

**REGULAR MEETING OF THE
MAYOR AND BOROUGH COUNCIL
SEPTEMBER 27, 2021 MINUTES**

Mayor Thaddeus J. Kobylarz called the Regular Meeting of the Borough of Chatham to order on Monday, September 27, 2021, 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 over 43 million Americans who contracted COVID-19, and the more than 688,000 people who have succumbed to the virus. Finally, he acknowledged the eleven (11) 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
Council Member Jocelyn Mathiasen
Council Member Karen Koronkiewicz
Council Member Irene Treloar (Attended virtually)
Council Member Leonard Resto
Council Member Frank Truilo

Also present were:

Stephen W. Williams, Borough Administrator
Tamar Lawful, Borough Clerk
Steve Kleinman, Borough Attorney

PROCLAMATIONS

Mayor Kobylarz asked Council Member Resto to proceed with Resolution # 21-325.

Council Member Resto read Resolution # 21-325.

RESOLUTION # 21-325

RESOLUTION IN SUPPORT OF NATIONAL HISPANIC HERITAGE MONTH

WHEREAS, in the 1960's, amid the growing awareness of the United States' multicultural identities during the civil rights movement, California Congressman George E. Brown, who represented the district comprised of East Los Angeles and the San Gabriel Valley, pushed to recognize the contributions of the Hispanic and Latinx community; and

WHEREAS, in 1968, President Lyndon B. Johnson issued the first annual Hispanic Heritage Week presidential proclamation, and in 1987, California Congressman Esteban E. Torres pushed to expand the observance to cover its current 31-day period from September 15th to October 15th; and

WHEREAS, the timing of Hispanic Heritage Month was chosen to coincide with the Independence Day celebrations of several Latin American nations; and

WHEREAS, American Hispanic and Latinx people have a long history in the United States from well before the nation was formally established. From early Spanish colonialism to civil and workers' rights laws and Supreme Court decisions. Notable events in U.S. Hispanic and Latinx history includes the following:

1. In 1565, Spanish explorer, Pedro Menendez de Aviles, landed at what became the settlement of St. Augustine, Florida, which was under Spanish rule for 256 years and is now the oldest continually inhabited American city;
2. In 1718, Spanish priest Father Antonio Olivares founded the Mission San Antonio de Valero, better known as The Alamo;
3. In 1917, President Woodrow Wilson signed the Jones-Shafroth Act, granting U.S. Citizenship to Puerto Ricans, which allowed 20,000 Puerto Rican Americans to be drafted to serve in the U.S. Army during World War I;
4. In 1947, the 9th Circuit Court of Appeals ruled on the first desegregation case in *Mendez v. Westminster School District*, prohibiting four California school districts from denying entrance to students because they were Mexican. The ruling set the precedent for the historic *Brown v. Board of Education* Supreme Court decision seven years later;
5. In 1966, Cesar Chavez, general director of the National Farm Workers' Association, together with Filipino-American farm labor organizer, Larry Itliong, led Latino and Filipino farm workers on labor strikes that successfully led to increased pay, health-care benefits, and safety protections from pesticides for grape farm workers.
6. In 2009, Supreme Court Justice Sonia Sotomayor, raised in the South Bronx and daughter of Puerto Rican parents, was sworn in as the first Hispanic Supreme Court justice and the third woman to serve on the court.

And,

WHEREAS, Hispanic and Latinx leadership in the movements for equal rights, labor rights, and civil rights, has had a profound and lasting beneficial impact on American society.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Chatham joins in recognizing the annual celebration of National Hispanic Heritage Month and commemorates the contributions of Hispanic and Latinx Americans to America's founding and through the present day.

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Council Member Resto moved to approve Resolution # 21-325, seconded by Council Member Koronkiewicz. By a unanimous voice vote, Resolution # 21-325 was approved.

Council Member Resto was given a commemorative copy of the proclamation by Mayor Kobylarz. He thanked the Governing Body for the recognition, and further thanked the community for welcoming him as a member of the Latinx community in Chatham Borough. Hispanic and Latinx residents and workers of this community share the same sentiment of being equally proud of this recognition.

Mayor Kobylarz asked Council President Dempsey to proceed with Resolution # 21-326.

Council President Dempsey acknowledged and thanked resident Emily Root for bringing this awareness to the attention of the Governing Body.

Council President Dempsey read Resolution # 21-326

RESOLUTION # 21-326

RESOLUTION CELEBRATING INTERNATIONAL STUTTERING AWARENESS DAY ON OCTOBER 22, 2021

WHEREAS, October 22, 1998, was designated as International Stuttering Awareness Day to celebrate people who stutter. Stuttering is a complex communication difficulty that affects more than 70 million people worldwide and more than 3 million people in the United States; and

WHEREAS, stuttering is primarily neurological and/or genetic in nature in which the flow of speech is interrupted by stuttering events such as repetitions, prolongations or interjections, stuttering IS NOT emotional or psychological and it is not caused by nervousness or anxiety; and

WHEREAS, stuttering research has shown that more boys stutter than girls, and that while 75% of children grow out of stuttering by the age of 5, 25% of people who stutter as children do not "grow out of it"; and

WHEREAS, people who stutter (PWS) are often teased and frequently experience shame, guilt, and fear of speaking, as well as encounter discrimination in employment and other areas because of stuttering misconceptions, myths, and stigmas; and

WHEREAS, research has shown that the more open a person is about their stuttering, the less severe the stuttering may be and while there is no cure, speech therapy and support groups have helped to foster ideas of acceptance, management, and a fantastic quality of life; and

WHEREAS, people who stutter are individuals that lead amazing lives, and are just as smart, funny, and extroverted as people who do not stutter.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham do hereby recognize October 22nd, 2021, as International Stuttering Awareness Day and urge residents to become better educated about stuttering acceptance and to help decrease the stigmas of stuttering in the community.

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Council President Dempsey moved to approve Resolution # 21-326, seconded by Council Member Resto. By a unanimous voice vote, Resolution #21-326 was approved.

Mayor Kobylarz presented a commemorative copy of Resolution # 21-326 to the following recipients: Emily Root, Michael Bedkowski, Mr. John Mango, and Mr. Christopher Nikolopoulos.

Ms. Root thanked the Borough Council for their support and dedication to destigmatize stuttering. Mr. Mango shared a personal story about his difficulty growing up as a person who stutters and expressed gratitude for the growing tolerance of this nation.

Mayor Kobylarz thanked all the recipients who received a commemorative copy of the proclamation and shared a story about his own mother's stuttering condition. He echoed Mr. Mangos thankfulness to live in a more tolerant time.

Over 3 million residents or 1 % of the United States population suffers from this condition. To demonstrate how common stuttering is, the following figures who suffer or suffered from a stuttering condition were mentioned: U.S. President Joe Biden, Novelist Lewis Carroll, Samuel Jackson, Bruce Willis, Nicole Kidman, Emily Blunt, James Earl Jones, Marilyn Monroe, Pop singer Ed Sheeran, Elvis Presley, B.B. King, and Kendrick Lamar.

As a final remark, Mayor Kobylarz stated that he is delighted that the Borough was able to shed light on this important matter and hope it sets an example for the community.

RECUSALS

There were none.

ADOPTION OF COUNCIL MEETING MINUTES

Mayor Kobylarz asked Council Member Resto to proceed with Resolution # 21-327.

Council Member Resto read Resolution # 21-327.

RESOLUTION # 21-327

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:

August 9, 2021

Council Member Resto moved to approve Resolution #21-327, seconded by Council Member Truilo. By a unanimous voice vote, Resolution # 21-327 was approved.

DISCUSSION ITEMS

Recent Amendment to the Borough's 2016 Fair Share Housing Center Settlement Presentation:

Presented by: Borough Planner Kendra Lelie

Professional Planner, Kendra Lelie, presented the Fair Share Housing Center Settlement Agreement. Fair Share Housing Center (FSHC) is a non-profit entity. Its mission is to ultimately end discriminatory or exclusionary housing patterns which have deprived the poor and minorities from residing in certain communities. The Fair Share Housing Center offers a setting for racial and economic integration through the development of affordable housing that is staged in a decent environment, close to employment, and educational opportunities.

The following was discussed throughout the presentation:

- Affordable Housing history
- What is Affordable Housing?
- Planning for Affordable Housing under Court Jurisdiction
- Affordable Housing Obligations
- Satisfaction of the Obligation, general and Borough specific information
- Next steps for Chatham Borough with respect to its Fair Share Housing Agreement

Mayor Kobylarz inquired whether the Borough would be required to increase its RDP during the midpoint review. It is uncommon for the Fair Share Housing Center to request an increase in the RDP from what was initially agreed in the settlement agreement during the midpoint review, stated Ms. Lelie. Ms. Lelie further stated that every Fair Share Settlement Agreement in the State of New Jersey requires a midpoint review and allows for any interested party to ask for a hearing before a judge.

Ms. Lelie explained the housing element and how it relates to the Master Plan. She described the Master Plan and its relationship to the 2015 Mount Laurel court case. She further elaborated on the midpoint review litigation process and the developer's plan for the B-2 district in the Borough.

Mayor Kobylarz informed the public that the redevelopment attorney, John Hague, is also available to facilitate in answering questions from the public.

PUBLIC SESSION – Q & A

Mayor Kobylarz opened the floor to the public. He asked the public to limit their questions or remarks for the sake of time and order.

Freddie Bicknese - 137 N. Hillside

Mr. Bicknese thanked Ms. Lelie for her presentation and asked if the agreement(s) locked in the Borough if it decides to proceed with the Post Office Plaza Redevelopment Project. If the Borough decides not to proceed with the Post Office Plaza Redevelopment Project, what happens?

Kendra Lelie's Response: The Settlement Agreement requires a number of affordable housing units for the Post Office Plaza Redevelopment Project. However, during the negotiation process the Borough can request an extension of time or proffer an alternative housing mechanism.

John Hague Response: Mr. Hague added that an affirmative obligation exists to amend the plan by the first of the year and to establish a minimum of 15 units. By June 1, 2021, the Borough must make a good faith effort to reach an agreement with the redeveloper; otherwise, the Borough is required to return to Fair Share Housing and present a different agreement or request an extension.

Brian McAuliffe - 40 Lum Avenue

Mr. McAuliffe thanked Ms. Lelie for the presentation. He inquired whether affordable housing can be placed anywhere within the municipality.

Kendra Lelie Response: Residents in affordable housing must have access to transportation, food etc. The infrastructure must support the residents living in the area.

Mr. McAuliffe asked to define the meaning of access.

Kendra Lelie Response: Ms. Lelie defined access as a location that is walkable or accessible by public transit. Lower income families typically do not have access to vehicles.

Integration of affordable housing units is a type of smart growth mechanism that is encouraged not only by municipal land use law but is also supported by her professional expertise. Some other municipalities have had mobile homes qualify for affordable housing credit, but through a lengthy and complicated process. However, most housing is satisfied through a typical construction process.

Mr. McAuliffe voiced his support for a referendum on the issue.

Joyce Martinsen - 64 N. Hillside

Ms. Martinsen asked who brought the original lawsuit against Mount Laurel in 1975?

Kendra Lelie Response: The Fair Share Housing Center.

Ms. Martinsen inquired what is the Fair Share Housing Center?

Kendra Lelie Response: The Fair Share Housing Center is a non-profit organization whose mission is to provide housing for low to moderate incomes households.

Ms. Martinsen asked what is COAH?

Kendra Lelie Response: COAH stands for Council on Affordable Housing and is a defunct agency within the Department of Community Affairs that was responsible for ensuring all municipalities in New Jersey provided their fair share of low- and- moderate -income housing.

Ms. Martinsen inquires who controls the program:

Kendra Lelie Response: COAH is an administrative body of New Jersey whose primary requirement is to generate rules and regulations. This responsibility has been taken over by the Superior Court in 2015.

Ms. Martinsen asked if the rules change from year to year?

Kendra Lelie Response: The rules have stayed the same. However, we are currently dealing with the second-round rules, and some third-round rules have not changed since 2014.

Ms. Martinsen voiced her support for a referendum.

Fran Drew – 32 Inwood Road

Mrs. Drew recommended converting the large commercial building, located at 1 Main Street, into a residential property.

Ms. Lelie Response: Ms. Lelie explained that rezoning commercial office spaces and working with private landowners during a settlement case with the Fair Share Housing Center can be complex and problematic.

Robert Weber - 99 Summit Ave

Mr. Weber inquired about Paragraph 8, Section A and B in the Fair Share Housing Settlement Agreement concerning Post Office Plaza Redevelopment Project.

John Hague Response: Mr. Hague explained that the 15% set aside obligation is a mandatory minimum requirement. The remaining balance is subject to negotiation.

Michael Dean – 181 N. Passaic Ave

Mr. Dean thanked Ms. Lelie for her comprehensive presentation. He asked if the Borough was willing to redevelop Block 121 Lot 10, the municipal parking lot mentioned in the Fair Share Housing Settlement Agreement.

Kendra Lelie Response: Ms. Lelie explained the Borough cannot comment on this matter because it is still under negotiation, but assured any changes would be consistent with the surrounding neighborhood.

Mr. Dean raised concerns with the Post Office Plaza Redevelop Project, Block 121 Lots 11, 12, 13, 17 marked as potentially redeveloped.

John Hague Response: Mr. Hague explained that the “Area in Need of Redevelopment” was a designation conducted several years ago. The amendment would change the redevelopment plan itself.

Mayor Kobylarz Response: Mayor Kobylarz responded to Mr. Dean’s criticism and assured him that the Council would not give away or sell the Borough’s land for a redevelopment project.

Val Clark – 21 Fern Ave.

Ms. Clark inquired about the Borough’s RDP obligation.

Kendra Lelie's Response: Ms. Lelie explained that the Borough is obligated to address 71 units through mechanisms that are in the settlement agreement.

Ms. Clark asked for clarification with regards to a specific block and lot referenced in the settlement agreement.

Kendra Lelie's Response: Ms. Lelie explained that vacant land analysis created the obligation. The 71 RDP obligation was a rule created by COAH, so developers can avoid pursuing a lawsuit for the parcels.

M. Clark asked about the Affordable Housing units on Hillside Avenue.

Kendra Lelie's Response: Ms. Lelie explained that those units were credited in prior rounds of obligations.

Ms. Clark asked about development prospects of the Post Office Plaza Redevelopment Project.

Kendra Lelie's Response: Ms. Lelie explained that the Post Office Plaza Redevelopment Plan does not contribute to the RDP obligation, but rather the “unmet need” obligation.

Ms. Clark inquired if fulfilling these obligations gets the Borough to 2025.

Kendra Lelie's Response: After 2025 there will be a fourth round. Additional information about planning cycles was provided.

Jack Drew – 32 Inwood Road

Mr. Drew recommended the Borough pursue a broader county-wide or region-wide development plan. Mr. Drew shares his concerns about developer's profit and the increased development in the Borough.

Brigid McMenamin – 133 Center Avenue

Ms. McMenamin stated that people have claimed that the amendment to the settlement agreement limits the amount of construction and the number of units at Post Office Plaza. As I read section 8-B3 on page 6, it appears that it creates a minimum number of units and I know you touched on that, so I'm hoping you'll clarify that point. Do we have to negotiate alternatives with Fair Share Housing?

Kendra Lelie Response Ms. Lelie- There are several caveats within that section, as you indicated, that allow for a change down to 10, which is at the bottom of that. You can decrease it if there is an Assisted Living developer that would come in and take 7 of the units, or 5 of the units. I believe your understanding is correct that there is a minimum of 15 affordable housing units.

If there are a minimum of 15 affordable housing units and affordable housing units make up 15% of the total, that means at least 100 units in total. Is that right, asked Ms. McMenamin?

Kendra Lelie Response – That's correct.

John Hague Response: – Mr. Hague clarified that the minimum is 15 so if you extrapolate 15% on the rentals it would indicate the suggested max would be 100. There's also the possibility to develop the Assisted Living Facility along Bower's Lane and that would reduce the number to 10,

which would further reduce the yield or the potential yield. But the number of units themselves has not been fixed and that's the subject matter of the negotiation. The developer may be willing to take a higher percentage, depending upon what they perceive to be the value of the units; that's the back and forth that the Borough is going to negotiate with the developer. So, there's no fixed number other than the minimum.

Mayor Kobylarz: There's the possibility of other alternative mechanisms if, after a good faith effort, an agreement cannot be reached, is that correct?

John Hague Response: That is correct.

Freddie Bicknese – 137 N. Hillside

Mr. Bicknese addressed conducting a binding or a non-binding referendum on this matter.

John Hague's Response: There is no legal mechanism for a binding referendum with respect to municipal land use law. A non-binding referendum is a political question for the Governing Body.

Council Member Mathiasen: Council Member Mathiasen thanked Ms. Lelie for her presentation. She further shared her hopes of finding a resolution that works for everyone. We all want the character of the Borough to remain the same, to avoid traffic congestion, the crowding of schools, and to maintain property values. The Governing Body is certainly not the enemy and blaming is not a productive approach. She further explained the prospects of using eminent domain and its pros and cons in different situations.

Brian McAuliffe - 40 Lum Avenue

Mr. McAuliffe stated that he hopes residents will see new renderings of plans prior to adoption. He asked the Governing Body to consider eminent domain for affordable housing. He inquired about the legality of placing all affordable housing units in one building.

Kendra Lelie Response: There is a mechanism that places all affordable housing units in one building, but it cannot be the Borough's only mechanism. Additionally, Fair Share Housing may not accept this mechanism.

Mayor Kobylarz: Mayor Kobylarz stated that the Governing Body will examine all possible avenues to make a solution that satisfies the Borough's obligations. He concluded by voicing his hope for residents to see the difficult situation the Borough and Council are in. The Governing Body did not inherit a favorable situation regarding the Post Office Plaza Redevelopment Project. However, the Council is working within its legal constraints. Mayor Kobylarz stated that the outcome is not clear to the Council and that there will be more public forums to listen to the concerns of residents.

Council Member Truilo: Council Member Truilo reflected on the initial proposal presented for the Post Office Plaza Redevelopment Project and his disapproval of the proposed project density. He encouraged the public to be receptive of improvements to the downtown area and expressed his hopes for the Post Office Plaza location and redevelopment project and outlined the process for change in the downtown area and invited the public to be involved during those processes.

Mayor Kobylarz reiterates Mr. McAuliffe's point that this situation is not a fait accompli.

Mayor Kobylarz closes this section of the meeting.

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 614 residents of the Borough have contracted COVID-19 since the start of the pandemic. One (1) resident passed away from the virus on September 8, 2021, bringing the mortality rate to eleven (11).

The Borough's Health Officer, Megan Avallone, reported that the Borough remains an area of moderate risk. Morris County was downgraded to an area of moderate risk and the State of New Jersey remains at high risk.

The State of New Jersey continues to trend in the wrong direction, with the current 7-day rolling average of 1,784 positive cases. This is a significant increase compared to his report on July 12, 2021, where the 7-day rolling average was 260. The statewide transmission rate as of Sunday, September 26, 2021, is 1.04.

According to public health officials, the highly contagious Delta variant is fueling a resurgence of cases in New Jersey. The increase in the number of cases is principally an affliction of the unvaccinated. Even still, breakthrough cases are growing in numbers, and public health officials are closely monitoring the situation.

To mitigate the spread of the virus, the public was advised to get vaccinated, wear a mask when indoors, avoid large gatherings, and avoid using public transportation.

Chatham Borough's 50th Fishawack Festival

Mayor Kobylarz praised this year's Fishawack Festival as a glorious three-day event. He thanked various Borough employees, Borough committees, First Responders, and various commercial and business partners.

Out of the Darkness Suicide Prevention Walk

The "Out of the Darkness" walk this year exceeded all expectations and raised over \$82,000.00 towards the cause. Suicide is currently the 10th leading cause of death in the United States.

Volunteer Awards

Mayor Kobylarz acknowledged the deep culture of volunteerism that enriches the Borough of Chatham in many ways. He acknowledged several volunteers who each received an award and recognition for their above and beyond services to this community on September 25, 2021, at the Fishawack festival:

- Mary Katherine Joyce from the MyChathamNJ Advisory Committee
- Mo Davis from the Undergrounding Advisory Committee
- Curt Villars, Chair of a sub-committee of the Economic Development Advisory Committee
- Michelle Lease from the Keep Chatham Thriving website team

- M.J. Morgan from the Keep Chatham Thriving website team
- Sam Kaplan from the Economic Development Advisory Committee and Student Consultants Assisting the Local Economy (SCALE).
- Felipe Izriqueta from the Economic Development Advisory Committee and Student Consultants Assisting the Local Economy (SCALE).
- Kaye Stevenson from the Economic Development Advisory Committee and Student Consultants Assisting the Local Economy (SCALE).
- James Greener, Chair of the Historical Preservation Commission
- Jean Eudes-Haeringer from the Zoning Board of Adjustment
- Patrick Tobia from the Zoning Board of Adjustment

MEETING OPEN TO THE PUBLIC

Residents wishing to make public comments may dial 929-205-6099 (Meeting ID: 828 6831 8684) or obtain online access of the meeting using the following URL:

<https://us02web.zoom.us/j/89837526887>

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.

Rozella Clyde – 33 Carmine Street

Mrs. Clyde, on behalf of the Green Team, acknowledged other high school students for their volunteerism in the community. She also acknowledged Tori Van Wie, chair of the Environmental Commission and Chair of the Environmental Club at Chatham High School. A Cultural Asset Inventory was created, and the following individuals helped put together a wonderful brochure: Kate Hackett, Alison Slader, Owen Truppo, and Susie Robertson. Alison Slader was welcomed to the Green Team. Mrs. Clyde echoed the Mayor's praise for those he acknowledged for providing outstanding volunteer services to the community, but wanted to shed light on the above-referenced individuals for all they had done.

Bob Weber – 99 Summit Ave

Mr. Weber thanked the Governing Body for their time and investment in the community and its events and voiced his appreciation for their services to the community. He further thanked Ms. Lelie for her comprehensive presentation but noted that the presentation should have come earlier. Mr. Weber proceeded to discuss transparency in government. He further inquired about the salary ordinance and the reason for it being done at mid-year as opposed to the end of the year. Vacating paper sheets were handled by the previous Borough Engineer. He inquired who would handle the vacating of paper streets going forward and reminded the Governing Body to not leave it on the back burner.

Bill Heap – 108 Hillside Avenue

Mr. Heap thanked the Governing Body for a wonderful Fishawack event. He informed the Governing Body that he does not support a PILOT Agreement with respect to the River Road

Redevelopment Project. However, if the Borough enters into a PILOT Agreement, he cautioned on how the funds should be distributed, especially to the school system.

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

Mayor Kobylarz proceeded to Council Member Reports.

REPORTS

COUNCIL MEMBERS

Council President Dempsey – Council President Dempsey reported that the Recreation Advisory Committee conducted its first meeting for the fall. Sports activity enrollments this season are equivalent to the fall season of 2019. The following sports activities are now available: Soccer, flag football, tackle football, cheerleading, field hockey, and cross-country sports running. The coordinator for recreation, Carol Nauta, was thanked for organizing the pool opening for the Borough. There was a lower membership this year compared to 2019, but nonetheless, there was a high rate of subscription considering the pandemic. Ms. Nauta was very pleased with the adequate pool staffing this year.

The Board of Education is seeking to hire a second Certified Behavioral Analyst to meet the needs of students during this challenging time. The Board is also preparing a referendum for turfing at both middle school and high school. The school is considering moving its schedule to a later start time and may provide its own busing to make this change possible. With respect to COVID, there are no concerns with students, faculty and staff wearing masks. 87% of the faculty and staff are vaccinated. Those who are not vaccinated are tested weekly.

Council President Dempsey echoed the Mayor's sentiment on a terrific Fishawack event and thanked all those who were involved in its 50th Anniversary.

Council Member Mathiasen – Council Member Mathiasen reported that the Environmental Commission had a booth at the Fishawack Festival promoting sustainable landscaping practices. Checklists were provided to residents to give to their landscaping company. The checklist allows residents to indicate their preferences with certain landscaping practices. With changes in technology, there is a push to encourage the use of electrical lawn equipment, such as electric leaf blowers and electric lawn mowers. However, it is understood that a complete switch to electric equipment is not feasible. Nonetheless, moving towards sustainable practices can make a big difference to the environment and residents. It can make a difference for people with allergies, and a peaceful environment by reducing noise.

Council Member Koronkiewicz – Council Member Koronkiewicz reported that the Shade Tree Commission wants to spread the word about the spotted lanternfly. This invasive species poses a significant threat to agriculture. Residents were encouraged to kill these species when spotted. Information on the spotted lanternfly is available on the Borough's website.

Council Member Treloar – Council Member Treloar also echoed how terrific the Fishawack Festival was. She acknowledged Janice Piccolo who organized the event and complimented her outstanding organizational skills. It was a great event for the community.

Council Member Resto – Council Member Resto reported that the CDC approved the Pfizer vaccine booster shot for those with a compromised immune system and for anyone 65 years of age and older. It is available at most large pharmacy chains, such as CVS and Walgreens. The Health Department will facilitate getting residents vaccinated by visiting homes to administer the vaccine.

Food insecurity remains a present concern in the community. There is an increase in families visiting the Food Distribution each Wednesday at the Chatham United Methodist Church-approximately 30 to 35 families. He acknowledged the donations received from the community and expressed appreciation for future assistance to help those in need.

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

Borough Administrator Stephen Williams reported on the following matters:

Insurance Services Office (ISO) notified the Borough that the Fire Department and the Water Utility Survey yielded a public protection classification rating of 3, which continues the Borough's 3 rating.

There have been several reports of dead deer in the street. He informed the public that the cause of death is related to a hemorrhagic disease (HD) which is very common around this time. If a dead deer is spotted, the Police Department should be contacted. Morris County Animal Control will be alerted to collect the animal and properly dispose of the bodies.

Apple Slice Productions, LLC will return to the Borough to continue its filming on Red Road on Tuesday, October 5, 2021. The public was advised to find an alternate route during the hours of 2:00 p.m. to 7:00 p.m.

The Police Department installed flashing warning bridge light indicators at the Watchung Avenue railroad bridge and the Fairmount Avenue railroad bridge. This action was taken due to the innumerable times oversized vehicles would strike these bridges. Additionally, the Police Department reinstalled flashing pedestrian crossing signs at both N. Passaic Avenue and Lafayette Avenue. The signs were previously ripped down by runaway vehicles in both locations.

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 #21-328 through Resolution #21-336 have been placed on the Consent Agenda.

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

There were none.

RESOLUTION #21-328

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 # 21-329

**RESOLUTION DESIGNATING DEPOSITORIES AND CHECK SIGNATURE
AUTHORIZATION**

WHEREAS, revised statutes 40A:5-15 of the State of New Jersey provide that the Governing Body of every municipality shall designate the depository or depositories wherein all public monies and other funds of the municipality shall be kept.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the following financial institutions are designated as the depositories wherein all such public monies and funds shall be deposited to the credit of the Borough of Chatham and the custodian shall be:

Bank of America
Investors Bank
J.P. Morgan Chase Bank
Kearny Bank
Lakeland Bank
NJ Arbitrage Rebate Management Program (NJARM)
Peapack-Gladstone Bank
PNC Bank
State of New Jersey Cash Management Fund
TD Bank
The Provident Bank
Valley Bank
Wells Fargo Bank

And,

BE IT FURTHER RESOLVED, that one signature from each of the following three groups of officials is required on checks and drafts of the Borough of Chatham, with the exception of checks to transfer funds from interim accounts to regular accounts of the Borough and to refund

deposits or to pay dedicated funds to appropriate state agencies in which cases only the signature of the Chief Financial Officer, Administrator or Assistant Finance Officer is required:

Group I

Thaddeus J. Kobylarz, Mayor, or the Council President

Group II

Stephen W. Williams, Borough Administrator, or Karen Fornaro, Chief Financial Officer

Group III

Tyrina Cittrich, Assistant Chief Financial Officer, or Evelyn Campo, Accounts Payable Clerk
And,

BE IT FURTHER RESOLVED, that the Borough of Chatham hereby authorizes and directs Investors Bank to accept and payout of the monies on deposit with said Bank to the credit of this Borough any and all checks drawn from the Claims account upon said Bank in the name of this Borough bearing the facsimile signature(s) of its officer(s) now or hereafter authorized to sign checks on behalf of the Borough of Chatham, no matter by whom or how said facsimile signature(s) shall have been impressed thereon, the said facsimile signature(s) to be in the form of a specimen furnished to said Bank.

RESOLUTION #21-330

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM
AWARDING CIFELLI & SON GENERAL CONTRACTING, INC. THROUGH THE
MORRIS COUNTY CO-OP CONTRACT# 6 – SIDEWALK REPAIR AND
REPLACEMENT**

WHEREAS, the Borough of Chatham, pursuant to N.J.S.A. 40A:11-11(5), may, by resolution and without advertising for bids, award contracts for the purchase of any goods or services and that were procured through cooperative purchasing agreements; and

WHEREAS, the Borough of Chatham desires to repair and/or replace various sidewalks throughout the Borough of Chatham, through the Morris County Cooperative Bid Contract # 6, which exceeds the prevailing bid threshold:

VENDOR:	Cifelli & Son General Contracting, Inc.
COST:	Not to exceed \$47,000

WHEREAS, the Chief Financial Officer has certified the availability of funds pursuant to N.J.A.C. 5:30-5.4, to be encumbered from capital account C-04-55-920-003.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Chatham, County of Morris, State of New Jersey authorizes the Mayor and the Borough Clerk to enter into a contract with Cifelli & Son General Contracting, Inc., not to exceed \$47,000 for repairing and/or replacing various sidewalks throughout the Borough of Chatham.

RESOLUTION #21-331

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT TO COLLIERS ENGINEERING FOR DESIGN MUNICIPAL ENGINEERING SERVICES

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

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

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

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

WHEREAS, Borough of Chatham's CFO has certified that there are funds available in budget accounts 1-01-20-165-010 and C-04-55-917-007.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Chatham, County of Morris, State of New Jersey, that a contract be processed and awarded to Colliers Engineering and Design in the amount not to exceed \$25,000.00 for a term of September 20, 2021, through December 31, 2021; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute a contract with Colliers Engineering and Design in an amount not to exceed \$25,000.00.

RESOLUTION #21-332

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A NON-FAIR AND OPEN CONTRACT WITH CHRISTMAS DÉCOR BY EBBY'S FOR THE INSTALLATION AND REMOVAL OF HOLIDAY LIGHTS FOR THE 2021 HOLIDAY SEASON

WHEREAS, the Borough of Chatham enjoys the festive tradition of decorating its Main Street and public properties with holiday lights during the holiday season; and

WHEREAS, the Mayor and Council of the Borough of Chatham wish to continue this tradition for the 2021 holiday season; and

WHEREAS, because the anticipated contract amount is less than the Borough's bid threshold of \$44,000.00, but 15% or more of that amount, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires the Borough to solicit at least two competitive quotations for said work; and

WHEREAS, the Borough solicited quotations from the following vendors:

1. The Christmas Kings, 31500 Grape Street, Suite 3233, Lake Elsinore, CA
2. Christmas Décor by Ebby's, P.O. Box 2287, Woodland Park, NJ
3. A Brilliant Solution LLC, 14 Alexander Drive, Succasunna, NJ;

And,

WHEREAS, the Director of the Department of Community Services recommends that a contract be awarded to Christmas Décor by Ebby's of Woodland Park, New Jersey in the amount of \$11,133.52 for the installation of holiday lights along Main Street, Borough Hall and Reasoner Park, on or about November 15, 2021, and to be taken down and removed on or before January 15, 2022; and

WHEREAS, the Chief Financial Officer has provided a certification of availability of funds in the amount not to exceed \$11,133.52 to be appropriated from the following accounts as follows:

<u>Account Description</u>	<u>Account Number</u>	<u>Amount</u>
Operating (Current) Account	0-01-30-420-201	\$6,000.00
White Lights Campaign	T-17-56-000-213	\$5,133.52

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that it hereby authorizes the Mayor to execute a contract with Christmas Décor by Ebby's for the installation and removal of holiday lights in the aggregate contract amount not to exceed \$11,133.52; 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.

RESOLUTION #21-333

RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO SUBURBAN DISPOSAL, INC. FOR SOLID WASTE COLLECTION SERVICES

WHEREAS, The Borough Purchasing Agent publicly opened bids on September 14, 2021, for Solid Waste Collection Services; and

WHEREAS, one (1) bid was received from Suburban Disposal, Inc. and the base bid is as follows;

Vendor	Base Bid
October 1, 2021 – December 31, 2021	\$132,000

January 1, 2022 – December 31, 2022	\$528,000
January 1, 2023 – March 31, 2023	\$138,000
Total Cost	\$798,000

And,

WHEREAS, Suburban Disposal, Inc. is the lowest responsive and responsible bidder and has been duly reviewed and analyzed by the Chatham Borough Attorney and the Qualified Purchasing Agent; and

WHEREAS, the bid received by Suburban Disposal, Inc. has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from account number 1-07-55-502-233 and will be appropriated in future years' budgets.

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

1. The Borough Council hereby awards a contract to Suburban Disposal, Inc. of Fairfield, New Jersey in the amount not to exceed \$798,000.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with Suburban Disposal, Inc. in accordance with its bid for Solid Waste Collection Services.
3. This resolution and contract shall be available for public inspection in the office of the Borough Clerk.

RESOLUTION #21-334

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM AWARDING A CONTRACT TO HUNTER TECHNOLOGIES THROUGH STATE CONTRACT# T1316 / A80802 FOR THE PURCHASE AND MANAGEMENT OF A NEW PHONE SYSTEM

WHEREAS, the Borough of Chatham, pursuant to N.J.S.A. 40A:11-11(5), may, by resolution and without advertising for bids, award contracts for the purchase of any goods or services and that were procured through a cooperative purchasing agreement, including State Contracts; and

WHEREAS, the Chatham Borough's current phone system needs to be replaced; and

WHEREAS, the Borough of Chatham wishes to purchase a new phone system and equipment through State Contract #T1316 / A80802, which exceeds the prevailing bid threshold:

VENDOR: Hunter Technologies, Wall Township, New Jersey

COST: Not to Exceed \$1,077.98 per month for a term of 60 months

for a total contract price of \$64,678.80

WHEREAS, the contract with Hunter Technologies will provide cost savings to the Borough by eliminating several of our current phone lines and replacing them with Avaya IP Office; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to N.J.A.C. 5:30-5.4, said funds to be encumbered from account 1-01-31-440-200 and will be appropriated in future years' budgets.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Chatham, County of Morris, State of New Jersey authorizes the Mayor and the Borough Clerk to enter into a contract with Hunter Technologies of Wall Township, New Jersey, not to exceed \$1,077.98 per month for a term of 60 months for a total contract price of \$64,678.80 to purchase a new phone system and equipment.

RESOLUTION # 21-335

RESOLUTION APPOINTING JOE KHAWAND AS A MEMBER OF THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE FOR CALENDAR YEAR 2021

WHEREAS, the Council of the Borough of Chatham has created the Economic Development Advisory Committee to advise on ways to establish and preserve a flourishing economic and commercial sector in the Borough of Chatham; and

WHEREAS, the Mayor and Council of the Borough of Chatham desire to appoint additional members to the Economic Development Advisory Committee; and

WHEREAS, Joe Khawand has expressed interest in being appointed to the Economic Development Advisory Committee for calendar year 2021; and

WHEREAS, the Mayor and Council of the Borough of Chatham have considered the Volunteer Application of Joe Khawand.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Joe Khawand is hereby appointed to the Economic Development Advisory Committee for calendar year 2021; and

BE IT FURTHER RESOLVED, that the Borough Clerk is authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution in accordance with N.J.S.A. 40A:9-2a and the Code of the Borough of Chatham, Chapter 3, §3.3.

RESOLUTION #21-336

RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO CLOSE A PORTION OF RED ROAD FOR THE FILMING OF A MOVIE ON OCTOBER 5, 2021

WHEREAS, Apple Slice Productions, LLC requested permission to film a scene of the movie, *Jules* in the Borough of Chatham on October 5, 2021; and

WHEREAS, the production is requesting to film at 26 Red Road and is seeking permission close a portion of Red Road, between Fuller Avenue and Hillside Avenue during production.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby authorize the Chief of Police to close the following street on October 5, 2021, to facilitate the filming of the movie:

Location of Road Closure

1. Red Road (between Fuller Avenue and Hillside Avenue) from 2:00 p.m. to 7:00 p.m.

BE IT FURTHER RESOLVED, that the Chief of Police is hereby authorized to establish the appropriate detour routes, and to undertake traffic measures to control and to regulate traffic conditions created consequent to the closure of Red Road; 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.

CONSENT AGENDA VOTE:

Mayor Kobylarz asked Council Member Resto to proceed with the Resolutions listed on the Consent agenda, Resolutions #21-328 through #21-336.

Council Member Resto made a motion to approve Resolutions #21-328 through # 21-336 on the Consent Agenda. The motion was seconded by Council Member Truilo. 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 # 21-18.

Council Member Resto introduced Ordinance # 21-18 by title as follows:

ORDINANCE # 21-18

AN ORDINANCE TO AMEND THE SALARIES AND WAGE RANGES FOR MUNICIPAL POSITIONS OF THE BOROUGH OF CHATHAM

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

Council Member Resto read:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on September 27, 2021.

BE IT RESOLVED, that at the Council meeting to be held on October 12, 2021, at 7:30

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 # 21-18 and moved its adoption on first reading.

Council Member Koronkiewicz 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	X			
Treloar			X			
Resto	X		X			
Truilo			X			

Mayor Kobylarz asked Council Member Mathiasen to introduce Ordinance # 21-19.

Council Member Mathiasen introduced Ordinance # 21-19 by title as follows:

ORDINANCE # 21-19

BOND ORDINANCE TO AUTHORIZE THE RESURFACING OF HILLSIDE AVENUE (FROM MAPLE STREET TO WATCHUNG AVENUE) IN, BY AND FOR THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$220,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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

Council Member Mathiasen read:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on September 27, 2021.

BE IT RESOLVED, that at the Council meeting to be held on October 12, 2021, at 7:30 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 # 21-19 and moved its adoption on first reading.

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			

ADJOURNMENT

Having no other business to conduct in public session, Council Member Truilo made a motion to adjourn the meeting, seconded by Council Member Koronkiewicz. The meeting was adjourned at 10:28 p.m.

Respectfully Submitted on October 25, 2021, by:

Tamar Lawful, RMC
Borough Clerk
BOROUGH OF CHATHAM