Resolution # 21-274, seconded by Council Member Koronkiewicz. By a unanimous voice vote, Resolution # 21-274 was approved.

## **DISCUSSION ITEMS**

### 2020 Audit Presentation:

Presented by: Bud Jones, Nisivoccia

Mr. Jones reviewed the 2020 audit report for the Borough of Chatham. In his review, he stated that the Borough has approximately \$50.1 million in revenue. The revenue consists of current taxes that equate to \$44.4 million dollars. The budget consists of other miscellaneous revenues and expenses, which equate to approximately \$49.2 million dollars. The expenses are primarily public-school taxes in the amount of \$28.5 million and the operating budget in the amount of \$13.6 million dollars.

Two adjustments were made to the budget as follows:

- \$300,00.00 was adjusted as special emergency authorization appropriations due to loss of revenue related to COVID-19; and

- \$175,000.00 was adjusted related to the revaluation of properties within the Borough.

The adjustments to the budget resulted in a fund balance of \$2,657,000.00, which is \$140,000.00 less than the previous year (2019). The fund balance for water utilities also decreased from 785,000.00 to \$485,000.00.

The Borough's level of debt is positive, with only 5.3% of net equalized evaluation. The Borough's 2.7 million dollars of debt is related to the Madison-Chatham Joint Meeting for improvements to the sewer utility. With respect to property tax collection, the collection percentage for 2020 was significantly high, at 98.8% of the current year taxes.

Council Member Mathiasen stated that the low debt and AAA bond rating for the Borough are telling signs that the Borough is in good fiscal condition. Each member of the Governing Body thanked Mr. Jones for his time.

## **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 561 residents of the Borough contracted COVID-19 since the start of the pandemic. There have been 14 newly reported cases from two (2) weeks ago. Nine (9) new cases were reported during the second half of July, and five (5) new cases were reported in August. Chatham Borough's Health Officer, Megan Avallone, reported that the risk level for Chatham Borough has transitioned from low to moderate risk.

The State of New Jersey is trending in the wrong direction. The current 7-day rolling average have increased from 260 on July 12, 2021, to a staggering 1,222 cases. This number is a thousand times higher than four weeks ago. The state's transmission rate is 1.36. Health Officer, Megan Avallone, reported that the State of New Jersey is moving in a downward trajectory locally, regionally, and statewide.

Trenton has reported a rise in the number of positive cases. The increase in positive cases is attributed to the arrival of the new and highly contagious Delta variant. The proliferation of the virus is driven specifically by the unvaccinated portion of the state's population.

With respect to vaccination rates, 67% of the state's population has received at least one dose of the COVID-19 vaccine, and approximately 59% of the population is fully vaccinated. In Morris County, approximately 71.6% of the population have received one dose of vaccination, while 64.5% of residents are fully vaccinated. In Chatham Borough, 76% of the entire population has been vaccinated. 97% of residents over the age of 18 and 98% of residents 65 years and older are fully inoculated.

### FEMA Reimbursement:

FEMA will reimburse Chatham Borough for expenses incurred from Hurricane Isaias, which made landfall on August 4, 2021. The hurricane caused extensive downing of trees and powerlines. It also left one-third of residents without power, some for multiple days. The Borough will be compensated for the

aftermath of the hurricane debris removal and protective services initiated before and after the hurricane's downfall. The cost of all the services was incurred by the Police Department, the Fire Department, and the Department of Public Works. The Borough can expect approximately \$100,000.00 in reimbursement.

National Night's Out:

National Night Out was a terrific event. It is an annual campaign designed to promote a police community partnership and neighborhood camaraderie. It is aimed to build and to enhance a closer relationship with the community. Police Chief Gibbons, Officer Brian Colatrella and Lt. Ralph Colatrella were acknowledged and thanked for putting the event together.

Expression Statement of Gratitude:

Mayor Kobylarz acknowledged Council President Dempsey and Council Member Mathiasen for assuming the role as acting Mayor during his absence.

**MEETING OPEN TO THE PUBLIC**

Residents wishing to make public comments may dial 929-205-6099 (Meeting ID: 881 3698 9126) or obtain online access of the meeting using the following URL: <https://us02web.zoom.us/j/88136989126>

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.

**Robert Weber - 99 Summit Avenue**

Mr. Weber voiced concerns pertaining to the Governing Body's transparency. He questioned the audit findings and asked for additional details. He further requested the amendment to the affordable housing agreement and the Zoning Board settlement agreement regarding parking at Watchung Avenue. He stated that information concerning the settlement is not available on the Borough's website. Lastly, he questioned the reasoning behind entering into a closed session, requesting more information be provided to the public.

**Valerie Clark – 21 Fern Avenue**

Mrs. Clark echoed Mr. Weber's sentiments concerning transparency. She further stated that she was informed that the River Road Redevelopment Project was approved. She was under the impression that the application will not be decided upon until autumn. She further noted objections from residents of neighboring streets concerning the project.

Council Member Mathiasen stated that the Borough held three extensive public meetings for this specific project. The meetings included a Financial Analyst, the Borough Administrator, and the Borough Planner. Notice was broadcast and residents were notified about the meetings.

Mrs. Clark inquired about a potential second train station in the Borough. Council Member Mathiasen

informed her that the materialization of a train station is far ahead in the future. She encouraged her to schedule a meeting with the Borough Planner.

Council Member Truilo stated that the project referenced by Mrs. Clark is at the corner of Watchung Avenue and River Road. The Planning Board scrutinized the application and ultimately gave site-plan approval several months ago.

Mrs. Clarke inquired whether the Post Office Plaza Redevelopment Project was reduced by fifty percent. Mayor Kobylarz responded that the proposal will be vetted and has not been accepted. However, there is still an opportunity for the Borough or the redeveloper to walk away.

Mrs. Clark further inquired about a project for assisting living and whether it was approved. She was informed that the project was not approved.

Lastly, she stated that the Master Plan appears outdated with current times. Mayor Kobylarz stated that the Planning Board is looking into revising the Master Plan.

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

Mayor Kobylarz proceeded to the Council Reports.

## **REPORTS**

### **COUNCIL MEMBERS**

**Council President Dempsey** – Council President Dempsey encouraged residents to participate in the Summer Concert Series held every Thursday at Reasoner Park for the enjoyment and entertainment of the public and to facilitate the support of the downtown area.

The Stanley Advisory Committee will hold its inaugural meeting on August 10, 2021.

**Council Member Mathiasen** – Council Member Mathiasen reported that the Borough's new website is being constructed. The new website will be user-friendly and easier to navigate when searching for information or conducting transactions.

The Mayor and Council Agenda are managed through Granicus. The links on the agenda allow the public to view the actual attachment as it pertains to the agenda item. The Borough's boards, commissions, and eventually committees will have their meeting agendas available through Granicus in the future.

The public was reminded that office hours for members of the Governing Body are available, and encouraged residents to make an appointment to discuss any matters of concern. Information on office hours is available on the Borough's website.

**Council Member Koronkiewicz** – Council Member Koronkiewicz reported that the Shade Tree Commission is preparing for tree planting this coming fall. Residents may request to have trees planted in front of their property. The public was informed that the verges, which is the strip located between the roadway and the sidewalk, belong to the Borough. As a result, the Borough has full authority to plant trees within the verges to maintain the beautification of the community while promoting a healthier environment.

The Department of Public Works was thanked for working diligently to repair a main water break that resulted in significantly low water pressure or water loss in certain areas.



**Council Member Treloar** – Council Member Treloar reminded residents that this year’s annual Fishawack Festival is scheduled from September 24, 2021, through September 26, 2021. More information will follow on the website.

**Council Member Resto** – Council Member Resto reported that the Board of Health is working with the Environmental Commission concerning lawn equipment. Since the pandemic, certain lawn equipment has become more noticeable as more people begin working from home. The noise disturbance, the smell of fumes, and debris have made the public more attuned to these issues. He informed the public that some electric equipment may have more benefits, especially with the reduction of noise.

The Economic Development Advisory Committee will migrate to a new website. The Committee is also considering a new welcome concept for new businesses. The new concept will guide and educate business owners on rules, regulations, and how to obtain permits, to name a few.

Efforts are being undertaken to establish a Chatham Borough Chamber of Commerce. The Madison Chatham Coalition Cannabis Task Force is meeting regularly to examine and discuss new laws and any potential impact on minors.

The Undergrounding Advisory Committee met with the management of JCP&L to discuss the power outage during the heatwave on June 28<sup>th</sup> through June 30<sup>th</sup>. JCP&L stated that a failing transformer was replaced with a portable unit that provided 15 mega-volts of power and was scheduled to trip if it went up to 14.5. However, due to the overwhelming demand due to the heatwave, the generator failed and did not transmit an alert signal. To remedy this issue going forward, JCP&L will notify the Borough of any issue they may encounter concerning providing electricity in certain areas, and the Borough will notify its residents.

A group which was established months ago met with the BPU and JCP&L concerning the increased need for reliability. BPU impressively had a number of its lead employees present at the meeting.

JCP&L provided a preliminary proposal to determine how they can address undergrounding wires.

The food distribution continues every Wednesday from 2:30 p.m. to 3:30 p.m. Many families are still experiencing food insecurities. He encouraged residents to donate and support the community during this challenging time.

**Council Member Truilo** – Council Member Truilo reported that the Chatham 9/11 Advisory Committee is planning the 20<sup>th</sup> 9/11 Annual Ceremony. The scheduled routes for the ceremonies were mentioned, and the significance of each memorial site (a tree and plaque by the eastbound track, Reasoner Park, and the Library of the Chathams). He encouraged the public to support the 9/11 Advisory Committee, which maintains all three (3) memorial sites.

## MAYOR’S REPORT II

Mayor Kobylarz had nothing new to report.

## ADMINISTRATOR’S REPORT

Borough Administrator, Stephen Williams reported on the following:

The Borough Administrator reported that the Borough has paid MCMUA to dispose of the Borough’s recyclables for many years. In June, the market for single-stream recycling became available and the



Borough received a moderate rebate for the collection for the month of June. If this continues, the Borough will be compensated by MCMUA for the collection of recyclables as opposed to paying for their services.

The public was informed that the agenda is accessible on the website by clicking on the Granicus logo. Currently, there are three (3) Granicus logos on the Boroughs website: on the homepage, the Mayor's page, and the clerk's page. To view the agenda, one must click on the Granicus logo, which will be directed to the page with the current agenda and prior agendas completed through Granicus. Additionally, there is a separate page for all Mayor and Council meeting agendas, which is updated prior to most meetings.

The Garden Park tennis courts are now complete. Unfortunately, skateboarders have entered the tennis courts, causing wheel marks and scratches on the newly renovated courts. The Department of Public Works is working diligently to address the damage. The public was reminded that the area is restricted to tennis and pickleball use only.

As a result of the late approval of the Borough's tax rates by the County, the Borough was able to mail its third quarter property tax bills last week. The August 1, 2021 property tax due date was extended to September 3, 2021. Payment must be received by September 3, 2021, to avoid interest accruing back to August 1, 2021, until payment is received.

On August 11, 2021, a water main break on Lincoln Avenue, in the vicinity of Walnut Street occurred. There was a 14' horizontal crack in a 12" supply line. The break resulted in water exiting the system, which resulted in a drop in water pressure throughout the borough. Residents close to the water tower lost pressure for approximately 45 minutes. The Department of Public Works stopped the leak and worked until 10:30 p.m. to replace the 14-foot pipe. The DPW was thanked for remediating the issue.

The final road resurfacing project will begin on August 11, 2021, at 7:00 a.m. The roads to be resurfaced are as follow: Edgewood Road from Lafayette Avenue to the town line, the entire length of Essex Road, Fairfax Terrace from Lafayette to the town line, the entire length of Martin Place, the entire length of Mercer Avenue, the entire length of Penn Terrace, the entire length of Somerset Avenue and the entire length of Sussex Avenue.

## **MAYORAL APPOINTMENT**

Mayor Kobylarz proceeded with his Mayoral Appointment.

Mayor Kobylarz read the following Mayoral Appointment.

### **MAYORAL APPOINTMENT**

#### **APPOINTING SUSAN ROBERTSON AS A REGULAR MEMBER TO THE CHATHAM BOROUGH ENVIRONMENTAL COMMISSION**

**WHEREAS**, due to the resignation of Philip Kagan, there exists a Regular Member vacancy on the Chatham Borough Environmental Commission with such position and term set to expire on December 31, 2021; and

**WHEREAS**, N.J.S.A. 40:56-1 sets forth that the appointment of Regular Members to an Environmental Commission shall be made by the Mayor; and

**WHEREAS**, Susan Robertson has expressed her interest in being appointed to the Chatham Borough Environmental Commission as a Regular Member and has submitted a volunteer application.

**NOW, THEREFORE, BE IT RESOLVED**, as Mayor, I, Thaddeus Kobylarz do hereby appoint Susan Robertson as a Regular Member to the Environmental Commission to fill the vacant Regular Member unexpired term, with such term expiring December 31, 2021; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution in accordance with N.J.S.A. 40A:99.2a and the Code of the Borough Chatham, Chapter 3, §3.3.

Mayor Kobylarz announced the official appointment of Susan Robertson to the Chatham Borough Environmental Commission. Her oath will be administered at the next scheduled Environmental Commission meeting.

### **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 #21-275 through Resolution #21-294 have been placed on the Consent Agenda.

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

#### **RESOLUTION #21-XX**

There were none.

#### **FINANCE**

#### **RESOLUTION # 21-275**

#### **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 # 21-276**

**RESOLUTION AUTHORIZING THE MAYOR AND COUNCIL LIAISON TO THE MUNICIPAL ALLIANCE COMMITTEE OF THE CHATHAMS TO EXECUTE A MUNICIPAL ALLIANCE SUPPLEMENTAL GRANT APPLICATION FOR THE YEAR 2021 FOR THE FUNDING OF THE 2021 FOOTPRINTS FOR LIFE PROGRAM**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents of ways to prevent alcoholism and drug abuse in communities throughout New Jersey; and

**WHEREAS**, the Borough of Chatham, in the County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem across all communities in our society and amongst people of all ages; and

**WHEREAS**, the Borough of Chatham further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Borough of Chatham and the Township of Chatham have combined efforts and established the Municipal Alliance Committee of the Chathams; and,

**WHEREAS**, the Municipal Alliance Committee of the Chathams would like to apply for supplemental funding to sponsor its Footprints for Life program; and

**WHEREAS**, Footprints for Life is a six-week program taught during regular classroom period to children in the second and third grade for approximately 40 minutes each week on drug prevention and a healthy way of life; and

**WHEREAS**, the Morris County Board of County Commissioners supplemental funding program for calendar year 2021 will provide funding in the amount of \$3,000.00 for the Footprints for Life program; and

**WHEREAS**, the Borough of Chatham will contribute a 25% Cash Match towards the program for the total contribution of \$750.00 for the year 2021; and

**WHEREAS**, the Township of Chatham will equally contribute 25% Cash Match as required for the grant funding as referenced; and

**WHEREAS**, a total of \$4,500.00 will be allotted to the Municipal Alliance Committee of the Chathams for its use towards the 2021 Footprint for Life program.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that it hereby authorize the Mayor and the Council Liaison to the Municipal Alliance Committee of the Chathams to execute the Municipal Alliance Supplemental Funding Application to fund the Footprints for Life program for the year 2021; and

**BE IT 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 21-277**

**RESOLUTION AUTHORIZING THE USE OF PROCUREMENT CARDS**

**WHEREAS**, the State of New Jersey Department of Community Affairs, Division of Local Government Services issued Local Finance Notice AU 2003-1, adopting rules and permitting the use of procurement cards (P-Cards) by local units, codified under N.J.A.C. 5:30-9A and in accordance with N.J.S.A. 40A:5-16; and

**WHEREAS**, the statute permits a municipality to adopt policies that permit specific use of P-cards for the acquisition of goods and services under certain circumstances set forth in the statute; and

**WHEREAS**, Bank of America, under State Contract T1654, is the authorized State Contract vendor to provide Procurement Card Services; and

**WHEREAS**, transactions must comply with provisions of the Local Public Contracts Law and the use of a Procurement Card will not change or eliminate any provisions of that law; and

**WHEREAS**, internal controls that ensure compliance with the statutory authorization and the Local Finance Board's rules will be in place and amended to the Borough's Purchasing Manual.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the use of a Procurement Card in accordance with *N.J.S.A. 40A:5:5-16* and *N.J.A.C. 5:30-9A* is hereby authorized; and

**BE IT FURTHER RESOLVED**, that the Borough CFO shall hereby be authorized to engage Bank of America for Procurement Card Services.

**RESOLUTION 21-278**

**RESOLUTION ESTABLISHING PROCUREMENT CARD POLICIES AND PROCEDURES**

**WHEREAS**, by Resolution # 21-277, the Borough of Chatham authorized the use of Procurement Cards (P-Cards); and

**WHEREAS**, the Borough wishes to establish the following policies and procedures for use of the P-Card as required by law;

**PROCUREMENT CARDS (P-Cards)**

**I. UTILIZATION OF P-CARDS**

- a. P-Cards can be used for supplies or services under the following circumstances:
  - i. When payment to vendors is required in advance of the delivery of goods or services and the goods or services cannot be obtained from any other source at a comparable price.
  - ii. When vendor only accepts payment via credit card for goods or services and the goods or services cannot be obtained from any other source at a comparable price.
  - iii. When placement of orders for goods and services is made through an electronic computerized transaction (i.e. order is placed from computer to computer via the internet or similar computer network) as authorized by N.J.S.A. 40A:5-16.

- b. P-Cards cannot be used for the purchase of items or services of a personal nature for employees or officials. Travel, dining and room and board expenses are also not permitted.

## **II. CARD ELIGIBILITY AND USE**

- a. The Chief Financial Officer shall designate a person who is authorized to use a P-card for departmental purchases of goods and services. All authorized cardholders must comply with the P-card policies outlined herein and ALL other procedures and requirements included within the Borough's Purchasing Manual.
- b. The individual whose name is on the card is the only person authorized to make purchases using the card. The cardholder will be held accountable for any policy infractions. The cardholder shall follow proper procedures in order to obtain authorization to make a purchase.
- c. The cardholder is responsible to determine that the price quoted for a product or service is the best price that can be obtained.
- d. Cardholders should be certain that the total amount, including shipping and handling charges, will not exceed the single purchase limit on the P-card.

## **III. RESTRICTIONS AND CONTROL**

- a. Use of the P-card to purchase any product or service must comply with those permitted by the Borough's Procurement Policies and be in compliance with Local Public Contract Laws.
- b. The P-card must never be used to purchase items for personal use or for non-Borough purposes.
- c. Any unauthorized or inappropriate use of a P-card will result in cancellation of the P-card and will subject the cardholder to disciplinary action including possible termination of employment and criminal prosecution

## **IV. SPENDING LIMITS**

- a. The monthly spending limit is the maximum available credit for the billing cycle. The card will reject any transaction that exceeds this limit.
- b. The Borough has established a limit on the card at \$5,000.00 per month.
- c. Only in approved instances by both the CFO and the Administrator can a procurement reach the maximum of 15% of bid threshold by conducting a one-time approval based upon the circumstances.

## **V. CARD SECURITY / LIABILITY**

- a. Cards must be strictly safeguarded. It is the responsibility of each cardholder to secure the card at all times. If a card is used infrequently, it must be stored in a secure location within the department.
- b. In case of loss, theft or misappropriation of the card account number, immediately contact the Chief Financial Officer.
- c. The cardholder will not be liable for the unauthorized use of a stolen card by a third party as long as the card is reported stolen within 24 hours of when loss is detected by the individual.

## **VI. CARD MAINTENANCE**

- a. Card Activation - Once the cardholder has successfully completed training, the P-card Administrator will activate the card for immediate use.

b. Cancellation

i. Upon termination of employment, transfer to another department, or if the cardholder's responsibilities change within the Department and the P- card is no longer required in the newly assigned position, the cardholder must return the P-card to the approving manager. The approving manager must notify the Purchasing Card Program Administrator by submitting a Cardholder Maintenance Form. The Purchasing Card Program Administrator will deactivate the P-card.

ii. The Purchasing Card Program Administrator will also require the cardholder to return the P-card in the case of misuse. In addition, the approving manager may require a cardholder to turn in a P-card for any reason.

c. Card Changes - If a Cardholder needs to make changes to name, address, phone, or account numbers, use the Cardholder Maintenance Form or send an e-mail to the Purchasing Card Program Administrator.

d. Assignment - A P-card may not be transferred or assigned to another person. P-cards are the property of Borough and the Designated Financial Institution and must be turned in to the Chief Financial Officer upon changing departments or leaving the Borough.

VII. P-CARD ORDER/PURCHASE PROCESS

a. Purchases of appropriate items using the P-card may be made from any vendor who accepts the VISA® card.

b. An approved requisition based upon written quote or screen shot needs to be obtained prior to ordering.

c. Notify the vendor that the purchase is exempt from New Jersey State sales tax, use tax and Federal excise tax. Provide the vendor with the Borough's New Jersey State Tax Exempt Number (printed on the card). If a cardholder is charged tax on a purchased item, it is the cardholder's responsibility to obtain credit from the vendor for the imposed tax.

d. Contact the Finance Office if the vendor requests a copy of the Borough's Exempt Use Certificate Form ST-4.

VIII. PURCHASING CARD ADMINISTRATOR/PROGRAM MANAGER

a. The Chief Financial Officer shall be responsible for overall oversight of the P-Card program.

i. Processes payment to Designated Financial Institution.

ii. Reevaluate program on an "as needed" basis, but not less frequently than annually.

b. The Chief Financial Officer shall be responsible for day-to-day oversight and management of procurement in accord with this policy and the LPCL.

c. The Chief Financial Officer will be the designated Program Manager with the following responsibilities:

i. Card Acquisition - All cards are imprinted with both the users' names and the name of the local unit

ii. Ensure program participants are fully trained to be in compliance with the Procurement Card section of the Purchasing Manual.

iii. Responsible for administering and overseeing all policies and procedures of the Purchasing Card Program.

iv. Reviews monthly statements and conducts an audit of P-card transactions.



- v. Performs regular reviews of transactions and cardholder activity and reports any activity that does not comply with the Program's guidelines to the cardholder and the approving manager.
- vi. Reviews vendor activity for compliance with general procurement policies and procedures.
- vii. Helps resolve transactions that cannot be reconciled by the cardholder or approving manager.
- viii. Tracks card expiration dates and issues replacement cards. Tracks termination of cardholders. Cancels cards as required.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the above policies and procedures for the use of P-Cards for purchases by the Borough of Chatham be adopted and included in the Borough's Purchasing Manual.

**RESOLUTION # 21-279**

**RESOLUTION AMENDING THE 2021 MUNICIPAL BUDGET FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE FOR LOCAL FISCAL RECOVERY FUNDS**

**WHEREAS**, N.J.S. 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 funds from the State of New Jersey as a pass through for United States Department of Treasury for the Local Fiscal Recovery Funds provided through the American Rescue Plan in the amount of \$903,812.97 and wishes to amend its 2021 Budget to include this amount as revenue.

**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 year 2021 in the sum of \$903,812.97 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: Local Fiscal Recovery Funds provided through the American Rescue Plan in the amount of \$903,812.97.

**BE IT FURTHER RESOLVED**, that like sum of \$903,812.97 and the same is hereby appropriated under the caption of:

- General Appropriations: Operations Excluded from "CAPS":



Public and Private Programs Off-set by Revenues: Local Fiscal Recovery Funds provided through the American Rescue Plan in the amount of \$903,812.97.

**RESOLUTION # 21-280**

**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 overpayment for property taxes for the year 2020 for the herein referenced property; and

**WHEREAS**, the Tax Collector has further advised that a refund per the New Jersey Tax Court Judgement # 006193-2020 is to be made as follows:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR.</u>
95/21	Andrew and Lisa Schroeder 135 Washington Avenue Chatham, New Jersey 07928	\$1,485.04	2020 / 4 <sup>th</sup> Qtr.

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

Spiotti & Associates (Attorney Trust Account)  
Attorney's-at-Law  
271 US Highway 46, Suite F-105  
Fairfield, NJ 07004

**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 # 21-281**

**RESOLUTION CERTIFYING RECEIPT AND REVIEW OF THE ANNUAL AUDIT REPORT FOR THE YEAR 2020**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

**WHEREAS**, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, That the Borough Council of the Borough of Chatham, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

#### **RESOLUTION # 21-282**

#### **RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN FOR THE ANNUAL AUDIT REPORT FOR THE YEAR ENDING 2020**

**WHEREAS**, the New Jersey Budget and Fiscal Affairs laws require all local governments to prepare and submit a Corrective Action Plan as part of their annual audit process; and

**WHEREAS**, the Corrective Action Plan, which outlines actions the Borough of Chatham will take to correct the findings listed in the Comments and Recommendations section of the 2020 Audit report, prepared by the Chief Financial Officer and placed on file with the Borough Clerk within 60 days from the date the audit report was received by the Governing Body; and

**WHEREAS**, the Governing Body is required to review and approve the Corrective Action Plan.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby approve the Corrective Action Plan prepared by the Chief Financial Officer in response to the 2020 Audit Report; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk shall file a certified copy of this Resolution with the Director of the Division of Local Government Services.

**RESOLUTION # 21-283**

**RESOLUTION AMENDING 2021 MUNICIPAL BUDGET FOR THE INSERTION OF SPECIAL ITEM OF REVENUE FOR BODY WORN CAMERA GRANT**

**WHEREAS**, N.J.S. 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 funds from the State of New Jersey for the Body Worn Grant Program in the amount of \$50,950.00 and wishes to amend its 2021 Budget to include this amount as revenue.

**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 \$50,950.00 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: State of New Jersey for the Body Worn Grant Program in the amount of \$50,950.00

**BE IT FURTHER RESOLVED** that like sum of \$50,950.00 and the same is hereby appropriated under the caption of:

- General Appropriations: Operations Excluded from “CAPS”

Public and Private Programs Off-set by Revenues: State of New Jersey for the Body Worn Grant Program in the amount of \$50,950.00

**PERSONNEL**

**RESOLUTION #21-284**

**AS ADMINISTRATIVE ASSISTANT FOR THE DEPARTMENT OF COMMUNITY SERVICES FOR THE BOROUGH OF CHATHAM**

**WHEREAS**, Marjorie Lowe has tendered her resignation as Administrative Assistant for the Department of Community Services for the Borough of Chatham effective July 16, 2021.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby accept the resignation of Marjorie Lowe as the Administrative Assistant for the Department of Community Services for the Borough of Chatham, with the effective date of July 16, 2021; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council thank Marjorie Lowe for her 7 years of dedication and service to this community and wish her well in her future endeavors; 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.

**RESOLUTION #21-285**

**RESOLUTION APPOINTING TAMAR LAWFUL AS THE DEPUTY REGISTRAR FOR THE BOROUGH OF CHATHAM PURSUANT TO N.J.S.A. 26:8-17**

**WHEREAS**, due to the retirement of the current Deputy Registrar, Anne Mandal, there is a need for the appointment of a Deputy Registrar for the Borough of Chatham to assist in the day-to-day operations of the office and to act in the local registrar's stead in case of absence; and

**WHEREAS**, in accordance with N.J.S.A. 26:8-17, Cheri Morris, the Borough's Local Registrar, recommends that Tamar Lawful be appointed to serve as the Deputy Registrar for the Borough of Chatham; and

**WHEREAS**, Tamar Lawful is a Certified Municipal Registrar and has indicated her willingness to serve as the Deputy Registrar for the Borough.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby concur with the recommendation of the Local Registrar and appoint Tamar Lawful as the Deputy Registrar for the Borough of Chatham, effective September 16, 2021 with a term to be concurrent with the Local Registrar.

Wolf Vespasiano, LLC (Attorney Trust Account)  
Robert N. Jr. and Pamela R. Chipperfield  
331 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 # 21-286**

**RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE MAYOR TO EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR HILLSIDE AVENUE FROM WOODS LANE TO MAPLE STREET, ROADWAY IMPROVEMENT PROJECT**

**GRANT APPLICATION MA-2022  
CHATHAM BOROUGH HILLSIDE AVENUE PRO-00638**

**BE IT RESOLVED**, by the Council of the Borough of Chatham that the Mayor is hereby authorized to execute a grant contract for the formal approval of the grant application to the New Jersey Department of Transportation in the amount of \$111,435.00 for the Hillside Avenue Road Improvement Project from Woods Lane to Maple Street in the Borough of Chatham identified as *MA-2022 - Chatham Borough - Hillside Avenue Improvement - PRO 00638* with the New Jersey Department of Transportation.

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Chatham, and that their electronic signatures constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement; 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 # 21-287**

**RESOLUTION AWARDING A NON-FAIR AND OPEN CONTRACT TO RAY NEBIKER ELECTRIC TO INSTALL A NEW VFD STARTER IN WELL NUMBER ONE IN THE BOROUGH OF CHATHAM**

**WHEREAS**, the Borough of Chatham's Water Department needs to install a new VFD starter in well number one; and

**WHEREAS**, the purchasing agent has determined and certified in writing that the value of the services exceeds \$17,500; and can be awarded 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**, because the anticipated contract amount is less than the Borough's bid threshold of \$44,000.00, but 15% or more of that amount the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires the Borough to solicit at least two (2) competitive quotations for said work; and

**WHEREAS**, the Borough of Chatham solicited quotations to install a new VFD starter in well number one; and

**WHEREAS**, the Director of Public Works received two quotations from Ray Nebiker Electric in the amount of \$21,780.45 and Pristine Electric in the amount of \$26,784.30; and

**WHEREAS**, Ray Nebiker Electric, located at 74 Woodland Road, Ringwood, NJ 07456 provided the lowest responsible quotation to install a new VFD starter in well number one; and

**WHEREAS**, Ray Nebiker Electric has completed and submitted a Business Entity Disclosure Certification which certifies that Ray Nebiker Electric 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 Ray Nebiker Electric from making any reportable contributions through the term of the contract; and

**WHEREAS**, upon the recommendation of the Director of Public Works and the Borough's Qualified Purchasing Agent, the Borough Council wishes to authorize a non-fair and open contract with Ray Nebiker Electric in accordance with the scope of work and contract amount set forth in its proposal; and

**WHEREAS**, Borough of Chatham CFO has certified that there are funds available in the water capital account W-06-55-921-005; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Chatham, County of Morris, State of New Jersey that a contract be processed and awarded to Ray Nebiker Electric in the amount of \$21,780.45; and

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are hereby authorized and directed to execute a contract with Ray Nebiker Electric in the amount of \$21,780.45.

**RESOLUTION # 21- 288**

**RESOLUTION OF THE BOROUGH OF BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM AWARDED CIFELLI & SON GENERAL CONTRACTING, INC. THROUGH THE MORRIS COUNTY CO-OP CONTRACT# 6 – ROAD RESURFACING AND CURBING**

**WHEREAS**, the Borough of Chatham, pursuant to N.J.S.A. 40A:11-11(5), may, by resolution and without advertising for bids, award contracts for the purchase of any goods or services and that were procured through cooperative purchasing agreements; and

**WHEREAS**, the Borough of Chatham desires to install curbing on various streets throughout the Borough through the Morris County Cooperative Bid Contract # 6, which exceeds the prevailing bid threshold:

<b>VENDOR:</b>	Cifelli & Son General Contracting, Inc.
<b>COST:</b>	Not to exceed \$112,000.00

And,

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*, said funds to be encumbered from accounts C-04-55-911-203, C-04-55-918-003, C-04-55-919-003, and C-04-55-920-003.

**NOW THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Chatham, County of Morris, State of New Jersey authorizes the Mayor and the Borough Clerk to enter into a contract with Cifelli & Son General Contracting, Inc., not to exceed \$112,000.00 for the installation of curbing on various streets throughout the Chatham Borough.

**RESOLUTION # 21-289**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM  
AWARDING SCHIFANO CONSTRUCTION CORPORATION THROUGH THE MORRIS  
COUNTY CO-OP CONTRACT# 6 – ROAD RESURFACING**

**WHEREAS**, the Borough of Chatham, pursuant to N.J.S.A. 40A:11-11(5), may, by resolution and without advertising for bids, award contracts for the purchase of any goods or services procured through the cooperative purchasing agreements; and

**WHEREAS**, Resolution # 21-263 authorized Schifano Construction to mill and pave Carmine Street, Burgess Street, and Chandler Street for an amount not to exceed \$90,000.00; and

**WHEREAS**, the Borough of Chatham also desires to mill and pave Clark Street through Morris County Cooperative Bid Contract #6, which, combined with Resolution 21-263, exceeds the prevailing bid threshold:

**VENDOR:** Schifano Construction Corporation of Middlesex, New Jersey  
**COST:** Clark Street - Not to Exceed \$22,000

And,

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds pursuant to N.J.A.C. 5:30-5.4, said funds to be encumbered from accounts C-04-55-920-002, C-04-55-919-101, and C-04-55-920-101; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Borough Council of the Borough of Chatham, County of Morris, State of New Jersey authorizes the Mayor and the Borough Clerk to enter into contract with Schifano Construction Corporation of Middlesex, New Jersey, not to exceed \$22,000 for the milling and paving of Clark Street.

**RESOLUTION # 21-290**

**RESOLUTION TO AWARD NON-FAIR AND OPEN CONTRACT TO PURCHASE FOUR (4)  
PEDESTRIAN CROSSWALK SIGNALS FOR THE BOROUGH OF CHATHAM**

**WHEREAS**, the Borough of Chatham Police Department wishes to purchase four (4) pedestrian crosswalk signals; and

**WHEREAS**, the purchasing agent has determined and certified in writing that the value of the purchase exceeds \$17,500.00, and can be awarded 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**, because the anticipated contract amount is less than the Borough's bid threshold of \$44,000.00, but 15% or more of that amount, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires the Borough to solicit at least two (2) competitive quotations for said work; and

**WHEREAS**, the Borough of Chatham Police Department solicited quotations to purchase four (4) pedestrian crosswalk signals; and



**WHEREAS**, the Police Department received two quotations from Signal Control Products in the amount of \$21,120.00 and Garden State Highway Products in the amount of \$32,689.92; and

**WHEREAS**, Signal Control Products provided the lowest responsive quotation to purchase four (4) pedestrian crosswalk signals; and

**WHEREAS**, Signal Control Products has completed and submitted a Business Entity Disclosure Certification which certifies that Signal Control Systems 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 Signal Control Products from making any reportable contributions through the term of the contract; and

**WHEREAS**, upon the recommendation of the Police Department and the Borough's Qualified Purchasing Agent, the Borough Council wishes to authorize a non-fair and open contract with Signal Control Products in accordance with the scope of work and contract amount set forth in its proposal; and

**WHEREAS**, Borough of Chatham Chief Financial Officer has certified that there are funds available in the general capital account C-04-55-921-203.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Chatham, County of Morris, State of New Jersey that a contract be processed and awarded to Signal Control Products in the amount of \$21,120.00; and

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are hereby authorized and directed to execute a contract with Signal Control Products in the amount of \$21,120.00.

## **LAW AND PUBLIC SAFETY**

### **RESOLUTION # 21-291**

#### **RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, REAPPOINTING AGAPITO GUZMAN AS A CLASS II SPECIAL LAW ENFORCEMENT OFFICER (SLEO II)**

**WHEREAS**, upon the recommendation of the Chief of Police, the Mayor and Borough Council desire to formally reappoint Agapito Guzman as a Class II Special Law Enforcement Officer (SLEO II); and

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

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Chatham, in the County of Morris and the State of New Jersey that Agapito Guzman is hereby reappointed as a Class II Special Law Enforcement Officer (SLEO II) without any limitation of hours in accordance with N.J.S.A. 40A:14-146.16c.

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

### **BOARDS, COMMISSIONS & COMMITTEES**

#### **RESOLUTION #21-292**

#### **RESOLUTION APPOINTING FLORA JENG TO THE CHATHAM BOROUGH FARMERS' MARKET ADVISORY COMMITTEE**

**WHEREAS**, the Chatham Borough Farmers' Market depends on a volunteer force to assist with the set-up and operation of the Farmers' Market, as well as perform tasks as may be directed by the Farmers' Market Manager; and

**WHEREAS**, Resolution # 21-16, adopted by the Borough Council on January 4, 2021, re-established the Chatham Borough Farmers' Market Advisory Committee; and

**WHEREAS**, Flora Jeng has expressed interest in being appointed to the Chatham Borough Farmers' Market Advisory Committee and has submitted a Volunteer Application to the Mayor and Borough Council for consideration.

**BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Chatham that Flora Jeng is hereby appointed to the Chatham Borough Farmers' Market Advisory Committee; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution in accordance with N.J.S.A. 40A:9-9.2a and the Code of the Borough Chatham, Chapter 3, §3.3.

### **OTHERS**

#### **RESOLUTION # 21-293**

#### **RESOLUTION APPROVING TAX APPEAL SETTLEMENT 560 MAIN STREET BLOCK 30, LOT 7 DOCKET NOS. 003415-2020 & 006279-2021**

**WHEREAS**, an appeal of the real property tax assessment for the tax years 2020 and 2021 for the property located at 560 Main Street, also known as Block 30, Lot 7 on the Official Tax Map of the Borough of Chatham have been filed by the taxpayer and are pending in the Tax Court of New Jersey bearing Docket Nos. 003415-2020 and 006279-2021; 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 refund be 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 appeal of the real property tax assessment bearing Docket Nos. 003415-2020 and 006279-2021 reduced as follow:

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>
2020 & 2021	\$1,919,500.00	\$1,500,000.00

**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 appeal for 2020 and 2021 bearing Docket Nos. 003415-2020 and 006279-2021.

**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 Judgement, the Borough Tax Collector is hereby authorized to apply the appropriate refund to the property owner for the 2020 and for 2021 in the form of a credit against future taxes.

**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 # 21-294**

#### **RESOLUTION AUTHORIZING THE MAYOR AND COUNCIL LIAISON TO THE MUNICIPAL ALLIANCE COMMITTEE OF THE CHATHAMS TO EXECUTE A MUNICIPAL ALLIANCE GRANT APPLICATION FOR GRANT CYCLE JULY 2021 - JUNE 2022 [FORM 1B]**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

**WHEREAS**, the Borough of Chatham, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem across all communities in our society and amongst people of all ages; and

**WHEREAS**, the Borough of Chatham further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Borough of Chatham and the Township of Chatham have combined efforts and established the Municipal Alliance Committee of the Chathams; and

**WHEREAS**, the Municipal Alliance Committee of the Chathams was approved for Municipal Alliance grant funding for the previous Fiscal Grant Year Cycle, October 2020 - June 2021; and

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse has agreed to make a \$8,038.00 grant fund allocation available to the Municipal Alliance Committee of the Chathams for Fiscal Grant Year Cycle, July 2021 - June 2022, contingent upon meeting the Municipal Alliance Committee of the Chathams contribution of 25% Cash Match (\$2,009.50) and a 75% In-Kind Match (\$6,028.50) for a total Budget of \$16,076.00; and

**WHEREAS**, the Borough of Chatham and Township of Chatham will equally contribute the Cash Match and In-Kind Match required for the grant funding as referenced in Form 1A, which is attached and made part of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Chatham that it does hereby authorize the Mayor and the Council liaison to the Municipal Alliance Committee of the Chathams to execute the Municipal Alliance Grant Application for the Fiscal Grant Year Cycle, July 2021 - June 2022 [Form 1B]; and

**BE IT RESOLVED**, that the Mayor is permitted to execute any supplement or amendment to the Municipal Alliance Grant Application that increases the grant funding allocation; and

**BE IT 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.

#### **CONSENT AGENDA VOTE:**

Mayor Kobylarz asked Council Member Treloar to proceed with the Resolutions listed on the Consent agenda, Resolutions #21-275 through #21-294.

Council Member Treloar made a motion to approve Resolutions #21-275 through # 21-294 on the Consent Agenda. The motion was seconded by Council Member Resto. By a unanimous voice vote, the resolutions were approved.

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

There were none.

Mayor Kobylarz asked Council Member Truilo to proceed with Resolution # 21-295.

Council Member Truilo read Resolution # 21-295.

**RESOLUTION #21- 295**

**RESOLUTION TO ADJOURN INTO CLOSED SESSION**

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that it shall adjourn into closed session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of R.S. 10:4-12b:

1. Contract Negotiations - Francis Reiner and Daniel Hauben

**BE IT FURTHER RESOLVED**, the matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Borough of Chatham, provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege. The Borough Council will not return to public session after this closed session.

Council Member Truilo motioned to approve Resolution # 21-295. Council Member Council Member Koronkiewicz seconded the motion. By a unanimous voice vote, Resolution # 21-295 was approved.

**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 9:14 p.m.

Respectfully Submitted on August 9, 2021, by:

Tamar Lawful, RMC  
Borough Clerk  
BOROUGH OF CHATHAM