

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

April 26, 2021 MINUTES

Mayor Thaddeus J. Kobylarz called the April 26, 2021 virtual Regular Meeting of the Borough of Chatham to order on Monday, April 12, 2021 at 6:01 p.m. in the Council Chambers in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

SALUTE TO FLAG

Mayor Kobylarz asked for a moment of silence for those who have given their lives for our country. He also gave recognition to those protecting our lives during the current health pandemic caused by coronavirus, COVID-19. He acknowledged the 32.1 million Americans who contracted COVID-19, and the more than 572,000 people who have succumbed to the virus. Finally, he acknowledged the ten (10) Chatham Borough residents who have died since the pandemic.

**STATEMENT OF
ADEQUATE NOTICE**

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

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

ROLL CALL

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

Mayor Thaddeus J. Kobylarz
Council President Carolyn Dempsey (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)

PROCLAMATIONS

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Resolution # 21-173.

Council Member Koronkiewicz read Resolution # 21-173.

RESOLUTION #21-173

RESOLUTION CELEBRATING NATIONAL ARBOR DAY ON APRIL 30, 2021

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this special day, called Arbor Day, was first observed with the planting of more than one million trees in the State of Nebraska; and

WHEREAS, Arbor Day is now observed on the last Friday in April throughout the nation and the world each year; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

WHEREAS, trees also increase property values, enhance the economic vitality of our business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, that April 30, 2021 shall be celebrated as National Arbor Day in the Borough of Chatham and all citizens are encouraged to join together to celebrate the benefits of community trees and to support all efforts to protect our trees and woodlands for the well-being of present and future generations.

Council Member Koronkiewicz motioned to approve Resolution #21-173, seconded by Council Member Resto. By a unanimous voice vote, Resolution # 21-173 was approved.

Mayor Kobylarz thanked the Shade Tree Commission and provided a commemorative copy of the resolution to the Commission's president, Colleen Truppo for their hard work and effort.

Mayor Kobylarz asked Council Member Resto to proceed with Resolution # 21-174.

Council Member Resto read Resolution # 21-174.

RESOLUTION # 21-174

RESOLUTION HONORING THE VOLUNTEERS WHO GIVE OF THEMSELVES EACH WEEK AT THE CHATHAM COMMUNITY FOOD DISTRIBUTION ON THEIR ONE YEAR ANNIVERSARY OF OPERATION

WHEREAS, Chatham is noted for its volunteerism, and volunteerism allows us to provide many services which would otherwise have to be contracted out or not provided at all; and

WHEREAS, volunteers stepped forward at the start of the COVID-19 shutdown, a necessary measure that unfortunately led a number of Chatham residents to lose their employment and, as a result, become “food insecure”, many for the first time in their lives; and

WHEREAS, this pandemic-caused unemployment, did not discriminate, as it affected both low- and high-income wage earners, and members of every age group, among others; and

WHEREAS, many families left jobless had to wait, in some cases, months before their unemployment benefits began to arrive due to the sheer volume of new unemployment claims, thus leaving many families in dire need of food; and

WHEREAS, the Chatham United Methodist Church began a “Pop-Up” pantry early on during the COVID-19 crisis, whereby residents could donate non-perishables for those in need, allowing the food insecure to take non-perishables as required on a 24/7 basis; and

WHEREAS, just weeks into the crisis, it became obvious that non-perishable foods would not be sufficient to meet the requirements of those in need, thus giving rise to the weekly fresh produce food distribution made possible through a platform established by the local business, Boxcar, whereby generous residents could order a box of produce, a gallon of milk, and a dozen eggs online for distribution to the food insecure every Wednesday; and

WHEREAS, multiple entities, including assorted businesses, restaurants, Girl Scout troops, Boy Scout troops, Kiwanis members, and other organizations too many to enumerate, and, most importantly, our generous Chatham residents, all stepped up repeatedly to augment this weekly fresh-food distribution; and

WHEREAS, other forms of assistance were additionally conceived in the form of supermarket gift cards (spearheaded by the Helping Hands of Chatham), shelf-stable lunches, and “the bread ministry” whereby bread and bagels were donated by local merchants – all of which served to round out the diet of the food insecure; and

WHEREAS, over 20+ volunteers have gathered weekly each Wednesday afternoon at the rear of the Chatham United Methodist Church to distribute food to food insecure residents of all ages, and this food drive has presently reached the one-year mark (and counting); and

WHEREAS, the Chatham Borough Department of Public Works and the Chatham Borough Volunteer Fire Department assist each week in the logistics of serving those in need; and

WHEREAS, the volunteers of the Chatham Community Food Distribution resolve to remain in operation as long as COVID-19-related unemployment continues to exist.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, that we salute these generous and selfless volunteers for their laudably humane and, yes, heroic action to ensure that no one in Chatham shall go hungry; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Council wishes the volunteers continued fulfillment of their noble mission, and hereby requests that the residents of Chatham continue their generous support of this merciful food drive so as to aid and assist all those in need. We are all in this together. Thank you, Chatham!

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Council Member Resto motioned to approve Resolution #21-174, seconded by Council President Dempsey. By a unanimous voice vote, Resolution # 21-174 was approved.

Mayor Kobylarz provided five commemorative copies of the Resolutions to the five founders of the Food Distribution: Council President Dempsey, Council Member Resto, Rev. Jeff Markay, Joann Carroll, and Laura Bojanowski.

Council President Dempsey and Council Member Resto both gave a brief speech and thanked all the volunteers.

APPOINTMENTS

Mayor Kobylarz asked Council President Dempsey to proceed with Resolution #21-175.

Council President Dempsey read Resolution #21-175.

RESOLUTION # 21-175

RESOLUTION APPOINTING KEITH MAKAR AS A PROBATIONARY FIREFIGHTER FOR THE CHATHAM BOROUGH VOLUNTEER FIRE DEPARTMENT

WHEREAS, the Mayor and Council of the Borough of Chatham recognize the valuable contributions volunteer firefighters make to our community every day of every year; and

WHEREAS, Keith Makar has expressed interest in becoming a Probationary Firefighter with the Chatham Borough Volunteer Fire Department; and

WHEREAS, the Fire Chief has recommended that Keith Makar should be appointed as a Probationary Firefighter to the Chatham Borough Volunteer Fire Department, Engine Company No. 1.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Keith Makar is hereby appointed as a Probationary Firefighter to the Chatham Borough Volunteer Fire Department, Engine Company No. 1; and

BE IT FURTHER RESOLVED, that Keith Makar application for membership to the Chatham Borough Volunteer Fire Department is hereby approved.

Council President Dempsey motioned to approve Resolution # 21-175, seconded by Council Member Resto. By a unanimous voice vote, Resolution # 21-175 was approved.

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Resolution # 21-176.

Council Member Koronkiewicz read Resolution # 21-176.

RESOLUTION # 21-176

RESOLUTION TO EMPLOY ROBERT E. PONS AS A PROBATIONARY POLICE OFFICER FOR THE BOROUGH OF CHATHAM POLICE DEPARTMENT

WHEREAS, the Borough of Chatham publicly advertised the job opening for the position of a police officer and solicited resumes and applications from interested candidates; and

WHEREAS, the selection committee (the “Committee”) conducted interviews of interested and qualified candidates; and

WHEREAS, after considering all interested and qualified candidates, the Committee found that Robert E. Pons is the best-qualified candidate and has recommended that he be hired for the police officer position.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Committee and hereby authorize Robert E. Pons to be appointed as a Probationary Police Officer at a salary of \$52,466.54 effective April 27, 2021, to be prorated for the remainder of 2021; and

BE IT FURTHER RESOLVED, that the Chief of Police is authorized to undertake and execute such employment documents as are necessary to implement this resolution.

Council Member Koronkiewicz motioned to approve Resolution # 21-176, seconded by Council Member Resto. By a unanimous voice vote, Resolution # 21-176 was approved.

ADMINISTRATION OF OATH: POLICE OFFICER ROBERT E. PONS

Borough Clerk, Tamar Lawful administered the oath of office to Officer Robert E. Pons. Upon completion, Chief Gibbons made comments acknowledging the newly hired Police Officer, whose family were virtually present to witness Mr. Pons official induction into the Chatham Borough Police Department. Officer Pons thanked the Mayor and Council and Chief Gibbons for this opportunity.

ADOPTION OF COUNCIL MEETING MINUTES

Mayor Kobylarz asked Council Member Resto to proceed with Resolution # 21-177.

Council Member Resto read Resolution # 21-177.

RESOLUTION #21-177

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:

March 22, 2021

And,

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

March 22, 2021

Council Member Resto motioned to approve Resolution # 21-177, seconded by Council Member Koronkiewicz. By a unanimous voice vote, Resolution # 21-177 was approved.

RECUSALS

Council Member Resto recused himself from Ordinance # 21-07.

DISCUSSION ITEMS

2021 Municipal Budget Presentation:

Presented by: Chief Financial Officer Karen Fornaro

CFO Karen Fornaro presented on the 2021 Municipal Budget. During her presentation, she discussed the different aspects of establishing a municipal budget, including the purpose and significance of implementing a budget. A municipal budget manages the daily financial operations of a municipality. A budget is a statutory requirement for implementation, and without a budget, the Borough does not have legal authority to expend funds. The initial process of compiling a budget is to allocate the necessary resources needed for each department. This includes salary and wages, capital expenses, and standardized expenditures. A budget is also a reflection of the Governing Body's priorities for new projects. The Budget and Finance Committee played a role in the implementation of the budget. The Committee reviews the budget analysis provided by each department and determines what is appropriate, given available resources.

Today is the initial process of introducing the Municipal Budget. The official Municipal Budget is required to undergo a public hearing, which is scheduled for May 24, 2021. Upon the completion of a public hearing, the budget can then be adopted.

In analyzing the 2021 Municipal Budget, Mrs. Fornaro discussed the financial challenges the budget faces. As a result of the current pandemic, the Borough has suffered a significant loss of revenue. The Borough lost \$200,000.00 in revenue from parking fees, and an additional \$75,000.00 from the Municipal Court. Additionally, the Borough faces an increase in state pension expenses in the amount of \$100,000.00. An additional strain to the budget results from a county-ordered revaluation of all real properties in the Borough, which has generated \$350,000.00 in professional expenses. As a result of the existential pandemic caused by coronavirus, COVID-19, the Borough has suffered a fiscal loss of \$300,000.00.

To address these challenges, the Borough was able to declare a loss of revenue over a five-year period to replenish the fund balance, through a COVID-19 Special Emergency Appropriation. To further improve the budget, the Borough will undergo a reduction in fiscal spending. The Borough will further increase the municipal tax levy by 4.09%; Municipal Tax rate by 3.49% and Solid Waste by 3%. The water utility will decrease by 10% and the 2021 improvement projects will continue.

MAYOR'S REPORT I:

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

Statistical Update on the Coronavirus:

Mayor Kobylarz reported that 525 residents of the Borough contracted COVID-19 since the start of the pandemic. Last week the Borough had nine (9) new cases. The State of New Jersey is trending in a gradual downslope direction, with the current 7-day rolling average of 2,279 positive cases. Last week, it was 3,080. The transmission rate is now 0.90, which demonstrates progress and a reduction in the proliferation of the virus.

With respect to inoculation, as of April 16, 2021, 71% of the adult population have been vaccinated with at least one dose of the COVID-19 vaccine, while 30% of the adult population has been fully vaccinated.

Mayor Kobylarz cautioned the public to remain vigilant; and to mitigate the spread of the virus by adhering to protective measures of washing hands, maintaining social distance, wearing masks, cooperating with contact tracing, and getting vaccinated.

2021 Municipal Pool Opening:

The Memorial Park Pool will open this summer at 50% capacity. The capacity percentage may change, and is contingent on state's regulations, improvement in the number of COVID-19 cases, and the number of people who are vaccinated.

Chatham Borough Reasoner Park Dining Area:

Benches and tables are available at Reasoner Park for an outdoor dining experience. The public was encouraged to support local eateries and enjoy a take-out meal by the gazebo.

Small Businesses Federal and State Grant:

The Economic Development Advisory Committee will host a webinar on Thursday, May 6, 2021 at 1:30 p.m. The webinar serves to update small businesses on recent pandemic economic assistance available. Topics to discuss includes current federal and state grants and loan opportunities provided in the American Rescue Plan Act of 2021. Updates on the employee retention credit program will also be discussed. Rana Shanawani, Executive Director of the Women's Center for Entrepreneurship will be the presenter. He encouraged small business owners to participate. Information on the webinar will be available on the Borough website and Facebook page, and via e-mail through Constant Contact subscribers.

Four (4) Expressions of Gratitude

Mayor Kobylarz recognized and thanked Helen and John Gardner for their volunteerism, dedication, and hard work in beautifying the gardens that surround the library over the years. The Borough of Chatham is grateful for their services to our community. A plaque in their honor was unveiled on April 22, 2021 at the Library of the Chathams.

The Earth Day Electric Vehicle Expo event held at the Sunday Motor Company Cafe in Madison on Thursday, April 22, 2021 was exciting and exceedingly instructive. Expression of gratitude were extended to the hosts of the event: Chatham Borough Environmental Commission, Chatham Township Environmental Commission and Madison Borough Environmental Commission.

An expression of gratitude to Boy Scout Troop A Philmont for their excellent clean-up activity and efforts on Sunday, April 18, 2021 on Lum field and its surrounding areas of the ECLC school, part of the Lum Field complex, and the Passaic River Trail. The Scouts spent seven (7) hours on Sunday on this conservation effort. The trash collected was unbelievable. Chatham Borough, we can, and we must do better. Please do not litter. We are All in This Together!

Mayor Kobylarz thanked the Kiwanis Club of the Chathams for their excellent cleanup project on Ogden Street and the surrounding areas.

MEETING OPEN TO THE PUBLIC

Residents wishing to make public comments may dial 929-205-6099 (Meeting ID: 851 8615 7328) or obtain online access of the meeting using the following URL: <https://us02web.zoom.us/j/85186157328>

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.

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

Mayor Kobylarz proceeded to Ordinances for a second reading.

ORDINANCES FOR SECOND READING

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Ordinance #21-07.

Council Member Koronkiewicz read Ordinance #21-07 entitled:

ORDINANCE #21-07

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH
OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY
AUTHORIZING THE PRIVATE SALE OF CERTAIN REAL PROPERTY OWNED BY
THE BOROUGH OF CHATHAM NOT REQUIRED FOR PUBLIC PURPOSES
PURSUANT TO N.J.S.A. 40A:12-13(B)**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on April 12, 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 # 21-07 was introduced and passed on first reading at the April 12, 2021 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on April 26, 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 Ordinance # 21-07 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 President 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 | | | |
| Koronkiewicz | X | | X | | | |
| Treloar | | | X | | | |
| Resto | | | | | X | |
| Truilo | | | X | | | |

Mayor Kobylarz asked Council Member Resto to proceed with Ordinance #21-08.

Council Member Resto read Ordinance #21-08 entitled:

ORDINANCE #21-08

AN ORDINANCE OF THE BOROUGH OF CHATHAM PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS FOR THE WATER UTILITY AND APPROPRIATING \$195,000 THEREFORE, FROM THE CAPITAL IMPROVEMENT FUND

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on April 12, 2021.

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

The Borough Clerk states a legal notice was published indicating that Ordinance # 21-08 was introduced and passed on first reading at the April 12, 2021 meeting and indicated the second reading and public

hearing would be held at 6:00 p.m. on April 26, 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 Resto offered Ordinance # 21-08 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 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 | | | |
| Koronkiewicz | | | X | | | |
| Treloar | | | X | | | |
| Resto | X | | X | | | |
| Truilo | | X | X | | | |

Mayor Kobylarz asked Council Member Treloar to proceed with Ordinance #21-09.

Council Member Treloar read Ordinance #21-09 entitled:

ORDINANCE #21-09

AN ORDINANCE OF THE BOROUGH OF CHATHAM PROVIDING FOR A STAINLESS-STEEL DUMP TRUCK BODY FOR THE SOLID WASTE UTILITY AND APPROPRIATING \$30,000 THEREFORE, FROM THE CAPITAL IMPROVEMENT FUND

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on April 12, 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 # 21-09 was introduced and passed on first reading at the April 12, 2021 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on April 26, 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 else wishing to be heard, Mayor Kobylarz closed the public hearing.

Council Member Treloar offered Ordinance # 21-09 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 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 | | | |
| Koronkiewicz | | | X | | | |
| Treloar | X | | X | | | |
| Resto | | X | X | | | |
| Truilo | | | X | | | |

RESOLUTIONS REQUIRING A SEPARATE VOTE

NON- ROUTINE/ NON-CONSENT

Mayor Kobylarz asked Council Member Mathiasen to proceed with Resolution # 21-178.

Council Member Mathiasen read Resolution # 21-178:

RESOLUTION # 21-178

[Requires Roll Call vote]

Majority Vote of Full Membership

RESOLUTION TO INTRODUCE THE BOROUGH OF CHATHAM 2021 MUNICIPAL BUDGET

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the local Municipal Budget for the year 2021; and

BE IT FURTHER RESOLVED, that said Budget be published in the Daily Record and the Chatham Courier in the issue of May 6, 2021 together with a notice to the public that the public hearing will be held in the Municipal Building on May 24, 2021 at 6:00 p.m. or as soon thereafter as the matter can be reached by the Council of the Borough of Chatham, and does hereby appropriate the following as the budget for the year 2021:

| | |
|---------------------------------------|------------------|
| Appropriations for Municipal Purposes | \$ 13,812,081.48 |
| Reserve for Uncollected Taxes | \$ 1,810,000.00 |
| Total General Appropriations | \$ 15,622,081.48 |

| | |
|-----------------------------|------------------|
| Miscellaneous Revenues | \$ 6,031,909.48 |
| Local Tax for Muni Purposes | \$ 8,738,739.54 |
| Minimum Library Tax | \$ 851,432.46 |
| Total Current Fund Revenue | \$ 15,622,081.48 |

Council Member Mathiasen motioned to approve Resolution # 21 179.

Seconded by Council Member Resto.

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 | | | |

REPORTS

COUNCIL MEMBERS

Council President Dempsey – Council President Dempsey reported that Dr. Michael LaSusa conducted a Town Hall presentation. In the presentation, he noted a substantial decline in school enrollment. He hopes to open both the middle school and high school for in-person learning for at least a partial day before the school year ends. During this pandemic, the schools have put forth great effort to facilitate addressing mental health issues of depression and anxiety by providing services to students, faculty, and staff during this challenging time.

The Washington Avenue mural was successfully transferred from the Washington Avenue School to the Stanley building. The mural will be completed by June or July this year.

Chess tables were placed by the library and in Garden Park and Shepard Kollock Park for residents to enjoy.

Council Member Mathiasen – Council Member Mathiasen reported that the Borough received several volunteer applications for the Stanley Center Advisory Committee. Interviews will be conducted in the coming weeks. Applications are still being accepted for anyone wishing to become a member.

Council Member Mathiasen echoed the Mayor’s sentiment on the incredibly successful Earth Day Electric Vehicle Expo event.

Council Member Koronkiewicz – Council Member Koronkiewicz reminded residents that Arbor Day is April 30, 2021.

Council Member Treloar – Council Member Treloar reported that MyChatham New Jersey met last week and discussed ways to modify the 2021 Fishawack Festival. This year’s festival will involve local businesses and will operate at a smaller scale to ensure the safety of those who participate. The event will be held in September.

Council Member Resto – The Department of Health was unable to vaccinate a dozen Borough homebound seniors due to the J&J Covid vaccine being put on pause. They are attempting to secure the Moderna vaccine. The department hopes to begin administering vaccines soon.

The Economic Development Advisory Committee will meet on May 3, 2021 at 7:00 p.m.

Council Member Resto is working with the law firm Scarinci Hollenbeck to collect the unused escrow funds which were to be used to fight the Pilgrim Pipeline. The Borough’s amount is approximately \$1,400.00. The Senior Citizens Advisory Committee learned that Tri-Town 55+ lost their Grotta Foundation funding and will no longer operate due to lack of resources.

The Senior Center of the Chathams hosted a successful paper shredding event at the Chatham Middle School and raised \$ 5,134.00.

Council Member Truilo – Council Member Truilo reported that the Community Garden is now open for the season. It was further reported that the Planning Board approved an application from Main Street Sweets Shop, which will provide the downtown area with delights of waffles and ice cream among other delectable to enjoy. The business will be operated by the owner of Namkeen, a very successful chicken and waffle eatery.

The French pastry shop, Fleur de Sel will celebrate its one-year anniversary on Friday, April 30, 2021 between 3:00 p.m. and 5:00 p.m.

MAYOR’S REPORT II

Mayor Kobylarz had nothing further to report.

ADMINISTRATOR’S REPORT

Borough Administrator, Stephen Williams reported on the following:

Mr. Williams acknowledged the members of the Budget and Finance Committee: Council Member Mathiasen, Council Member Koronkiewicz and Council Member Resto. The members have invested countless hours facilitating the budget process. He further thanked CFO Karen Fornaro and Borough Auditor Bud Jones for preparing the 2021 Municipal Budget. The Borough is grateful for its new CFO’s financial leadership and background.

Residents were strongly warned about improperly disposing of dog waste in the Borough. Residents were

asked to dispose of dog waste at home and to avoid putting waste in recycling containers. Recycling containers with dog waste will not be collected.

Residents were requested to cover their recycling bins or to place their recyclables for curbside pickup in the morning to avoid recyclables from blowing throughout the streets during windy periods.

The phone lines at Borough Hall may be disrupted on Friday, April 30, 2021 due to installation of fiber-optic lines. The Borough apologizes for any inconvenience this process may cause.

The Director of the Department of Public Works (DPW) secured a Salem Oak tree for the Borough. The seedling will be obtained from Jackson, NJ and cultivated at the DPW before it is planted.

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 #21-179 through Resolution #21-186 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 #21-179

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 #21-180

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised of an overpayment on the property taxes for the property listed below; and

WHEREAS, the Tax Collector has further advised that a refund for the property tax overpayment is to be made as follows:

| <u>BLOCK/LOT</u> | <u>OWNERS/PROPERTY LOCATION</u> | <u>AMOUNT</u> | <u>TAX QTR.</u> |
|------------------|--|---------------|---------------------------|
| 94/18 | James Duncan and Julie Milne 19 Orchard Road Chatham, New Jersey 07928 | \$4,965.88 | 2021/1 st Qtr. |

***Please make check payable and mail to:**
AFRM Title & Abstract
30 Freneau Avenue
Matawan, NJ 07747

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough Tax Collector to process a refund of property taxes as herein referenced.

PERSONAL

RESOLUTION #21-181

RESOLUTION TO HIRE TIMOTHY J. GROGAN TO THE POSITION OF MECHANIC IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Director of Public Works posted the job opening for the position of Mechanic in the Department of Public Works and notice of the vacancy was posted on the Union bulletin board in accordance with Article XXII and applications were solicited from interested employees in the Chatham Borough Public Works Department; and

WHEREAS, Timothy J. Grogan applied for the position and was interviewed by the selection committee to determine his qualification; and

WHEREAS, the selection committee agreed that Timothy J. Grogan exhibits the knowledge and experience in the automotive field and met all qualifications and work requirements for the Mechanic position and further recommended his hire to the position of Mechanic in the Department of Public Works, effective April 27, 2021; and

WHEREAS, the starting salary for this position shall be \$51,269.00, pro-rated for the remainder of the 2021 calendar year.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the selection committee and hereby authorize the hire of Timothy J. Grogan to the position of Mechanic in the Department of Public Works, effective April 27, 2021 at the starting annual salary of \$51,269.00, pro-rated for the remainder of the 2021 calendar year; and

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.

OTHERS

RESOLUTION #21-182

RESOLUTION AUTHORIZING A SUSTAINABLE LAND USE PLEDGE FOR CHATHAM BOROUGH SUSTAINABLE JERSEY RECERTIFICATION

WHEREAS, land use is an essential component of overall sustainability for a municipality; and

WHEREAS, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space, and the degradation of natural resources; and

WHEREAS, well planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

WHEREAS, Given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land use pattern will require municipalities to take the lead;

NOW, THEREFORE, BE IT RESOLVED, the Borough of Chatham, resolves to take the following steps with regard to our municipal land-use decisions with the intent of making Chatham Borough a truly sustainable community. It is our intent to include these principles in the next master plan revision and reexamination report and to update our land-use zoning, natural resource protection, and other ordinances accordingly.

Regional Cooperation - We pledge to reach out to the administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration regional impacts when making land-use decisions.

Transportation Choices - We pledge to create transportation choices by utilizing a Complete Streets approach by considering all modes of transportation, including walking, biking, transit and automobiles, when planning transportation projects and reviewing development applications. We will reevaluate our parking with the goal of limiting the amount of required parking spaces, promoting shared parking and other innovative parking alternatives, and encouraging structured parking alternatives where appropriate.

Natural Resource Protection - We pledge to take action to protect the natural resources of the State for environmental, recreational, and agricultural value, avoiding or mitigating negative impacts to these resources. Further, we pledge to complete a Natural Resources Inventory when

feasible to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis, land-use and open space planning.

Mix of Land Uses - We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational, and other land use types in areas that make the most sense for our municipality and the region, particularly in downtown and town center areas.

Housing Options - We pledge, through our zoning and revenue generating powers, to foster a diverse mix of housing types and locations, including single- and multi-family, for-sale and rental options, to meet the needs of all people at a range of income levels.

Green Design - We pledge to incorporate the principles of green design and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.

Municipal Facilities Siting - We pledge, to the extent feasible, to take into consideration factors such as walkability, bikability, greater access to public transit, proximity to other land-use types, and open space when locating new or relocated municipal facilities.

RESOLUTION #21-183

RESOLUTION SUPPORTING IDLE FREE ZONES

WHEREAS, emissions from gasoline and diesel-powered vehicles contribute significantly to air pollution, greenhouse gases, ozone formation, fine particulates, and a multitude of harmful pollutants that can trigger asthma attacks and other ailments; and

WHEREAS, asthma is a significant public health concern in New Jersey, especially among children (up to 25% of New Jersey's school age children are asthmatic) and the elderly; and

WHEREAS, for every gallon of gasoline used, the average car produces about 20 pounds of carbon dioxide (CO₂), the largest contributor to greenhouse climate change, with one third of greenhouse gas emissions coming from the transportation sector; and

WHEREAS, the U.S. Argonne National Laboratory estimates that about 20 million barrels of diesel fuel are consumed each year by idling long-haul trucks (estimated truck emissions total about 10 million tons of CO₂, 50,000 tons of nitrogen oxides, and 2,000 tons of particulates); and

WHEREAS, we can avoid producing unnecessary greenhouse gas emissions and exposure to air toxins by reducing or eliminating wasteful vehicle idling; and

WHEREAS, moving beyond New Jersey's Anti-Idling regulations of three minutes would significantly improve air quality, public health, greenhouse gas emissions, and reduce costs; and

WHEREAS, idling more than 10 seconds uses more fuel and emits more pollutants than turning a warm engine off and on again and uses as much fuel as it takes to travel five miles; and

WHEREAS, petroleum-based gasoline and diesel fuel are nonrenewable fuels and should be used wisely and not wasted.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they support the adoption of "Idle Free Zones" by government agencies, schools, businesses and other organizations by:

- Maintaining vehicles to eliminate any visible exhaust.
- Enforcing existing violations and penalties under New Jersey's existing no-idling rules.
- Supporting broad education of the public about the health, environmental and economic impacts of vehicle idling and ways to reduce idling.
- Ensuring that vehicle idling does not occur at locations such as school drop-off and pick-up areas, gas stations, parking lots, and business centers.
- Encouraging gasoline or diesel-powered vehicle engines to be turned off when remaining idle for more than three minutes.

RESOLUTION #21-184

RESOLUTION TO RETURN CASH PERFORMANCE BOND TO ROBERT SCHERER, GIALLUISI CUSTOM HOMES AT 54 FAIRIEW AVENUE IN THE BOROUGH OF CHATHAM

WHEREAS, Robert Scherer submitted to the Borough of Chatham a Cash Performance Bond in the amount of \$5,000.00 for the completion of work at 54 Fairview Avenue, pursuant to the requirements of the Borough Engineer; and

WHEREAS, Mr. Scherer submitted a request to the Chatham Borough Engineer to release the Cash Performance Bond in the amount of \$5,000.00 based on the completion of the work; and

WHEREAS, the Chatham Borough Engineer has reviewed the request and determined that Mr. Scherer has completed all the items set forth in his requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Chatham that the Cash Performance Bond in the amount of \$5,000.00 be released to Robert Scherer in the form of an escrow check.

RESOLUTION #21-185

RESOLUTION DISPOSING OF OBSOLETE EQUIPMENT NO LONGER NEEDED BY THE CHATHAM BOROUGH FIRE DEPARTMENT BY DONATING IT FOR DISASTER RELIEF IN ALABAMA

WHEREAS, the Chief of the Chatham Borough Fire Department has determined that certain personal property is no longer needed for public use, specifically, ten (10) lengths of 3” hose and thirty (30) AB 2000 masks with voice amplifier, which collectively have a total estimated fair market value of \$8,000.00; and

WHEREAS, the Local Public Contracts Law (“LPCL”), at N.J.S.A. 40A:11-36(2), authorizes the disposition of personal property without advertising for bids when a contracting unit makes any such disposition to the United States, the State of New Jersey, another contracting unit, any body politic to which it contributes tax raised funds, any foreign nation which has diplomatic relations with the United States, or any governmental unit in the United States; and

WHEREAS, the Chatham Borough Fire Department wishes to provide the Shinbone Valley Fire and Rescue in Delta, Alabama with this equipment at no cost to aid in relief efforts following a natural disaster in the southeastern United States; and

WHEREAS, the Borough of Chatham may provide this equipment to the Shinbone Valley Fire and Rescue at no cost in accordance with the provisions of N.J.S.A. 40A:11-36(2), as the Shinbone Valley Fire and Rescue is considered another governmental unit in the United States under the LPCL; and

WHEREAS, it is in the best interests of the Borough of Chatham and the Chatham Borough Fire Department to dispose of said property as set forth herein; and

WHEREAS, the appropriate representatives of the Shinbone Valley Fire and Rescue have affirmed their understanding that this equipment is being supplied “as-is” and without any warranties or guarantees.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that it authorizes the provision of ten (10) lengths of 3” hose and thirty (30) AB 2000 masks with voice amplifier at no cost to the Shinbone Valley Fire and Rescue in accordance with the provisions of N.J.S.A. 40A:11-36(6); and

BE IT FURTHER RESOLVED that the equipment being donated is “as is” and without any warranties or guarantees; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to representatives of the Shinbone Valley Fire and Rescue in Delta, Alabama.

RESOLUTION # 21-186

RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE BOROUGH OF CHATHAM AND NATIONAL LIFE GROUP TO PROVIDE A DEFERRED COMPENSATION PLAN

WHEREAS, the Borough of Chatham (the “Borough”) offers a deferred compensation plan for its employees in an attempt to attract and retain qualified employees by providing them with an opportunity to enhance their financial security at retirement through savings of compensation on a deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended (“Code”); and

WHEREAS, there is no direct financial cost to the Borough to adopt and implement an employee Deferred Compensation Plan and Service Agreement; and

WHEREAS, after reviewing the proposals it was determined that National Life Group has the ability to (1) maintain complete records of accounts; (2) manage account with absolute fidelity; (3) provide advice concerning various categories of investments; and (4) provide continuing consultation to participants; and

WHEREAS, there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of the contractor in the selection of a contractor forth the administration of a Service Agreement pursuant to N.J.A.C. 5:37-5.7.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Chatham, County of Morris, State of New Jersey, does hereby adopt and approve the Plan prepared by National Life Group and assigned Plan Document identifier 19-PD-National-091819 as a Deferred Compensation Plan Provider by the Director of the Division of Local Government Services.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to enter into Service Agreement (bearing the identifier: 19-PD-National-091819 assigned by the New Jersey Division of Local Government) with National Life Group upon the proposal received to serve as a Deferred Compensation Plan Provider for the Borough of Chatham employees.

BE IT FURTHER RESOLVED, that it is hereby acknowledged that the Deferred Compensation Plan is substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provisions added by reason of the Small Business Job Protection Act of 1996 (United States Publica Law No. 104-188) and the Economic Growth and Tax Relief Reconciliation Act of 2001 (United States Public Law No. 107-16) and all such provisions as stated in the plan in terms substantially similar to the text of those provisions in the Internal Revenue Code Section 457. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent.

BE IT FURTHER RESOLVED THAT pursuant to N.J.A.C. 5:37-5.4, the Chief Financial Officer is hereby designated as the Local Plan Administrator for the administration of the Plan.

BE IT FURTHER RESOLVED that a certified copy of this resolution and all necessary required documents shall be submitted to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval.

CONSENT AGENDA VOTE:

Mayor Kobylarz asked Council President Dempsey to proceed with the Resolutions listed on the Consent agenda, Resolutions #21-179 through #21-186.

Council President Dempsey made a motion to approve Resolutions #21-179 through # 21-186 on the Consent Agenda. The motion was seconded by Council Member Resto. By a unanimous voice vote, the resolutions were approved.

ADD-ON RESOLUTION[S]

There were none.

ORDINANCES FOR FIRST READING

Mayor Kobylarz asked Council Member Resto to introduce Ordinance #21-10.

Council Member Resto introduced Ordinance #21-10 by title as follows:

ORDINANCE #21-10

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 195 OF THE CODE OF THE BOROUGH OF CHATHAM, "PARKS, PLAYGROUNDS AND RECREATION AREAS," TO CLARIFY THAT SMOKING OF ANY SUBSTANCE IN SUCH AREAS IS PROHIBITED

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

Council Member Resto read:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on April 26, 2021.

BE IT RESOLVED, that at the Council meeting to be held on May 10, 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 Resto offered Ordinance # 21-10 and moved its adoption on first reading.

Council Member Treloar 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 | | | |
| Koronkiewicz | | | X | | | |
| Treloar | | X | X | | | |
| Resto | X | | X | | | |
| Truilo | | | 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 8:02 p.m.

Respectfully Submitted on May 24, 2021 by:

Tamar Lawful, RMC
Borough Clerk
BOROUGH OF CHATHAM