

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

**May 23, 2022 MINUTES**

Mayor Thaddeus J. Kobylarz called the Regular Meeting of the Borough of Chatham's Borough Council to order on Monday, May 23, 2022, at 7:30 P.M. in the Council Chambers in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey as well as virtually

**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	
Council Member Carolyn Dempsey	Attended Virtually
Council Member Jocelyn Mathiasen	Attended Virtually
Council Member Karen Koronkiewicz	
Council Member Leonard Resto	
Council Member Frank Truilo	

Also present were:

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

## **PROCLAMATIONS**

<sup>1</sup>Mayor Kobylarz asked Council Member Dempsey to proceed with Resolution #22-201.

Council Member Dempsey read Resolution #22-201:

### **RESOLUTION #22-201**

#### **RESOLUTION DECLARING THE FIRST FRIDAY IN JUNE TO BE NATIONAL GUN VIOLENCE AWARENESS DAY**

**WHEREAS**, every day, more than 100 Americans are killed by gun violence, alongside more than 230 who are shot and wounded, and on average there are more than 13,000 gun homicides every year; and

**WHEREAS**, Americans are 25 times more likely to die by gun homicide than people in other high-income countries; and

**WHEREAS**, New Jersey has 445 gun deaths every year, with a rate of 5 deaths per 100,000 people; and

**WHEREAS**, gun homicides and assaults are concentrated in cities, with more than half of all firearms related gun deaths in the nation occurring in 127 cities; and

**WHEREAS**, cities across the nation, including the Borough of Chatham, are working to end the senseless violence with evidence-based solutions; and

**WHEREAS**, protecting public safety in the communities they serve is the mayors' highest responsibility; and

**WHEREAS**, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people with dangerous histories; and

**WHEREAS**, mayors and law enforcement officers know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

**WHEREAS**, gun violence prevention is more important than ever as the COVID-19 pandemic continues to exacerbate gun violence after more than a year of increased gun sales, increased calls to suicide and domestic violence hotlines, and an increase in city gun violence;

**WHEREAS**, in January 2013, Hadiya Pendleton was tragically shot and killed at age 15; and on June 4, 2021, to recognize the 24th birthday of Hadiya Pendleton (born: June 2, 1997), people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to -

(1) Hadiya Pendleton and other victims of gun violence; and

(2) the loved ones of those victims; and

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<sup>1</sup> Please note that the agenda erroneously numbered the Gun Violence Awareness Resolution as #22-184. A de minimis resolution number change was made to avoid duplicate numbers. The revised resolution number is reflected in these minutes.

**WHEREAS**, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and

**WHEREAS**, anyone can join this campaign by pledging to wear orange on June 3, the first Friday in June in 2022, to help raise awareness about gun violence; and

**WHEREAS**, by wearing orange on June 3, 2022, Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

**WHEREAS**, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands and encourage responsible gun ownership to help keep our children safe.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Borough Council of the Borough of Chatham declares the first Friday in June, June 3, 2022, to be National Gun Violence Awareness Day and encourages all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives and authorize the placement of orange colored ribbons around Borough trees and lampposts along Main Street during June 3 – 10, 2022; and

**BE IT FURTHER RESOLVED**, that all ribbons shall be removed from Borough trees and lamppost on or before June 12, 2022; and

**BE IT FURTHER RESOLVED**, that the local Morris County Moms Demand Action are authorized to hold a rally at the Gazebo in Reasoner Park on June 4, 2022 from 10 – 11:30am.

###

Council Member Dempsey moved to adopt Resolution #22-201, seconded by Council Member Truilo. By a unanimous voice vote, Resolution #22-201 was adopted.

Mayor Kobylarz and Council Member Koronkiewicz presented formal copies of Resolution #22-201 to representatives of the Morris County Chapter of Moms Demand Action and asked them to say a few words.

Nicole (do we know surname?) made some brief remarks and was thanked by the Mayor and Borough Council for their advocacy.

Mayor Kobylarz asked Council Member Resto to proceed with Resolution #22-185.

Council Member Resto read Resolution #22-185:

#### **RESOLUTION #22-185**

#### **A RESOLUTION PROCLAIMING THE MONTH OF JUNE 2022 AS LGBTQ PRIDE MONTH IN THE BOROUGH OF CHATHAM**

**WHEREAS**, our nation was founded on the principle of equal rights for all people and some of the most inspiring moments in our history have arisen from the various civil rights movements that have brought one group after another from the margins to the mainstream of American society; and

**WHEREAS**, in the movement towards equal rights for lesbian, gay, bisexual, transgendered and questioning (LGBTQ) people, history was made some 53 years ago on June 28, 1969, in New York City, with the onset of the Stonewall Inn Uprising. During this uprising, LGBTQ citizens rose up and fought against the discriminatory criminal laws which have since been declared unconstitutional; and

**WHEREAS**, all human beings are born free and equal in dignity and rights and LGBTQ individuals have had an immeasurable impact to the cultural, civic and economic successes of the United States and the world; and

**WHEREAS**, the Borough of Chatham is committed to supporting visibility, dignity and equality for LGBTQ people as part of the increasingly rich mosaic of diversity in Chatham Borough; and

**WHEREAS**, while society at large is increasingly supporting LGBTQ equality and dignity, it is essential to acknowledge that the need for education and awareness remains vital; and

**WHEREAS**, the LGBTQ community having made great strides since 1969 still faces challenges in being accepted, in not having equal protection under the law in 39 states, and in parents still rejecting their own children when they come out of the closet as LGBTQ individuals; and

**WHEREAS**, the struggle of LGBTQ youth with their sexual orientation is a major cause of the teen suicide rate being unacceptably high; and

**WHEREAS**, this nation was founded on the principle that every individual has inherent dignity and worth and is thus to be treated with ultimate dignity and respect; and

**WHEREAS**, celebrating June as LGBTQ Pride Month brings awareness and provides support and advocacy for Chatham Borough's LGBTQ community and is an opportunity to act and engage in dialogue to strengthen alliances, build acceptance, and advance equal rights; and

**WHEREAS**, the rainbow flag is widely recognized as a symbol of pride, inclusion and support for social movements that advocate for LGBTQ people in our society and in the Borough of Chatham.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham do hereby proclaim the month of June 2022 as Pride Month in the Borough of Chatham in support of and in solidarity with our LGBTQ community and rainbow flags will be displayed at Borough Hall, Reasoner Park and at the Library during the month of June recognizing LGBTQ residents whose influential and lasting contributions to our neighborhoods make Chatham Borough a vibrant and accepting community in which to live, work and visit.

###

Council Member Resto moved to adopt Resolution #22-185, seconded by Council Member Truilo. By a unanimous voice vote, Resolution #22-185 was adopted.

Mayor Kobylarz gave ceremonial copies of the resolution to Council Member Resto and a Chatham High School student.

Council Member Resto said a few words regarding LGBTQ rights.

Mayor Kobylarz thanked Council Member Resto.

## **RECUSALS**

There were none.

## **ADOPTION OF COUNCIL MEETING MINUTES**

Mayor Kobylarz asked Council Member Resto to proceed with Resolution #22-186.

Council Member Resto read Resolution #22-186:

### **RESOLUTION #22-186**

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

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

February 21, 2022

February 28, 2022

###

Council Member Resto moved to adopt Resolution #22-186, seconded by Council Member Koronkiewicz. By a unanimous voice vote, Resolution #22-186 was adopted.

## **MAYOR'S REPORT I:**

Mayor Kobylarz gave a report on the latest Covid-19 statistics. The Mayor announced updates on the Library of the Chathams.

## **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.

### **Bill Heap – Hillside Avenue**

Bill made suggestions regarding Affordable Housing and commented on several "Jaycees" events. He additionally commented on the Shade Tree Commission and the borough tree canopy. Bill also invited all to the Jaycees Distinguished Awards Dinner.

Borough Administrator Stephen Williams asked Bill for some clarity on the events he mentioned.

Council Member Resto thanked Bill for his generosity, commended the Jaycees, and shared his experience with trees in response to Bill's comments. He also asked Bill for some information on the Fishawack race.

**Hoda Blau – 45 S. Passaic Avenue**

Hoda thanked the Council for their service on the Post Office Plaza Redevelopment process and shared her opinions about the process.

Seeing no one else wished to be heard, Mayor Kobylarz closed this public section.

Mayor Kobylarz thanked Bill Heap for his comments and the Jaycees' generosity.

**RESOLUTIONS NON-ROUTINE/NON-CONSENT**

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Resolution #22-187.

Council Member Koronkiewicz read Resolution #22-187 by title and provided a brief explanation:

**RESOLUTION #22-187**

**RESOLUTION OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF CHATHAM AND AUTHORIZING THE MAYOR, DEPUTY BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$4,606,230 BOND ANTICIPATION NOTE, DATED MAY 20, 2022, PAYABLE MAY 19, 2023, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED**

**WHEREAS**, the Borough of Chatham, in the County of Morris, New Jersey (the "Borough") from time-to-time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

**WHEREAS**, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

**WHEREAS**, the Borough intends to issue a \$4,606,230 bond anticipation note, dated May 20, 2022, payable May 19, 2023 (the "Note"); and

**WHEREAS**, the Borough desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Chatham, in the County of Morris, New Jersey, as follows:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Note be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Deputy Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) said Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2022.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2022.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2022 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

###

Council Member Koronkiewicz moved to adopt Resolution #22-187, 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 #22-187 was adopted.

## **COUNCIL MEMBER REPORTS**

**Council President Treloar** – Council President Treloar, on behalf of MyChathamNJ, reminded everyone about the date for Fishawack.

**Council Member Dempsey** – Council Member Dempsey announced a new member on the Board of Education and upcoming Chatham education grants. She gave an overview of the 2021 School district of the Chathams Graduate Report, and also thanked Bill Heap for his earlier comments and announcements.

**Council Member Mathiasen** – Council Member Mathiasen reported on the Environmental Commission’s table at Fishawack and an RFP for Solid Waste Services.

**Council Member Koronkiewicz** – Council Member Koronkiewicz reported on a rescheduling of the Pedestrian Safety Committee’s next meeting and announced new Council Member Office Hours.

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

- Board of Health pet licensing campaign
- Economic Development Advisory Committee’s Local Business Questionnaire program progress
- Memorial Day Service event by Library of the Chathams
- Personnel Committee’s Clerk interview
- Senior Citizen Advisory Committee’s recommendations to the Borough Council and outlined “Operation Reassure”
- Food Distribution service and thanked Boy Scout Troop #8

**Council Member Truilo** – reported on the Madison-Chatham Joint Meeting and the wastewater treatment plant.

## **MAYOR ’S REPORT II**

Mayor Kobylarz had nothing further to report.

## **ADMINISTRATOR’S REPORT**

Borough Administrator Steve Williams reported on the following topics:

- Possibility of a remote meter at the Joint Meeting solar field to power water pumps

- Municipal Pool opening
- Memorial Park Sitting Area DPW project
- PSE&G roadwork
- Liquor License renewal process

Mayor Kobylarz commented on the Memorial Park Sitting Area stone vandalism and Council Member Resto thanked DPW for their work at the Memorial Park Sitting Area.

## **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 #22-188 through Resolution #22-200 have been placed on the Consent Agenda.

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

There were none.

# # #

### **RESOLUTION #22-188**

#### **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 #22-189**

#### **A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR PROGRAM CONTRIBUTIONS FOR THE MUNICIPAL ALLIANCE ON ALCOHOL AND DRUG ABUSE OF THE CHATHAMS BY N.J.S.A. 40A:5-29**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

**WHEREAS**, N.J.S.A.40A:5-29 provides for receipt of program contributions for the Municipal Alliance on Alcohol and Drug Abuse of the Chathams to provide for the operating costs to administer this act; and,

**WHEREAS**, N.J.S.A. 40A: 4-39 provides the dedicated revenues anticipated from the Municipal Alliance of the Chathams be accounted for in the Chatham Borough General Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirements.

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of General Trust Fund from the Municipal Alliance of the Chathams required by N.J.S.A 40A5-29.

2. The Clerk of the Borough of Chatham, County of Morris is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

#### **RESOLUTION #22-190**

#### **RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION, FORM 1B, FOR DMHAS YOUTH LEADERSHIP GRANT**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse (GCADA) 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. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program; and

**WHEREAS**, The Borough Council of the Borough of Chatham County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and

**WHEREAS**, the Borough Council 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 Council has applied for DMHAS Youth Leadership funding through the Governor's Council on Alcoholism and Drug Abuse through the County of Morris.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Chatham, County of Morris, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of an application for DMHAS Grant funding for the Municipal Alliance Committee of the Chathams for Year One Grant Term 7/1/22 – 3/14/23 in the amount of:

DMHAS Grant Funding \$3,900.00

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**RESOLUTION #22-191**

**RESOLUTION AUTHORIZING THE SUBMISSION OF STRATEGIC PLAN FOR THE MUNICIPAL ALLIANCE COMMITTEE OF THE CHATHAMS GRANT, FORM 1B, FOR FISCAL YEAR 2022**

**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 Council of the Borough of Chatham, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and

**WHEREAS**, the Borough Council 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 Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Morris.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Chatham, County of Morris, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Municipal Alliance Committee of the Chathams grant for fiscal year 2022 in the amount of:

DEDR \$8,038.00

Cash Match \$2,009.50

In-Kind \$6,028.50

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**RESOLUTION #22-192**

**RESOLUTION FOR THE RETURN OF THE PERFORMANCE BOND TO KRISTEN LUZI FOR FINAL GRADING & LANDSCAPING AT 28 UNIVERSITY AVENUE IN THE BOROUGH OF CHATHAM**

**WHEREAS**, Kristen Luzi submitted to the Borough of Chatham a Cash Bond in the amount of \$4,000.00, and

**WHEREAS**, Innovative Construction & Design, LLC submitted a request to the Chatham Borough Engineer to release the cash bond in the amount of \$4,000.00 since the work has been completed, and

**WHEREAS**, the Chatham Borough Engineer has reviewed the request by Kristen Luzi and determined that she has completed all the remaining items set forth by the Chatham Borough Engineer.

**NOW, THEREFORE, BE IT RESOLVED**, by the Chatham Borough Council that the Bond in the amount of \$4,000.00 be refunded by escrow check.

**RESOLUTION #22-193**

**RESOLUTION AUTHORIZING USE OF COMPETITIVE CONTRACTING FOR THE  
PROCUREMENT OF ENERGY AUDIT SERVICES**

**WHEREAS**, the Borough of Chatham wishes to solicit proposals from Business Performance Institute accredited company, who participates in the New Jersey Home Performance with Energy Star Program, to perform home energy audits on residential units in the Borough of Chatham and identify potential upgrades for homeowners in order to increase energy efficiency; and

**WHEREAS**, N.J.S.A. 40A:11-4.1(b)(m) permits competitive contracting to be utilized to procure consulting services that warrant a qualitative evaluation of specialized goods or service providers to determine the provider that is most advantageous, price and other factors considered; and

**WHEREAS**, N.J.S.A. 40A:11-4.3(a) requires that in order to use competitive contracting for the first time for a specified purpose, the governing body shall pass a resolution authorizing the use of competitive contracting for such purpose; and

**WHEREAS**, N.J.S.A. 40A:11-4.3(b) requires that the competitive contracting process shall be administered by a designated Authorized Agent who may be a purchasing agent pursuant to N.J.S.A. 40A:11-9, or by legal counsel of the contracting unit, or by the chief administrative officer of the contracting unit; and

**WHEREAS**, the Borough Council has determined that the procurement of a company for said purposes through the use of competitive contracting is in the best interest of the Borough.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Chatham, in the County of Morris, State of New Jersey that the Purchasing Agent is authorized to initiate competitive contracting for the solicitation of proposals for a company to perform home energy audits on residential homes pursuant to N.J.S.A. 40A:11-4.1 et seq.

**RESOLUTION #22-194**

**RESOLUTION AUTHORIZING THE AWARD OF NON-FAIR AND OPEN PROFESSIONAL  
SERVICES CONTRACTS FOR MUNICIPAL ENGINEERING SERVICES – WOODLAND  
ROAD PRESERVATION PROJECT**

**WHEREAS**, there exists a need to enter into non-fair and open professional services contracts for engineering design, bid support and construction administration for the Woodland Road Preservation Project 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-04-55-922-001.

**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 \$47,500 for engineering design, bid support, and construction administration associated with the Woodland Road Preservation Project;

**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 \$47,500.

#### **RESOLUTION #22-195**

#### **RESOLUTION TO AWARD NON-FAIR AND OPEN CONTRACT TO RESURFACE THE BASKETBALL COURTS AT GARDEN PARK**

**WHEREAS**, the Borough of Chatham wishes to resurface the basketball courts at Garden Park; 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 two quotations and M.J. Pepe and Sons, Inc. provided the lowest responsive quotation to resurface the basketball courts at Garden Park in the amount not to exceed \$29,560.00; and

**WHEREAS**, M.J. Pepe and Sons Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that M.J. Pepe and Sons Inc. 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 M.J. Pepe and Sons Inc. 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 M.J. Pepe and Sons Inc., in accordance with the scope of work and contract amount set forth in its proposal; and

**WHEREAS**, Borough of Chatham's Chief Financial Officer has certified that there are funds available in the general capital account C-04-55-921-501; 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 M.J. Pepe and Sons Inc. in the amount not to exceed \$29,560.00.

**RESOLUTION #22-196**

**RESOLUTION TO AWARD NON-FAIR AND OPEN CONTRACT TO APPLY CUSHION MASTER PAINT TO BASKETBALL COURTS AT GARDEN PARK**

**WHEREAS**, the Borough of Chatham wishes to paint the basketball courts at Garden Park; 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's Department of Public Works solicited two quotations and Michael Westhead provided the lowest responsive quotation to apply cushion master paint to the basketball courts at Garden Park in the amount not to exceed \$26,000.00; and

**WHEREAS**, Michael Westhead has completed and submitted a Business Entity Disclosure Certification which certifies that he 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 him 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 Michael Westhead in accordance with the scope of work and contract amount set forth in its proposal; and

**WHEREAS**, Borough of Chatham's Chief Financial Officer has certified that there are funds available in the general capital account C-04-55-921-501; 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 Michael Westhead in the amount not to exceed \$26,000.00.

**RESOLUTION #22-197**

**RESOLUTION APPOINTING SUMMER POOL STAFF AT MEMORIAL PARK POOL FOR THE 2022 SEASON**

**WHEREAS**, the Chatham Borough Recreation Program has a need to hire summer pool staff for the 2022 season; and

**WHEREAS**, the Recreation Coordinator recommends hiring the following individuals pending completion of all paperwork requirements prior to any employment:

Mannino, Leo	\$11.90	Lifeguard	First year
Aroneo, Erin	\$12.95	Lifeguard	Second year

Mulligan, Dylan	\$12.95	Lifeguard	Second year
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**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Recreation Coordinator and hereby approve the hiring of all individuals referenced above as summer pool staff for the 2022 season at the respective positions and rates of pay, contingent upon the Recreation Coordinator verifying that all paperwork requirements have been completed prior to employment; 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 #22-198**

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ACCESS PERMIT AGREEMENT WITH NEW JERSEY TRANSIT FOR THE USE OF THE CHATHAM TRAIN STATION BUILDING RESTROOMS FOR THE 2022 FARMERS' MARKET SEASON**

**WHEREAS**, the Borough of Chatham desires to enter into an agreement with New Jersey Transit for the use of the Chatham Train Station building restrooms (the "Permit Area") for its 2022 Farmers' Market Season, as it has done for the last 15 years; and

**WHEREAS**, New Jersey Transit requires an Access Permit Agreement setting forth the terms and conditions for use of the Permit Area.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Chatham that it hereby authorizes the Mayor to sign an Access Permit Agreement with New Jersey Transit for use of the Chatham Train Station building restrooms for the 2022 Farmers' Market's 15th Annual Season June 18th through November 19th 8am to 1pm Saturdays; 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 #22-199**

**RESOLUTION AUTHORIZING THE REFUND OF MEMBERSHIP FEE FOR THE CHATHAM MEMORIAL POOL**

**WHEREAS**, the Borough's Recreation Coordinator for the Chatham Borough Recreation Program has advised via written request seeking a refund for a Chatham Memorial Pool Membership; and

**WHEREAS**, the Recreation Coordinator recommends that a refund is due as follows:

Membership Type:	Name:	Refund Amount:	Method of Refund:
Individual	B. Small	\$140.00	Check
Individual	M. Small	\$140.00	Check

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the refund request for the Chatham Borough pool membership as referenced above is hereby granted; and

**BE IT FURTHER RESOLVED**, the Recreation Coordinator and all other Borough employees and officials are hereby authorized to process a refund and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

**RESOLUTION #22-200**

**RESOLUTION OF THE MAYOR AND COUNCIL AUTHORIZING THE DISPOSAL OF PROPERTY THROUGH GOVDEALS AUCTION**

**WHEREAS**, the Borough of Chatham is the owner of property which is no longer needed for public use; and

**WHEREAS**, N.J.S.A. 40A:11-36 authorizes municipalities to sell public property that is no longer needed for public use at a public sale to the highest bidder; and

**WHEREAS**, the Mayor and Borough Council are desirous of selling said property in an “as is” condition without express or implied warranties.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham as follows:

1. The sale of the property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at [www.govdeals.com](http://www.govdeals.com) and also available in the Borough Clerk’s office.

2. The sale will be conducted online at the auction site [govdeals.com](http://govdeals.com). The sale is being conducted pursuant N.J.S.A. 40A:11-36 and the New Jersey Department of Community Affairs, Division of Local Government Services, Local Finance Notice 2008-9.

3. A list of the surplus property to be sold in an “is as” condition without expressed or implied warranties is as follows:

<b>ITEM</b>	<b>MINIMUM BID</b>
MISC: Jewelry, Clothing, Decretive household items	\$ 5.00
2004 Sewer Jet Make-International: Model-7400 Vin#-1HTWDADR64J087063	\$ 15,000
2003 GMC Truck-#9- Model-C8500 Vin#-1GDP8J1C13F512174	\$ 10,500
Printers (qty 3)	\$ 100.00
Various Bicycles (qty 12)	\$ 10.00
Desktop keyboards (qty 19)	\$ 10.00
Wired Mouse (qty 7)	\$ 5.00
Dell Computer Speakers (qty 2)	\$ 10.00
Digital Cameras (qty 10)	\$ 25.00

Earbud headphones (qty 2)	\$ 5.00
Portable DVD player (qty 1)	\$ 5.00
Laptop Computer (qty 4)	\$ 100.00
Avaya Office Phones (qty 20)	\$ 100.00
Docking Station	\$ 10.00
Motorola/ Dell/ HP Monitors and Computers (qty 11)	\$ 50.00

4. The successful bidder(s) shall be required to pay the full amount of the sale, execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property and shall be required to make arrangements for the pick-up of sold property from the Borough of Chatham within 10 business days of the auction; and

**BE IT FURTHER RESOLVED**, that the Borough of Chatham reserves the right to accept or reject any bid submitted; and

**BE IT FURTHER RESOLVED**, the Borough Clerk shall publish a legal advertisement in the official newspapers informing the public as to the nature of items being sold and how to obtain more information on the sale as required by N.J.S.A. 40A:11-36; 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.

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**CONSENT AGENDA VOTE:**

Mayor Kobylarz asked Council President Treloar to proceed with the Consent Agenda.

Council President Treloar moved to adopt the Consent Agenda by consent of the Council, seconded by Council Member Resto. By a unanimous voice vote, the resolutions were adopted.

**ORDINANCE FOR FIRST READING**

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Ordinance #22-05.

Council Member Koronkiewicz introduced Ordinance #22-05 by title and read the following:

**ORDINANCE #22-05**

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,327,500 TO PAY THE COST THEREOF, TO APPROPRIATE FEDERAL FUNDS RECEIVED BY THE BOROUGH UNDER THE AMERICAN RESCUE PLAN ACT OF 2021, TO MAKE A DOWN PAYMENT, TO**

**AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on May 23, 2022.

**BE IT RESOLVED**, that at the Council meeting to be held on June 13, 2022, at 7:30 p.m. prevailing time, at Borough Hall and online, the Chatham Borough Council will further consider this Ordinance for a second reading, public hearing, and final passage; and

**BE IT FURTHER RESOLVED**, that the Clerk is hereby requested to publish the proper notice thereof, including this Ordinance, post the Ordinance on the bulletin board in Borough Hall, and make copies available to members of the general public.

Council Member Koronkiewicz moved Ordinance #22-05 for adoption on first reading, seconded by Council Member Truilo.

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			
Truilo		X	X			

By a unanimous Roll Call Vote, Ordinance #22-05 was adopted on first reading.

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Ordinance #22-06.

Council Member Koronkiewicz introduced Ordinance #22-06 by title and read the following:

**ORDINANCE #22-06**

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$243,500 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on May 23, 2022.

**BE IT RESOLVED**, that at the Council meeting to be held on June 13, 2022, at 7:30 p.m. prevailing time, at Borough Hall and online, the Chatham Borough Council will further consider

this Ordinance for a second reading, public hearing, and final passage; and

**BE IT FURTHER RESOLVED**, that the Clerk is hereby requested to publish the proper notice thereof, including this Ordinance, post the Ordinance on the bulletin board in Borough Hall, and make copies available to members of the general public.

Council Member Koronkiewicz moved Ordinance #22-06 for adoption on first reading, 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			<b>X</b>			
Mathiasen			<b>X</b>			
Koronkiewicz	<b>X</b>		<b>X</b>			
Treloar			<b>X</b>			
Resto			<b>X</b>			
Truilo		<b>X</b>	<b>X</b>			

By a unanimous Roll Call Vote, Ordinance #22-06 was adopted on first reading.

## **ADJOURNMENT**

Having no other business to conduct, Mayor Kobylarz asked Council Member Truilo to proceed with Adjournment. Council Member Truilo moved to adjourn, seconded by Council Member Resto. By a unanimous voice vote, the meeting was adjourned.

Respectfully submitted on July 11, 2022, by  
Stephen W. Williams, Acting Borough Clerk.