

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

**February 8, 2021 MINUTES**

Mayor Thaddeus J. Kobylarz called the February 8, 2021 virtual Regular Meeting of the Borough of Chatham to order on Monday, January 25, 2021 at 5:00 p.m. in the Council Chambers in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

### **SALUTE TO FLAG**

Mayor Kobylarz and the Borough Council led the assembled in the Pledge of Allegiance.

Mayor Kobylarz asked for a moment of silence for those who have given their lives for our country. He also gave recognition to those protecting our lives during the current health pandemic caused by coronavirus, COVID-19. He acknowledged the 27.1 million Americans who contracted COVID-19, the more than 463,000 who have died in the United States, and the nine (9) Chatham Borough residents who succumbed to the virus in 2020. Finally, he acknowledged a resident who was hospitalized last week due to COVID-19, and the passing of the Borough's CFO mother-in-law, Marie Fornaro.

### **STATEMENT OF ADEQUATE NOTICE**

Tamar Lawful, Borough Clerk, read the following statement of adequate notice:

Pursuant to the requirements of the Open Public Meetings Act, adequate notice of this meeting has been provided by including same in the Annual Notice, copies of which were posted on the official bulletin board on the main floor of Borough Hall, emailed to the Daily Record, the Star-Ledger, the Chatham Courier, the Chatham Patch, and TAPinto Chatham and was filed with the Borough Clerk, all on January 08, 2021.

### **ROLL CALL**

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

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

Also present were:

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

Mayor Kobylarz informed the public that the Council would enter into closed session. The public session would resume at 6:00 p.m.

## **CLOSED SESSION**

Mayor Kobylarz asked Council Member Truilo to proceed with Resolution # 21-110.

Council Member Truilo read Resolution # 21-110.

## **RESOLUTION #21-110**

### **RESOLUTION TO ADJOURN INTO CLOSED SESSION**

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

1. Attorney Client Privilege – Advice regarding litigation: Chatham Borough Affordable Housing Declaratory Judgement Action

**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 return to public session after this closed session.

Council Member Truilo moved to approve Resolution # 21-110, seconded by Council Member Mathiasen. By a unanimous voice vote, Resolution # 21-110 was approved.

## **RETURN TO PUBLIC SESSION**

The Governing Body returned to public session at 6:05 p.m. A roll call was taken, and all members of the Governing Body were present.

## **MAYOR'S PROCLAMATION**

Mayor Kobylarz presented a proclamation to be read into the record. The proclamation was presented to the Mayor's Wellness Committee a week ago. A commemorative copy of the proclamation will be provided to the Director of Community Services, Janice Piccolo, for her tremendous effort with the Mayor's Wellness Committee.

Mayor Kobylarz read the following Proclamation:

# *Mayor's Proclamation*

## **SUPPORTING THE MAYOR'S WELLNESS ADVISORY COMMITTEE IN CELEBRATING THE MONTH OF FEBRUARY AS AMERICAN HEART MONTH AND OBSERVING FRIDAY, FEBRUARY 5, 2021 AS NATIONAL WEAR RED DAY®**

**WHEREAS**, maintaining a strong heart is key to a long and healthy life; and

**WHEREAS**, cardiovascular disease is the number one killer of men and women in the United States and is responsible for one out of every four deaths; and

**WHEREAS**, while anyone can develop heart disease, those with high blood pressure or high cholesterol, as well as those who smoke, are at greater risk. Risk factors like diabetes, obesity, poor diet, physical inactivity, and excessive alcohol use can also increase the likelihood of developing heart disease; and

**WHEREAS**, the volunteers of the Mayor's Wellness Advisory Committee remain committed in their efforts to increase awareness in our community of the importance of cardiovascular health by promoting healthy habits, such as getting regular exercise, eating diets rich in fruits and vegetables and low in salt, saturated fat, and cholesterol, and not smoking to help reduce one's risk of developing cardiovascular disease; and

**WHEREAS**, the month of February is American Heart Month; and

**WHEREAS**, the first Friday in February is National Wear Red Day®, a day when many people wear red to show their support for the awareness of heart disease.

**NOW, THEREFORE, I, Thaddeus J. Kobylarz, Mayor of the Borough of Chatham**, do hereby proclaim that Friday, February 5<sup>th</sup>, 2021 is Wear Red Day in Chatham Borough and hereby support and join the Mayor's Wellness Advisory Committee in their efforts to increase awareness of cardiovascular health in the Borough by celebrating the month of February as American Heart Month and encourage all citizens to show their support and solidarity for those struggling with heart disease by wearing red on National Wear Red Day®.

### **RECUSALS**

Recusals or abstentions submitted for the record.

There were none.

### **DISCUSSION ITEM**

Borough Health Officer Megan Avallone presented on the updated status of the coronavirus pandemic and its impact on the Borough. In her presentation, she stated that the number of positive cases had increased in the Borough. In December, there were 78 positive cases, which increased to 112 in January. The Westfield Health Department has retained a disease investigator to understand the increasing transmission rate in the Borough. However, the lack of cooperation through contact tracing has made it challenging to understand patterns, or any correlation to the growing number of positive cases.

COVID-19 statistics in the Borough showed 19.4% of positive cases in December and January are from residents ages 42 through 49, while 18% of positive cases have derived from school aged children, ages 6 through 17. However, New Jersey is progressing in the right direction with gradual declines in daily reported cases. New Jersey surpassed 1 million vaccinations recently and the remission rate is trending downward. Residents were urged to continue wearing masks and avoid indoor gatherings. The significant increase in recent transmissions in the Borough during December and January is related to indoor gatherings, explained Mrs. Avallone.

New Jersey implemented a call center for those wishing to obtain a COVID-19 vaccine by appointment or for general information. However, due to the shortage of vaccine supply, appointments are difficult to obtain. New Jersey remains trending in the right direction and is vaccinating at a steady rate considering the number of shortages in vaccine availability.

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

Mayor Kobylarz delivered a portion of his Mayor's Report as follows:

### COVID-19 Coronavirus:

Mayor Kobylarz cautioned the public to remain vigilant. It is imperative that we continue to adhere to the protective measures of washing hands, maintaining social distancing, wearing masks, cooperating with contact tracing, and refraining from indoor gatherings.

### Winter Weather Advisory:

Mayor Kobylarz cautioned the public about the upcoming nor'easter. He asked everyone to be safe as the National Weather Service warned of a significant snow impact of the northeast coast. The Borough's Office of Emergency Management (OEM) will be monitoring the storm. He acknowledged a number of individuals and departments who are required to work during a state of emergency and thanked them for their services.

Mayor Kobylarz proceeded to open the meeting to public comment and read the Notice of Public Comment Time Limit.

## **MEETING OPEN TO THE PUBLIC**

*Residents wishing to make public comments may dial 929-205-6099 (Meeting ID: 819-3590-7438) or obtain online access of the meeting using the following URL:*

<https://us02web.zoom.us/j/81935907438>

Hearing of citizens during the Public Comment section of the Agenda is an opportunity for any member of the public to be heard about issues which are/are not topics scheduled for Public Hearing tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to a reasonable length of time.

**Robert Weber – 99 Summit Avenue**

Mr. Weber inquired about the Redevelopment Agreement, which he stated was not available for the public's viewing. In response, Mr. Robert Goldsmith stated that the agreement will be made available after the meeting.

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

**ORDINANCE FOR SECOND READING**

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Ordinance # 21-01.

Council Member Koronkiewicz read Ordinance # 21-1 entitled:

**ORDINANCE #21-01**

**ORDINANCE OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 165 OF THE CODE OF THE BOROUGH OF CHATHAM TO ADD A NEW SECTION RELATED TO CERTIFICATES OF CONTINUED OCCUPANCY AND ZONING PERMITS AND ESTABLISHING BONDING AND FEE PROVISIONS FOR LAND DISTURBANCE PERMITS**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on January 25, 2021.

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

The Borough Clerk stated that a legal notice was published indicating that Ordinance # 21-01 was introduced and passed on first reading at the January 25, 2021 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on February 8, 2021 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Kobylarz opened the meeting for a public hearing on the Ordinance and any member of the public may be heard.

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

Council Member Koronkiewicz offered the following Ordinance and move its adoption:

**BE IT RESOLVED**, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

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

| Name      | Motion | Second | Yes | No | Abstain | Absent |
|-----------|--------|--------|-----|----|---------|--------|
| Dempsey   |        |        | X   |    |         |        |
| Mathiasen |        |        | X   |    |         |        |

|              |   |   |   |  |  |  |
|--------------|---|---|---|--|--|--|
| Koronkiewicz | X |   | X |  |  |  |
| Treloar      |   | X | X |  |  |  |
| Resto        |   |   | X |  |  |  |
| Truilo       |   |   | X |  |  |  |

Mayor Kobylarz declared this Ordinance adopted and finally passed and requested the Borough Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

Mayor Kobylarz asked Council Member Resto to proceed with Ordinance #21-02.

Council Member Resto read Ordinance #21-02 entitled:

### **ORDINANCE #21-02**

#### **AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 79, ENTITLED “ANIMAL AND RABIES CONTROL” OF SECTION 16 THEREOF ENTITLED “FEES”**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on January 25, 2021.

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

The Borough Clerk stated that a legal notice was published indicating that Ordinance # 21-02 was introduced and passed on first reading at the January 25, 2021 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on February 8, 2021 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Kobylarz opened the meeting for a public hearing on the Ordinance and any member of the public may be heard.

#### **Robert Weber - 99 Summit Avenue:**

Mr. Weber recommended the Council amend the proposed ordinance to include a late fee charge. The late fee of \$7.00 for unregistered pets was adopted by an ordinance in 2005. However, in 2017, the late fee amount was increased to \$10.00 and adopted by resolution. Mr. Weber stated that the increase of \$10.00 should be amended by ordinance.

The Council agreed to proceed with the Ordinance and to address the late fee charge for unregistered pets by a separate ordinance at a later date.

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

Council Member Resto offered the following Ordinance and moved its adoption:

**BE IT RESOLVED**, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

Council Member Resto Motioned and Council Member Mathiasen seconded the motion.

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

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

Mayor Kobylarz declared this Ordinance adopted and finally passed and requested the Borough Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

Mayor Kobylarz asked Council Member Mathiasen to proceed with Ordinance # 21-03.

Council Member Mathiasen read Ordinance # 21-03 entitled:

**ORDINANCE #21-03**

**ORDINANCE ADOPTING AN AMENDED REDEVELOPMENT PLAN FOR THE  
RIVER ROAD REDEVELOPMENT AREA  
BLOCK 135, LOTS 9, 10 AND 11  
BOROUGH OF CHATHAM, NEW JERSEY**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on January 25, 2021.

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

The Borough Clerk stated that a legal notice was submitted in accordance with N.J.S.A. 40:55D-15(b) and published indicating that Ordinance # 21-03 was introduced and passed on first reading at the January 25, 2021 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on February 8, 2021 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Kobylarz opened the meeting for a public hearing on the Ordinance and any member of the public may be heard.

Mayor Kobylarz, seeing no one else wishing to be heard, Mayor Kobylarz closed the public hearing.

Council Member Mathiasen offered the following Ordinance and moved its adoption:

**BE IT RESOLVED**, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

Council Member Mathiasen motioned and Council Member Resto seconded the motion.

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

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

Mayor Kobylarz declared this Ordinance adopted and finally passed and requested the Borough Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

### **RESOLUTIONS REQUIRING A SEPARATE VOTE NON-ROUTINE/NON-CONSENT**

Mayor Kobylarz asked Council President Mathiasen to proceed with Resolution # 21-111.

Council President Mathiasen read Resolution # 21-111 by title as follows:

#### **RESOLUTION #21-111**

[Require Roll Call Vote]

Majority of Full Membership

#### **RESOLUTION APPROVING A REDEVELOPMENT AGREEMENT AND DESIGNATING A REDEVELOPER**

**WHEREAS**, the Mayor and Council of the Borough of Chatham (the “Council”) by Resolution Number 18-265, dated August 13, 2018 requested that the Planning Board of the Borough of Chatham (the “Board”) undertake a preliminary investigation to determine whether the study area identified in the Resolution is in need of redevelopment pursuant to N.J.S.A. 40A:12A-6; and

**WHEREAS**, on November 7, 2018, the Planning Board, having accepted the findings of the “Preliminary Investigation of River Road North, Chatham Borough New Jersey” report (the “Redevelopment Investigation Report”) and having conducted a hearing thereon, adopted a Memorializing Resolution accepting the findings of the Redevelopment Investigation Report concluding that Block 135, Lots 9, 10 and 11 (collectively, “Redevelopment Area”), met the criteria for designation as a non-condemnation area in need of redevelopment under the Local Redevelopment and Housing Law, N.J.S.A.40A:12A-1, et seq. (the “Redevelopment Law”) and recommended that the Mayor and Council designate the River Road North Redevelopment Area as a non-condemnation Redevelopment Area in need of redevelopment pursuant to the Redevelopment Law; and



**WHEREAS**, on November 26, 2018, the Council adopted Resolution #18-331 designating the River Road North Redevelopment Area as a non-condemnation Redevelopment Area; and

**WHEREAS**, the Council and Board directed the Borough's Planning consultant, Topology NJ, LLC ("Topology"), to prepare a Redevelopment Plan for the Redevelopment Area entitled "River Road Redevelopment Plan," dated May 3, 2019 (the "Plan"); and

**WHEREAS**, following review by the Board on May 1, 2019, the Council by Ordinance No. 19-11 adopted the Plan on June 10, 2019; and

**WHEREAS**, the Council has directed Topology to prepare certain amendments to the Plan at the request of the designated redeveloper; and

**WHEREAS**, Topology prepared an amended and consolidated Redevelopment Plan for the Redevelopment Area entitled "River Road Development Plan", dated January 22, 2021 (the "Amendment"); and

**WHEREAS**, following review by the Board, the Council by Ordinance No. 21-03 adopted the Amendment on February 8, 2021; and

**WHEREAS**, Chatham River Road Urban Renewal, LLC, an urban renewal entity formed and qualified to do business under the provisions of the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1, et seq.* (the "Entity"), proposed to undertake the redevelopment; and

**WHEREAS**, the Entity is the assignee of Chatham River Road Partners, LLC, which was designated the redeveloper pursuant to Resolution No. 20-184 of the Council; and

**WHEREAS**, as a part of the Redevelopment Plan, the Redevelopment Area as set forth in the Amendment is to be redeveloped with up to 259 residential dwelling units, of which approximately 220 shall be market rate and of which fifteen percent (15%) but not less than 36 of which shall be affordable residences; and

**WHEREAS**, the Redeveloper and the Mayor and Council have negotiated a Redevelopment Agreement the terms of which are acceptable to the Mayor and Council; and

**WHEREAS**, the form of the Redevelopment Agreement is attached hereto as Exhibit A (the "Redevelopment Agreement"); and

**WHEREAS**, the Mayor and Council desire to approve the Redevelopment Agreement.

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

1. Chatham River Road Urban Renewal, LLC is hereby confirmed as the Redeveloper of the Redevelopment Area; and

2. The Redevelopment Agreement is hereby approved; and
3. The Authorized Officers of the Borough are hereby further severally authorized and directed to (i) execute and deliver, and the Borough Clerk is hereby further authorized and directed to attest to such execution and to affix the corporate seal of the Borough to, any document, instrument or certificate deemed necessary, desirable or convenient by the Authorized Officers or the Borough Clerk, as applicable, in their respective sole discretion, after consulting with the Borough's Redevelopment Counsel, to be executed in connection with the execution and delivery of the Redevelopment Agreement and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Council Member Mathiasen made a motion to approve Resolution # 21-111. Council Member Dempsey seconded the motion.

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

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

The resolution was adopted with a majority vote of the Council.

## REPORTS

### COUNCIL MEMBERS

**Council President Dempsey** – Council President Dempsey reported that the Board of Education met on February 3, 2021. Health Officer Megan Avallone participated in the meeting and discussed the importance of following protocol when children are not well. Children should be kept home when sick to ensure the safety of everyone. She further reported that a kindergarten session will be available in each elementary school of Chatham Borough and Chatham Township. Lastly, the Joint Recreation Advisory Committee will meet on February 9, 2021.

**Council Member Mathiasen** – Council Member Mathiasen had nothing new to report.

**Council Member Koronkiewicz** – Council Member Koronkiewicz had nothing new to report.

**Council Member Treloar** – Council Member Treloar had nothing new to report.

**Council Member Resto** – Council Member Resto reported that the Board of Health will meet on Thursday, February 11, 2021 at 4:30 p.m.

The Economic Development Advisory Committee and the outreach subcommittee will meet on Wednesday to discuss extending gift certificates through the Keep Chatham Thriving Program. Gift certificates purchased from Chatham Borough businesses will be distributed to families at the food distribution each week to help those in need.

Council Member Resto further reported that he is working with Liz Holler on a Founder's Month project. They will gather historical information about the various storefronts of the Borough, such as the Taste of Asia restaurant and Ruben's Barber Shop, which was once an A&P.

Council Member Resto thanked residents for their generosity with respect to donating to the food distribution program. He acknowledged two Girl Scout Troops that donated a large quantity of dry goods this past Wednesday, and a resident who donated \$1,000.00 towards the program. The program sees on average 40 to 50 vehicles per week.

The Senior Center of the Chathams Board will meet this coming Saturday.

The Senior Citizens Advisory Committee will meet next week.

JCP&L was the subject of a hearing held before the Board of Public Utilities (BPU). It was discussed whether to establish a working group of elected officials to discuss challenges with electric services provided by JCP&L and other concerns such as reliability. The BPU ordered JCP&L to begin studying undergrounding wiring.

Finally, the Municipal Alliance Advisory Committee completed its sticker shock campaign. Stickers were placed on liquor bottles to discourage underage drinking before the start of the 2021 Super Bowl.

**Council Member Truilo** - Council Member Truilo had nothing new to report.

## **MAYOR'S REPORT II**

Mayor Kobylarz had nothing further to report.

## **ADMINISTRATOR'S REPORT**

Mr. Williams asked residents to keep sidewalks clear, and for properties with a fire hydrant to clear a 3-foot perimeter around the hydrant to ensure it is clear of snow in the event of an emergency.

## **CONSENT AGENDA**

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

Resolution #21-112 through Resolution #21-118 have been placed on the Consent Agenda.

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

**RESOLUTION #21-**

There were none.

**FINANCE**

**RESOLUTION #21-112**

**RESOLUTION TO APPROVE PAYMENT OF VOUCHERS**

**WHEREAS**, vouchers for payment have been submitted to the Borough Council by the various municipal departments.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that all vouchers approved by the Finance Chairman be paid subject to the certification of the availability of funds by the Chief Financial Officer.

**RESOLUTION 21-113**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM  
AUTHORIZING THE PURCHASE OF ONE NEW SKID STEER LOADER IN THE  
AMOUNT NOT TO EXCEED \$69,000 PURSUANT TO NATIONAL COOPERATIVE  
CONTRACT AGREEMENT WITH SOURCEWELL COOPERATIVE PURCHASING  
PROGRAM CONTRACT 032119-CAT**

**WHEREAS**, the Borough of Chatham Department of Public Works is in need of a Caterpillar Skid Steer Loader; and

**WHEREAS**, the Director of Public Works recommends the purchase of one (1) new Skid Steer Loader (Model #: 289D3HF CTL-SSL); and

**WHEREAS**, in accordance with N.J.S.A 40A:11-12 of the Local Public Contracts Law, public bids are not required when the purchase of goods or services is made through a cooperative purchasing program; and

**WHEREAS**, N.J.S.A.52:34-6.2 permits the Borough of Chatham to purchase the Caterpillar Skid Steer using the offered National Cooperative Contract without public bidding, subject to the submittal and acceptance of certain documentation; and

**WHEREAS**, the Borough of Chatham is a member of the National Cooperative Purchasing Agreement known as Sourcewell under member number 28901 and Sourcewell is a national cooperative contract organization; and

**WHEREAS**, Sourcewell, has acted as a lead agency and awarded Contract 032119-CAT, Heavy Construction Equipment with Related Accessories, Attachments and Supplies. Specific information regarding the contract may be found at Sourcewell's website at <https://www.sourcewell-mn.gov/>; and

**WHEREAS**, Foley Caterpillar is an authorized dealer of Caterpillar through Sourcewell national cooperative pricing system, under contract # 032119-CAT; and

**WHEREAS**, Notice of the Intent to Award Contract has been published on January 28, 2021, with a ten-day comment period as required by Local Finance Notice 2012-10 and

**WHEREAS**, the Chatham Borough Purchasing Agent has determined that the use of the offered National Cooperative Contract will result in cost savings after all factors considered; and

**WHEREAS**, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$69,000.00 and that funds are currently available for the purpose of awarding the contract and shall be encumbered from the General Capital account # C-04-55-920-602; and

**WHEREAS**, the Borough of Chatham intends under Sourcewell, under category Heavy Construction Equipment with Related Accessories, Attachments and Supplies, Contract 032119-CAT, to purchase from Foley, Inc. 855 Centennial Ave, Piscataway, NJ 08854, in the amount not to exceed \$69,000.00; and this contract is awarded without competitive bidding pursuant to the provisions of N.J.S.A 40A:11-5 for the maximum amount of \$69,000.00.

**BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham, in the County of Morris, State of New Jersey, authorize the Department of Public Works to purchase one (1) Skid Steer Loader (Model #: 289D3HF CTL-SSL) through Sourcewell national cooperative pricing in the amount not to exceed \$69,000.00 from Foley Caterpillar, located at 855 Centennial Avenue, Piscataway, NJ 08854; and

**BE IT FURTHER RESOLVED**, 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.

## **LAW AND PUBLIC SAFETY**

### **RESOLUTION # 21-114**

#### **RESOLUTION AUTHORIZING THE CHATHAM BOROUGH FIRE DEPARTMENT ASSOCIATION TO CONDUCT A PARADE ON JULY 5, 2021**

**WHEREAS**, the Chatham Borough Fire Department Association desires to conduct a parade as part of the Fourth of July Celebration in the Borough of Chatham; and

**WHEREAS**, the Mayor and Borough Council wish to authorize this long-standing tradition and event; and

**WHEREAS**, the Mayor and Borough Council thanks and recognizes the Chatham Borough Fire Department Association for planning and organizing the Fourth of July Parade.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Chatham Borough Fire Department Association is hereby granted authority to conduct a parade in the Borough on July 5, 2021 and the participants and other persons involved therein are granted permission to use the following streets, including the roadways thereof, as set forth in the parade plan namely: portions of Hillside Avenue, Red Road, Dempster Road, Ogden Street, Van Doren Avenue, Firehouse Plaza and Main Street (State Highway Route #124); and

**BE IT FURTHER RESOLVED**, the Chatham Borough Police Chief is authorized to establish detour routes, close roads and re-route traffic as is necessary before and during the parade; and

**BE IT FURTHER RESOLVED**, that the Chatham Borough Fire Department Association shall be required to submit a Facilities Use Application and required documentation to the Department of Community Services and that a certificate of insurance listing the Borough of Chatham as an additional insured and providing proof of general liability insurance in excess of at least \$1,000,000.00 shall be submitted for this event; and

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

#### **RESOLUTION # 21-115**

#### **RESOLUTION GRANTING PERMISSION FOR THE CHATHAM BOROUGH FIRE DEPARTMENT ASSOCIATION TO HOLD A PICNIC IN CHATHAM BOROUGH ON JULY 5, 2021**

**WHEREAS**, the Chatham Borough Fire Department Association desires to hold a picnic in Chatham Borough on July 5, 2021 at Garden Park and the tennis courts; and

**WHEREAS**, the Chatham Borough Fire Department Association seeks to serve and dispense alcoholic beverages at the July 5<sup>th</sup> picnic; and

**WHEREAS**, the Mayor and Borough Council wish to authorize this event.

**BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham does hereby grant permission for the picnic to be conducted by the Chatham Borough Fire Department Association on July 5, 2021 at Garden Park and the tennis courts; and

**BE IT FURTHER RESOLVED**, that the Chatham Borough Fire Department Association shall be required to submit a Facilities Use Application and required documentation to the Department of Community Services and that a certificate of insurance listing the Borough of Chatham as an additional insured and providing proof of general liability insurance in excess of \$1,000,000.00 shall be submitted for this event; and

**BE IT FURTHER RESOLVED**, that permission to dispense alcoholic beverages at the July 5, 2021 picnic is granted subject to the Chatham Borough Fire Department Association obtaining a Social Affairs Permit from the Director of the Division of Alcoholic Beverage Control pursuant to N.J.S.A. 33:1-74 and N.J.A.C. 13:2-5.1; and

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

#### **RESOLUTION # 21-116**

#### **RESOLUTION AUTHORIZING A FIREWORKS DISPLAY TO BE CONDUCTED BY GARDEN STATE FIREWORKS ON JULY 5, 2021 OR SUBSEQUENT DATE IN THE EVENT OF POSTPONEMENT**

**WHEREAS**, the Chatham Fire Department Association desires to conduct a public display of fireworks as part of the Fourth of July Celebration in the Borough of Chatham; and

**WHEREAS**, Garden State Fireworks of Millington, New Jersey shall conduct the fireworks display and shall be required to file a bond as required by N.J.S.A. 21:3-5 with the Borough of Chatham and a certificate of insurance providing proof of general liability insurance in excess of at least \$1,000,000.00 as required by the New Jersey Uniform Fire Code, N.J.A.C. 5:70 et. seq.; and

**WHEREAS**, the New Jersey Uniform Fire Code, N.J.A.C. 5:70 et. seq., further requires that the governing body of the municipality must approve by resolution firework displays prior to the issuance of a permit by the Fire Official; and

**WHEREAS**, the Mayor and Borough Council wish to authorize this event.

**BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham hereby grants permission to the Chatham Borough Fire Department Association to conduct a public display of fireworks as part of the Fourth of July Celebration in the Borough of Chatham, or on a subsequent date in the event of postponement, contingent upon satisfaction of all requirements imposed by state laws and regulations as herein referenced; and

**BE IT FURTHER RESOLVED**, the Chatham Borough Fire Department Association shall be required to submit a Facilities Use Application and required documentation to the Department of Community Services and that a certificate of insurance listing the Borough of Chatham as an additional insured and providing proof of general liability insurance in excess of \$1,000,000.00 as required by the New Jersey Uniform Fire Code, N.J.A.C. 5:70 et. seq. shall be submitted for this event; 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.

#### **OTHER**

#### **RESOLUTION #21-117**

#### **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 2021 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 2021 Farmers’ Market season; and

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

**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 2021 Farmers’ Market season; and

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

#### **RESOLUTION #21-118**

#### **RESOLUTION AUTHORIZING AN INTERNSHIP PROGRAM FOR THE BOROUGH OF CHATHAM FOR CALENDAR YEAR 2021**

**WHEREAS**, internships help individuals gain experience, develop skills, make connections, strengthen their resumes, learn about a professional or vocational field, and assess their interest and abilities, which facilitates a positive future; and

**WHEREAS**, internships have helped the Borough take advantage of short-term support to effectively manage workflow to accomplish immediate objectives; and

**WHEREAS**, internships help Borough staff to be more productive and frees them up to accomplish more creative tasks or those tasks requiring higher-level strategic thinking or expertise.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby authorize an internship program for the Borough for calendar year 2021; 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.

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

Mayor Kobylarz asked Council Member Treloar to proceed with the Resolutions listed on the Consent agenda. Resolutions #21-112 through #21-118.

Council Member Treloar made a motion to approve Resolutions #21-112 through # 21-118 on the Consent Agenda. The motion was seconded by Council Member Resto. By a unanimous voice vote, the aforementioned resolutions were approved.

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

There were none.



## **ORDINANCES FOR FIRST READING**

Mayor Kobylarz asked Council Member Mathiasen to introduce Ordinance #21-04.

Council Member Mathiasen introduced Ordinance #21-04 by title as follows:

### **ORDINANCE #21-04**

#### **ORDINANCE APPROVING THE EXECUTION OF A FINANCIAL AGREEMENT WITH CHATHAM RIVER ROAD URBAN RENEWAL, LLC**

Council Member Mathiasen explained the purpose of the Ordinance and moved for introduction on First Reading.

Council Member Mathiasen read:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on February 8, 2021.

**BE IT RESOLVED**, that at the Council meeting to be held on February 22, 2021 at 6:00 p.m. prevailing time, at Borough Hall, 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 Mathiasen offered Ordinance #21-04 and moved its adoption on first reading.

Council Member Truilo seconded the motion.

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

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

## **ADJOURNMENT**

Having no other business to conduct in public session, Council Member Truilo made a motion to adjourn the meeting, seconded by Council Member Mathiasen. The meeting was adjourned at 7:35 p.m.

Respectfully Submitted on March 8, 2021 by:

Tamar Lawful, RMC

Borough Clerk

BOROUGH OF CHATHAM