

**REGULAR MEETING OF THE
MAYOR AND BOROUGH COUNCIL
FEBRUARY 14, 2022 MINUTES**

Mayor Thaddeus J. Kobylarz called the Regular Meeting, held virtually, of the Borough of Chatham to order on Monday, February 14, 2022, at 7:33 P.M. in the Council Chambers in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

SALUTE TO FLAG

Mayor Kobylarz led those attending in the Pledge of Allegiance and asked for a moment of silence to honor those who have given their lives for our country, the healthcare professionals working during the pandemic, and the victims of Covid-19.

STATEMENT OF ADEQUATE NOTICE

Stephen Williams, Acting 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 04, 2022.

ROLL CALL

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

Mayor Thaddeus J. Kobylarz	
Council President Irene Treloar	Attended Virtually
Council Member Carolyn Dempsey	Attended Virtually
Council Member Jocelyn Mathiasen	Attended Virtually
Council Member Karen Koronkiewicz	Attended Virtually
Council Member Leonard Resto	Attended Virtually
Council Member Frank Truilo	Attended Virtually

Also present were:

Stephen W. Williams, Borough Administrator	
Steve Kleinman, Borough Attorney	Attended Virtually

PROCLAMATIONS

Mayor Kobylarz asked Council Member Mathiasen to proceed with Resolution #22-107.

Council Member Mathiasen read Resolution #22-107.

RESOLUTION #22-107

RESOLUTION OF THE BOROUGH OF CHATHAM SUPPORTING THE CONSERVATION OF THE DREW FOREST

WHEREAS, consistent with the goals of preserving and protecting New Jersey's unique cultural and historic sites in order to strengthen community assets; preserving natural systems and environmentally sensitive areas for the community and the wildlife it supports; protecting the Buried Valley Aquifer; and creating opportunities for additional resource-based recreation while fostering the growth and sustainability of a rare urban forest; and

WHEREAS, Drew University is a significant contributor to the economic, cultural, historical, and educational well-being of our region; and

WHEREAS, its 53-acre, intact forest is a significant element of the campus and educational life; and

WHEREAS, the Mayor and Council of the Borough of Chatham also recognizes the benefits of this unique public space to Morris County and the Drew University community for the following reasons:

- The forest provides biodiversity, groundwater recharge, clean air, and carbon storage;
- The forest is a living classroom for teaching and research for Drew students and the wider community;
- For the past 13 years, 22 acres of the 53 forested acres known as the Zuck Arboretum and the Hepburn Woods have been restored through the Drew Forest Restoration Project, removing invasives and creating a rare understory of native plants and native trees;
- In 2012, Drew University received the Governor's Environmental Excellence for Healthy Ecosystems for this work;
- Habitats for pollinators, birds, and other wildlife have been restored;
- A portion of the forest lies in the Passaic River Watershed that serves approximately two million people;
- The forest recharges the Buried Valley Aquifer, which serves clean water to municipalities accounting for over 450,000 people in New Jersey and nearly 200,000 people in Morris County, and reduces flooding and soil erosion; and
- The forest serves as a major cooling zone to offset the urban heat island effect.

NOW THEREFORE BE RESOLVED, that the Mayor and Council of the Borough of Chatham supports working with Drew University to conserve the entire 53 acres of the Drew Forest.

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Council Member Mathiasen moved to adopt Resolution #22-107, seconded by Council Member Resto. By a unanimous vote, Resolution #22-107 was adopted.

RECUSALS

There were none.

ADOPTION OF COUNCIL MEETING MINUTES

Mayor Kobylarz asked Council Member Resto to proceed with Resolution #22-108.

Council Member Resto read Resolution #22-108.

RESOLUTION #22-108

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:

January 24, 2022

Council Member Resto moved to adopt Resolution #22-108, seconded by Council Member Truilo. By a unanimous vote, Resolution #22-108 was adopted.

DISCUSSION ITEMS

Environmental Commission Update:

Presented by: Torri VanWie, Environmental Commission Chair

Mayor Kobylarz recognized the Environmental Commission Chair to give an update on the Commission's goals for 2022 and beyond.

After her presentation, Torri VanWie fielded questions from the Mayor and Council.

Police Department Update:

Presented by: Brian Gibbons, Chief of Police

Mayor Kobylarz recognized the Chief of the Chatham Borough Police Department, Brian Gibbons, and Sergeant Rick Jaremba to give an update on the increase in vehicle thefts in the Borough and a public safety update.

After their presentation, Police Chief Gibbons and Sergeant Jaremba fielded questions from the Mayor and Council.

MAYOR'S REPORT I:

Mayor Kobylarz gave a report on the latest Covid-19 statistics. The Mayor encouraged everyone to get a vaccine booster in order to prevent illness, as per the Borough Health Officer.

The Mayor touched upon the topic of Post Office Plaza and the inability to discuss details due to ongoing confidential multiparty discussions.

Lastly, Mayor Kobylarz thanked the Chatham Borough Fire Department for their work containing the fire at the Sandwich Shop downtown.

MEETING OPEN TO THE PUBLIC

Mayor Kobylarz read the following statement:

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.

Bob Weber – 99 Summit Avenue

Bob Weber spoke on the redevelopment of Post Office Plaza.

Rozella Clyde – 33 Carmine Street

Rozella Clyde praised the presentation by Torri VanWie and spoke about her experience purchasing an electric vehicle. She also promoted the Green Team's Earth Week events.

Valerie Clark – Fern Avenue

Valerie Clark expressed her opinion regarding development on River Road.

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

RESOLUTIONS NON-ROUTINE/NON-CONSENT

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Resolution #22-109.

Council Member Koronkiewicz read Resolution #22-109 by title and provided a brief explanation.

RESOLUTION #22-109

RESOLUTION TO AWARD NON-FAIR AND OPEN CONTRACT TO REPLACE THE FIRE HOUSE ROOF

WHEREAS, the Borough of Chatham's Department of Public Works has deemed that the Fire House roof needs to be replaced; and

WHEREAS, the purchasing agent has determined and certified in writing that the value of the purchase 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 Department of Public Works solicited quotations to replace the Fire House roof; and

WHEREAS, the Department of Public Works received two quotations from Pfister Maintenance, Inc in the amount of \$41,500 and Emjack Construction in the amount of \$53,600; and

WHEREAS, Pfister Maintenance provided the lowest responsive quotation to replace the Fire House roof; and

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

WHEREAS, upon the recommendation of the Department of Public Works and the Borough's Qualified Purchasing Agent, the Borough Council wishes to authorize a non-fair and open contract with Pfister Maintenance, 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-04-55-921-301.

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 Pfister Maintenance in the amount of \$41,500; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute a contract with Pfister Maintenance in the amount of \$41,500.

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Council Member Koronkiewicz moved to adopt Resolution #22-109, seconded by Council Member Resto.

Mayor Kobylarz asked Acting Borough Clerk Stephen Williams 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			

By a unanimous Roll Call Vote, Resolution #22-109 was adopted.

Mayor Kobylarz asked Council Member Mathiasen to proceed with Resolution #22-110.

Council Member Mathiasen read Resolution #22-110.

RESOLUTION #22-110

RESOLUTION SUPPORTING EFFORTS TO COMBAT GLOBAL WARMING IN CHATHAM BOROUGH

WHEREAS, a scientific consensus has been reached that climate change due to global warming is real and its impact threatens the health, safety and welfare of our state, nation and the rest of the world; and,

WHEREAS, it is generally recognized that if prompt action is not taken to mitigate global warming, the harm it causes may be irreversible, as stated in the most recent National Climate Assessment prepared by the U.S. government's Global Change Research Program:

“In the absence of more significant global mitigation efforts, climate change is projected to impose substantial damages on the U.S. economy, human health, and the environment. Under scenarios with high emissions and limited or no adaptation, annual losses in some sectors are estimated to grow to hundreds of billions of dollars by the end of the century. It is very likely that some physical and ecological impacts will be irreversible for thousands of years, while others will be permanent.”

WHEREAS, New Jersey has directly experienced the impacts of global warming, including significant increases in sea level and average temperature; and,

WHEREAS, the chief sources of greenhouse gas emissions in New Jersey, which directly contribute to global warming, include transportation (42%), electricity generation (19%), residential buildings (16%) and commercial buildings (10%); and,

WHEREAS, action can be taken to reduce the concentration of greenhouse gases in the atmosphere, including the following:

- Converting the transportation system to electric and other non-CO2 emitting vehicles;
- Electrification of heating systems in residential and commercial buildings;
- Converting electricity generation to renewable sources such as solar and wind;
- Improving the energy efficiency of vehicles and buildings;
- Promoting more energy efficient modes of transportation (such as mass transit, ridesharing, working from home, and bicycle use).

WHEREAS, given the vast scope of the challenge, national and international efforts will be required to significantly reduce greenhouse gas emissions, the Borough Council recognizes that local actions can support, facilitate and accelerate the process, through such efforts as improving transportation and other key infrastructure, increasing the use of renewable power sources, improving energy efficiency, and promoting public awareness.

NOW THEREFORE BE IT RESOLVED, that the Borough Council of Chatham, New Jersey recognizes the urgent need to address climate change through the reduction of greenhouse gas emissions into the atmosphere; and

BE IT FURTHER RESOLVED, that the Borough Council supports state efforts to reduce greenhouse gases by 2050 to 20% or less than the amount released in 2006; and,

BE IT FURTHER RESOLVED, that the Borough Council requests the Environmental Commission and the Green Team review actions that the Borough and its residents can take to mitigate the impact of climate change and provide its recommendations to the Mayor and Council at the earliest possible opportunity; and,

BE IT FURTHER RESOLVED, that the Borough Clerk transmit a certified copy of this Resolution to the appropriate representatives of the Environmental Commission and the Green Team upon adoption.

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Council Member Mathiasen moved to adopt Resolution #22-110, seconded by Council Member Koronkiewicz.

Mayor Kobylarz asked Acting Borough Clerk Stephen Williams for a Roll Call Vote.

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

By a unanimous Roll Call Vote, Resolution #22-110 was adopted.

ORDINANCE FOR SECOND READING

Mayor Kobylarz asked Council President Treloar to proceed with Ordinance #22-01.

Council President Treloar read Ordinance #22-01 by title and the following statement:

ORDINANCE #22-01

AN ORDINANCE OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF A PAPER STREET KNOWN AS “WELLESLEY STREET”

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on January 24, 2022.

Mayor Kobylarz asked the Acting Borough Clerk to give a summary of the legal notice.

Acting Borough Clerk Stephen Williams stated: A legal notice was published indicating that Ordinance #22-01 was introduced and passed on first reading at the January 24, 2022 meeting and indicated the second reading and public hearing would be held at 7:30 pm on February 14, 2022 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 public hearing on the Ordinance.

Mayor Kobylarz closed the public hearing when no one else wished to be heard.

Council President Treloar moved to adopt Ordinance #22-01.

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.

Mayor Kobylarz asked Acting Borough Clerk Stephen Williams 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			

By a unanimous Roll Call Vote, Ordinance #22-01 was adopted on second reading.

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ORDINANCE #22-01

AN ORDINANCE OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF A PAPER STREET KNOWN AS “WELLESLEY STREET”

WHEREAS, there exists in the Borough of Chatham (“Borough”) a paper street known as Wellesley Street, which was established in a map offered by the Chatham Realty and Development Company entitled “Chatham Terrace at Chatham, New Jersey,” dated January 12, 1924, and approved by the Chatham Borough Council at its meeting of February 4, 1924, with said map attached hereto as Exhibit A; and,

WHEREAS, the Borough has never accepted Wellesley Street and as such it has remained a “paper street” for the entirety of its existence and currently serves no public purpose; and,

WHEREAS, a portion of the paper street known as Wellesley Street is situated in the Borough between 153 Center Avenue (Block 34, Lots 60 and 61 on the Borough’s Tax Map) and 157 Center Avenue (Block 34, Lot 62 on the Borough’s Tax Map); and,

WHEREAS, the property owners of 153 Center Avenue and 157 Center Avenue have requested that the paper street between their properties be vacated by the Borough and the appropriate escrow fee has been submitted to the Borough to cover the costs attendant thereto; and,

WHEREAS, this portion of Wellesley Street is more particularly described in Exhibit B to this Ordinance, entitled “Schedule A, Road Vacation, Wellesley Street, Borough of Chatham, N.J.,” prepared by John J. Vogel P.L.S. and dated October 6, 2016, and the accompanying map thereto; and,

WHEREAS, N.J.S.A. 40:67-1b and N.J.S.A. 40:67-19 empowers the governing body of a municipality to make, amend, repeal, and enforce ordinances to vacate any public street, including the vacation of any portion of any public street, and to vacate any street, or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same, or any part, has been actually opened or improved; and,

WHEREAS, the Borough Council of the Borough of Chatham has considered the matter and has concluded that the portion of Wellesley Street to be vacated is not needed by the general public as a public thoroughfare and lends itself to higher and better use than as a public thoroughfare and for use by the general public, and the public interest will best be served by abandoning, vacating, releasing and extinguishing any and all public rights which the Borough may have in and to the aforementioned portion of Wellesley Street; and,

WHEREAS, the public right-of-way to be vacated shall revert to the corresponding property owners of the properties identified as Block 34, Lots 60 and 61 and Block 34, Lot 62, in accordance with law; and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, as follows:

Section 1:

Subject to the conditions set forth herein, the rights of the public and the Borough of Chatham in and to the portion of the paper street known as Wellesley Street, as described in the vacation map and survey attached as Exhibit B to this Ordinance, are hereby extinguished.

Section 2:

As required by N.J.S.A. 40:67-1(b), expressly reserved and excepted from the portion of this Ordinance relating to the vacation of the portion of Wellesley Street as described in Exhibit B to this Ordinance are all rights and privileges heretofore possessed by public utilities as defined in N.J.S.A. 48:2-13, and any cable television company as defined in the "Cable Television Act," N.J.S.A. 48:5A-1, et seq., to maintain or repair their existing facilities adjacent to, over and under the street to be vacated. A perpetual easement, if the same is required, is reserved for the benefit of public utility companies for the purpose of ingress and egress over and upon the same in order to maintain, repair or replace existing utility facilities, if any, including water lines, gas lines and telephone, electric and cable television wires and poles that may be located beneath the surface of the foregoing premises or above the same. The foregoing specifically includes, but is not limited to, any required easement necessary to service a thirty (30) inch trunk sewer line currently owned and/or operated by the Madison Chatham Joint Meeting that transverses Wellesley Street as set forth on the Tax Assessment Map of Chatham Borough dated January 30, 2015 and attached as Exhibit C to this Ordinance.

Section 3:

Upon the vacation of the portion of Wellesley Street as described in Exhibit B to this Ordinance, in accordance with New Jersey law, said property shall revert back to the ownership of the adjacent property owners. Said conveyance shall be in a strictly "as is" condition.

Section 4:

At least one week prior to the time fixed for the consideration of this Ordinance for final passage, a copy hereof, together with a notice of the introduction thereof and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Borough Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

Section 5:

The Borough Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by him/her under the seal of the municipality to be a true copy thereof, together with a proof of publication thereof, in the office of the Clerk of the County of Morris in accordance with the provisions of N.J.S.A. 40:67-21.

Section 6:

Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 7:

The Mayor, Borough Administrator, Borough Clerk and/or Borough Attorney be and hereby are authorized to prepare and execute such documents and take such further action as may be reasonably required to effect the intent and purpose of this Ordinance.

Section 8:

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

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REPORTS

COUNCIL MEMBERS

Council President Treloar – Council President Treloar gave an update on the Joint Court Committee reorganization meeting and a breakdown of their 2022 budget. Council President Treloar reported on further cooperation and potential shared services with the Borough of Madison. She also gave an update on the Chinese New Year community event.

Council Member Dempsey – Council Member Dempsey reported on several School District of the Chathams policy changes and extracurricular activity achievements. She further reported on the Joint Recreation Advisory Committee reorganization meeting and events sponsored by the committee.

Council Member Mathiasen – Council Member Mathiasen reported on the condition of the Stanley Hall building and future plans for the property. She further reported on the Environmental Commission's future events.

Council Member Koronkiewicz – Council Member Koronkiewicz reported on the progress of the budget process and the Shade Tree Commission's reorganization meeting.

Council Member Resto – Council Member Resto reported on the following topics:

- Economic Development Advisory Committee's future work and events
- Senior Citizens Advisory Committee's next meeting
- Senior Center of the Chathams Board Meeting and future events

- Diversity, Equity, and Inclusion Advisory Committee’s past and future events
- Interview process for a new Municipal Clerk
- Morris County Board of Transportation future paving projects
- Food Distribution event with the students at the Milton Avenue School
- Future Madison-Chatham Coalition meeting

Council Member Truilo – Council Member Truilo reported on still available plots at the Joint Community Garden.

MAYOR ’S REPORT II

Mayor Kobylarz had nothing further to report.

ADMINISTRATOR’S REPORT

Borough Administrator Steve Williams reported on the status of recording and broadcasting equipment. He reminded residents to report any incidents that occur in the off-leash area at Shepard Kollock Park. Borough Administrator Williams recognized the Assistant to the Clerk’s work in the absence of a Municipal Clerk.

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.

Resolutions #22-111 through Resolution #22-117 have been placed on the Consent Agenda.

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

Borough Administrator Williams requested a de minimis change to Resolution #22-114, to add the following text for clarity: *“Between Watchung Avenue and Maple Street”*

Mayor Kobylarz indicated that correction would be included in the vote to adopt the Consent Agenda.

RESOLUTION #22-111

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 #22-112

RESOLUTION TO SET THE ANNUAL RATES OF COMPENSATION FOR CROSSING GUARD, JENNIFER DUTIEL, FOR THE YEAR 2022

WHEREAS, Ordinance #17-10, adopted by the Mayor and Council of the Borough of Chatham on November 27, 2017, 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 hourly rate of pay of \$23.87 shall be established for Jennifer Dutiel.

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 #22-113

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, there appears on the tax records an overpayment for the 1st Quarter taxes as shown below, and;

WHEREAS, the Tax Collector recommends the refund of such overpayment to be made as follows:

BLOCK/LOT	OWNERS/PROPERTY LOCATION	AMOUNT	TAX QTR.
124/23.03	Hung, Jenny 3 Colonial Way Chatham, New Jersey 07928	\$5,134.68 *Homeowner accidentally paid twice.	2022 1 st Qtr.

***Please make check payable and mail to the above homeowner**

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 #22-114

RESOLUTION AUTHORIZING THE AWARD OF NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT FOR MUNICIPAL ENGINEERING SERVICES – RESURFACING OF HILLSIDE AVE FROM WATCHUNG AVENUE TO MAPLE STREET

WHEREAS, there exists a need to enter into a non-fair and open professional services contract for the Municipal Engineering Services for Resurfacing of Hillside Avenue pursuant to the provisions of N.J.S.A. 40A:11-5(1)(a); and

WHEREAS, such services constitute professional services as defined by the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i) and N.J.S.A. 19:44A-20.5, which may be awarded without advertisement for bids or bidding in that the required services must be performed by persons

authorized by law to practice a recognized profession, whose practice is regulated by law, of the performance of which requires knowledge of an advanced and specialized type; and

WHEREAS, Colliers Engineering and Design possesses the experience necessary in their respective profession and the Mayor and Council have determined that the award of the contract would be in the best interests of the Borough; and

WHEREAS, Colliers Engineering and Design, its subsidiaries, assigns, or principals controlling in excess of 10% of the firm have submitted to the Borough a Business Entity Disclosure Certification pursuant to the New Jersey Pay-to-Play Act, N.J.S.A. 19:44A-1 et seq., a completed Disclosure of Investment Activities in Iran pursuant to Public Law 2012, C.25, a New Jersey Business Registration Certificate, a completed affirmative action report (Form AA-302) and a completed W-9 form; and

WHEREAS, Borough of Chatham's CFO has certified that there are funds available in budget account C-04-55-921-701; 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 Colliers Engineering and Design in the amount not to exceed \$17,200 for engineering services associated with Resurfacing of Hillside Avenue; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute a contract with Colliers Engineering and Design in the amount not to exceed \$17,200.

RESOLUTION #22-115

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT FOR MUNICIPAL ENGINEERING SERVICES – WASHINGTON AVENUE ROADWAY IMPROVEMENTS

WHEREAS, there exists a need to enter into a non-fair and open professional services contract for the Municipal Engineering Services for Washington Avenue Roadway Improvements pursuant to the provisions of N.J.S.A. 40A:11-5(1)(a); and

WHEREAS, such services constitute professional services as defined by the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i) and N.J.S.A. 19:44A-20.5, which may be awarded without advertisement for bids or bidding in that the required services must be performed by persons authorized by law to practice a recognized profession, whose practice is regulated by law, of the performance of which requires knowledge of an advanced and specialized type; and

WHEREAS, Colliers Engineering and Design possesses the experience necessary in their respective profession and the Mayor and Council have determined that the award of the contract would be in the best interests of the Borough; and

WHEREAS, Colliers Engineering and Design, its subsidiaries, assigns, or principals controlling in excess of 10% of the firm have submitted to the Borough a Business Entity Disclosure Certification pursuant to the New Jersey Pay-to-Play Act, N.J.S.A. 19:44A-1 et seq., a completed Disclosure of Investment Activities in Iran pursuant to Public Law 2012, C.25, a New Jersey Business Registration Certificate, a completed affirmative action report (Form AA-302) and a completed W-9 form; and

WHEREAS, Borough of Chatham's CFO has certified that there are funds available in budget account C-04-55-921-701, C-04-55-917-007, C-04-55-920-005, and C-04-55-920-003; 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 Colliers Engineering and Design in the amount not to exceed \$28,000 for engineering services associated with Washington Avenue Roadway Improvements;

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute a contract with Colliers Engineering and Design in the amount not to exceed \$28,000.

RESOLUTION #22-116

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LICENSE AGREEMENT WITH SEWARD JOHNSON ATELIER, INC. TO EXHIBIT THE OUTDOOR SCULPTURE ENTITLED "ATTIC TROPHY (VI)" IN THE BOROUGH OF CHATHAM

WHEREAS, the Borough of Chatham (the "Borough") entered into an agreement with the Sculpture Foundation, Inc. dated May 5, 2010 to exhibit the sculpture entitled Attic Trophy (the "Agreement") in the Borough; and

WHEREAS, the Sculpture Foundation, Inc. transferred ownership of Attic Trophy to Seward Johnson Atelier, Inc.; and

WHEREAS, the Borough, upon the recommendation of the Public Arts Council (Advisory Committee), wishes to re-enter into a License Agreement with Seward Johnson Atelier, Inc. for the loan of a new outdoor sculpture entitled Attic Trophy (VI) for the period of February 15, 2022 to February 15, 2024 for public exhibition in the Borough; and

WHEREAS, the Mayor and Borough Council have determined that the continued exhibition of this sculpture promotes public appreciation and knowledge of public sculpture and the fine arts and desires to authorize the execution of the License Agreement.

BE IT RESOLVED, by the Council of the Borough of Chatham that the Mayor is hereby authorized to execute a License Agreement with Seward Johnson Atelier, Inc. for the loan of the outdoor sculpture, Attic Trophy (VI), for the period of February 15, 2022 to February 15, 2024 for public exhibition in the Borough; 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 #22-117

RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2021 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) / EMERGENCY MANAGEMENT AGENCY ASSISTANCE (EMAA)

WHEREAS, the Borough of Chatham Office of Emergency Management has been awarded the Emergency Management Performance Grant (EMPG) / Emergency Management Agency Assistance (EMAA) grant, subgrant award #FY21-EMPG-EMAA-1404 from the New Jersey State Police, Office of Emergency Management. The subgrant, consisting of \$10,000.00 Federal Award with no requirement to

match, is for the purpose of enhancing and sustaining the Borough's all-hazards emergency management capabilities and enhancing the Borough's ability to prevent, respond to, and recover from acts of terrorism, natural disasters, or other catastrophic events; and

WHEREAS, the Borough of Chatham will use these funds to enhance its Emergency Management Program and that the funds will be used for Emergency Management purposes; and

WHEREAS, the award period is from July 1, 2021 to June 30, 2022; and

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and

WHEREAS, the Borough of Chatham Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for a Subgrant Award that has been required by the said New Jersey State Office of Emergency Management.

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

1. That the Mayor and Council of the Borough of Chatham do accept the award of the FFY21 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant (EMAA) in the amount of \$10,000.00 of federal funds from the New Jersey State Police, Office of Emergency Management.
2. That the Chief Financial Officer and the Emergency Management Coordinator for the Borough of Chatham are authorized to sign the appropriate subgrant award documents.
3. That copies of this resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management, the City Business Administrator, the Chief Financial Officer, and the County Division of Emergency Management and Office of Treasury

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CONSENT AGENDA VOTE:

Mayor Kobylarz asked Council Member Resto to proceed with the Consent Agenda.

Council Member Resto made a motion to adopt the Consent Agenda by consent of the Council, seconded by Council Member Koronkiewicz. By a unanimous vote, the resolutions were adopted.

EXECUTIVE SESSION AND ADJOURNMENT

Having no other business to conduct in public session, Mayor Kobylarz asked Council Member Truilo to proceed with Resolution #22-118 to adjourn into Closed Session.

Council Member Truilo read Resolution #22-118

RESOLUTION #22-118

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:

- Pending Affordable Housing litigation and Attorney Client privileged advice regarding Affordable Housing – Kendra Lillie and Robert Powell

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 moved to adopt Resolution #22-118 to adjourn into Closed Session, seconded by Council Member Resto. By a unanimous vote, the meeting was adjourned at 9:18 pm.

Respectfully submitted on May 9, 2022, by
Stephen Williams, Acting Borough Clerk.