

AGENDA
May 26, 2020
Special Meeting Time: 6:00 p.m.

Regular Meeting
Mayor and Borough Council

Borough of Chatham
54 Fairmount Avenue
Chatham, NJ 07928

**CALL MEETING
TO ORDER**

The meeting will be called to order at 6:00 p.m.

SALUTE TO FLAG

MOMENT OF SILENCE

**STATEMENT OF
ADEQUATE NOTICE**

Pursuant to the requirements of the Open Public Meetings Act, adequate notice of this meeting has been provided by including same in the Annual Notice, copies of which were posted on the official bulletin board on the main floor of Borough Hall, emailed to the Daily Record, the Star-Ledger, the Chatham Courier, the Chatham Patch, and TAPinto Chatham and was filed with the Borough Clerk, all on January 08, 2020.

Pursuant to the requirements of R.S. 10:4-10, adequate notice of the change in time of tonight's virtual meeting was provided to the press on May 19, 2020, a copy of which was posted on the Borough website, including the front and side entrance of Borough Hall.

ROLL CALL

Mayor Thaddeus J. Kobylarz
Council President Jocelyn Mathiasen
Council Member Robert A. Weber, Sr.
Council Member Carolyn Dempsey
Council Member Karen Koronkiewicz
Council Member Irene Treloar
Council Member Leonard Resto
Stephen W. Williams, Borough Administrator
Tamar Lawful, Borough Clerk
James L. Lott, Jr., Borough Attorney

RESOLUTION #20-169

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:

May 11, 2020

RECUSALS

Recusals or abstentions submitted for the record.

DISCUSSION ITEMS

1. Municipal Budget Presentation – Mrs. Jocelyn Mathiasen and Mr. David Hollberg
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MAYOR'S REPORT I

MEETING OPEN TO THE PUBLIC

Residents wishing to make public comments may dial 929-205-6099 (Meeting ID: 886-5670-2329) or obtain online access to the meeting using the following URL:
<https://us02web.zoom.us/j/88656702329>. *The Mayor and Council meeting will be televised as usual.*

NOTICE OF PUBLIC COMMENT TIME LIMIT

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 or are not matters scheduled for Public Hearing tonight. In light of the emergency, discussions and actions by the Chatham Borough Mayor and Council related to discretionary municipal actions and/or other non-emergent matters including redevelopment planning will be deferred until further notice. Accordingly, I would respectfully request that the public try to limit its comments to matters primarily related to the COVID-19 response and/or the continued operations of the Borough government during the emergency. While the Chatham Borough Mayor and Council welcome public participation and comment on any topic, 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.

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

Mayor Kobylarz asks Council Member Weber to proceed with Resolution # 20-170.

Council Member Weber reads Resolution # 20-170 by title:

RESOLUTION # 20-170

[Requires Roll Call vote]

RESOLUTION OF THE BOROUGH COUNCIL 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, BOROUGH CLERK, INTERIM 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 \$2,385,000 BOND ANTICIPATION NOTE, DATED MAY 22, 2020, PAYABLE MAY 21, 2021, 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 \$2,385,000 bond anticipation note, dated May 22, 2020, payable May 21, 2021 (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, Borough Clerk, Interim 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 calendar year 2020.

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 calendar year 2020.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on the 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 2020 dated as of the date of delivery of the Note.

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

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

Name	Motion	Second	Yes	No	Abstain	Absent
Weber, Sr.						
Dempsey						
Mathiasen						
Koronkiewicz						
Treloar						
Resto						

Note: The Governing Body was provided the Determination and Award Certificate for the \$2,385,000 Bond Anticipation Note (BAN).

Mayor Kobylarz asks Council President Mathiasen to proceed with Resolution # 20-171.

Council President Mathiasen reads Resolution # 20-171:

RESOLUTION # 20-171

[Requires Roll Call vote]

[Majority vote of the full membership required]

RESOLUTION TO READ THE 2020 OPERATING BUDGET BY TITLE

WHEREAS, N.J.S.A. 40A 4-8, as amended, provides that the municipal budget shall be read in full at the public hearing, or that it may be read by its title only if at least one week prior to the date of the hearing, and during the public hearing, complete copies of the budget were made available at no charge to each person requesting one; and

WHEREAS, the Borough Clerk has certified that the budget summary was published in the official newspapers upon approval by the Borough Council at its April 27, 2020 meeting, and that copies of the municipal budget were made available at no charge to each person requesting one in accordance with N.J.S.A. 40A:4-8.

BE IT RESOLVED, by the Council of the Borough of Chatham that it hereby declares that the conditions of N.J.S.A. 40A:4-8, as amended, have been met and therefore the municipal budget shall be read by title only at the public hearing.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Weber, Sr.						
Dempsey						
Mathiasen						
Koronkiewicz						
Treloar						
Resto						

2020 MUNICIPAL BUDGET PUBLIC HEARING

Mayor Kobylarz asks Council President Mathiasen to proceed with the public hearing of the Municipal Budget.

Council President Mathiasen reads the 2020 budget by title:

BOROUGH OF CHATHAM 2020 MUNICIPAL BUDGET

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

The Borough Clerk states: A legal notice was published indicating that Resolution # 159 was introduced and passed on first reading at the April 27, 2020 meeting and indicated the public hearing would be held at 6:00 p.m. on May 26, 2020. The budget will be considered for final adoption on June 8, 2020 at 6:00 p.m. Copies of the introduced budget were made available to the general public and posted in accordance with the law.

Mayor Kobylarz: The meeting is now open for a public hearing on the 2020 Municipal Budget and any member of the public may be heard.

Mayor Kobylarz: Seeing no one else wishing to be heard, I will now close the public hearing.

MAYOR'S REPORT II

ADMINISTRATOR'S REPORT

CONSENT AGENDA

The following items are considered to be routine by the Chatham Borough Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

Resolution #20-172 through Resolution #20-174 have been placed on the Consent Agenda.

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

RESOLUTION #20-

APPOINTMENTS

RESOLUTION #20-172

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, APPOINTING DAVID HOLLBERG OF PHOENIX CONSULTING GROUP AS CHIEF FINANCIAL OFFICER FOR THE BOROUGH OF CHATHAM

WHEREAS, N.J.S.A. 40A:9-140.10 requires that “in every municipality there shall be a chief financial officer appointed by the governing body of the municipality”; and

WHEREAS, when a vacancy occurs in the office of chief financial officer following the appointment of a certified municipal finance officer to that office, N.J.S.A. 40A:9-140.10 and N.J.A.C. 5:32-2.5 permits a municipality the option to seek approval from the Director of the Division of Local Government Services (DGLS) in the Department of Community Affairs to appoint a private entity to temporarily perform the duties of a chief financial officer for no more than two consecutive one-year terms; and

WHEREAS, following the resignation of Timothy Day, CMFO, there existed a vacancy in the office of Chief Financial Officer for the Borough as of July 2, 2019; and

WHEREAS, by Resolution #19-239, adopted on July 8, 2019, the Borough previously appointed Stephen Williams to serve as Temporary Chief Financial Officer for a period of not more than twelve months; and

WHEREAS, by Resolution #19-277, adopted on October 29, 2019, the Borough entered into a professional services contract with Phoenix Consulting Group for financial consultant services for the remainder of 2019 retroactive to June 26, 2019; and

WHEREAS, by Resolution #20-03, adopted on January 6, 2020, the Borough entered into a professional services contract with Phoenix Consulting Group for financial consultant services for calendar year 2020; and

WHEREAS, the Borough Council desires to appoint David Hollberg, CMFO, of Phoenix Consulting Group, as the Chief Financial Officer for the Borough retroactive to January 1, 2020 and to ratify any and all prior acts taken by Mr. Hollberg as the Borough's financial consultant acting as Temporary Chief Financial Officer for the Borough as of that date; and

WHEREAS, Mr. Hollberg's appointment, and the Borough's contract with Phoenix Consulting Group, shall be subject to the approval of the Director of the DLGS; and

WHEREAS, the Borough Council further desires to rescind Administrator Williams' appointment as Temporary Chief Financial Officer for the Borough as of January 1, 2020; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Chatham, in the County of Morris and the State of New Jersey, that the Borough hereby appoints David Hollberg, CMFO, of Phoenix Consulting Group as the Chief Financial Officer for the Borough retroactive to January 1, 2020 and to ratify any and all prior acts taken by Mr. Hollberg as the Borough's financial consultant acting as Temporary Chief Financial Officer for the Borough as of that date, subject to the terms and conditions of this Resolution. The Borough further rescinds Administrator Williams' appointment as Temporary Chief Financial Officer for the Borough as of January 1, 2020.

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.

FINANCE

RESOLUTION #20-173

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 Interim Chief Financial Officer.

RECREATION

RESOLUTION #20-174

RESOLUTION AUTHORIZING THE TEMPORARY SUSPENSION OF THE RECREATION PROGRAM TENNIS COURT FEES

WHEREAS, Resolution #20-66 adopted by the Mayor and Council on January 6, 2020 set forth a schedule of fees for permits, fees, applications, and miscellaneous services of the Borough for calendar year 2020; and

WHEREAS, the following fees established for the Tennis Recreation Program should be suspended:

Recreation Program, Tennis, Chatham Borough Resident	\$ 75.00
Recreation Program, Tennis, Chatham Borough Resident, Senior Citizen	\$ 45.00
Recreation Program, Tennis, Chatham Township Resident	\$100.00

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby authorize the suspension of fees for the Borough's Recreation Tennis Program for calendar year 2020; 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.

CONSENT AGENDA VOTE:

Mayor Kobylarz asks Council Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions #20-172 through #20-174.

Council Member _____: I would like to make a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Council.

Seconded by Council Member:_____.

ADD-ON RESOLUTION[S]

ADJOURNMENT