

**REGULAR MEETING OF THE  
MAYOR AND BOROUGH COUNCIL  
NOVEMBER 22, 2021, MINUTES**

Mayor Thaddeus J. Kobylarz called the Regular Meeting of the Borough of Chatham to order on Monday, November 22, 2021, at 7:33 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 approximately 47.7 million Americans who contracted COVID-19, and the more than 770,000 who have succumbed to the virus. Finally, he acknowledged the eleven (11) Chatham Borough residents who have died since the pandemic, and former resident and commissioner of the Environmental Commission, Kevin Murphy, who passed away [un-related to COVID-19] on Tuesday, November 16, 2021.

**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.

**VIRTUAL MEETING ACCESS:**

Anyone wishing to gain access to the meeting may dial 929-205-6099 (Meeting ID: 813 2096 3361) or obtain online access of the meeting using the following URL: <https://us02web.zoom.us/j/81320963361>

**ROLL CALL**

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

Mayor Thaddeus J. Kobylarz  
Council President Carolyn Dempsey (*Joined the meeting virtually at 8:40 p.m.*)  
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 (*Attended virtually*)  
Steven Kleinman, Borough Attorney (*Attended virtually*)

Mayor Kobylarz asked Council Member Truilo to proceed with Resolution # 21-368.

Council Member Truilo read Resolution # 21-368

#### **RESOLUTION #21- 368**

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

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

1. Litigation Matter: Kendra Lelie and John Hague

**BE IT FURTHER RESOLVED**, the matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Borough of Chatham, provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege. The Borough Council will return to public session after this closed session.

###

Council Member Truilo moved to approve Resolution # 21-368, seconded by Council Member Koronkiewicz. By a unanimous voice vote, Resolution # 21-368 was approved.

The Governing adjourned into Executive Session at 7:38 p.m.

#### **GOVERNING BODY RETURN TO PUBLIC SESSION**

The Governing Body returned to public session at 8:20 p.m. A roll call was taken, and all members were present.

#### **RECUSALS**

There were none.

#### **ADOPTION OF COUNCIL MEETING MINUTES**

Mayor Kobylarz asked Council Member Resto to proceed with Resolution # 21-369.

Council Member Resto read Resolution # 21-369.

#### **RESOLUTION #21-369**

#### **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:

October 25, 2021, November 8, 2021

Council Member Resto motioned to approve Resolution # 21-369, seconded by Council Member Koronkiewicz. By a unanimous voice vote, Resolution # 21-369 was approved.

## **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 671 residents of the Borough have contracted COVID-19 since the start of the pandemic. There were eleven (11) reported new cases in the last two weeks. The Borough's Health Officer, Megan Avallone, reported that the Borough remains an area of "moderate risk." Morris County and the State of New Jersey are also categorized as "moderate risk," with the exception of Middlesex County, Monmouth County, and Ocean County, which are all categorized as "high risk."

The state of New Jersey's current 7-day rolling average increased from 1,058 new cases to 1,643 confirmed new positive cases two weeks ago. However, as a point of reference on July 12, 2021, during the Mayor's Report I, the 7-day rolling average was only 260. The number of cases was expected to increase as the weather cools and people begin to return to indoor social activities. The State anticipates a further increase in positive cases due to the upcoming Thanksgiving holiday. The Delta Variant surge is of great concern. Unfortunately, the pandemic may worsen before it improves.

The statewide transmission rate has increased from 1.02, two weeks ago, to 1.21 which is indicative of the pandemic expanding due to a higher probability of transmission.

To mitigate the spread of the virus and breakthrough cases, the public was advised to take sensible precautions, wear a mask when indoors, avoid large gatherings, limit travel via public transportation, and obtain a booster shot.

### Sustainable Jersey Award:

Chatham Borough was presented with the Sustainable Jersey Silver-Certification award during the 2021 League of Municipalities Conference in Atlantic City. In attendance were Dr. Rozella Clyde, Janice Piccolo, Stephen Williams, and Mayor Kobylarz.

Dr. Rozella Clyde, Janice Piccolo, Torri Van Wie, and Margie Lowe were acknowledged and thanked for their hard work and dedication. There were about a dozen recipients awarded the Sustainable Jersey Certification, out of 565 municipalities in the State of New Jersey, and Chatham Borough is proud to be one.

### Borough Holiday Events:

Mayor Kobylarz mentioned the followings upcoming events for the holiday:

- Trot the Manor – 1 Mile Run – November 25, 2021, 8:30 a.m.
- Trot the Manor – 5 Mile Race – November 25, 2021, 9:00 a.m.  
(This event helps to support First Responders, such as the volunteer Fire Department and the Police Department)
- Menorah lighting - November 28<sup>th</sup> at Reasoner Park, 7:00 p.m.
- The annual tree lighting with a visit from Santa - December 4<sup>th</sup> at Reasoner Park, 5:00 p.m.
- Chatham Winter Wonderland sponsored by the Chatham Education Foundation, at the intersection of Coleman Avenue and Burgess Street, December 12<sup>th</sup>, 4:00 p.m. to 8:00 p.m.

This event helps to raise funds for the Chatham Educational Foundation which goes to help our local public schools.

## **MEETING OPEN TO THE PUBLIC**

Residents wishing to make public comments may dial 929-205-6099 (Meeting ID: 813 2096 3361) or obtain online access of the meeting using the following URL: <https://us02web.zoom.us/j/81320963361>

Public participating by phone: To raise your hand, press \*9. To speak, press \*6 to be unmuted.

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.

### **Frances Drew – 32 Inwood Road**

Mrs. Drew and her husband are co-chairs of the Committee to Save the Glimmer Glass Bridge. She informed the Governing Body that over 3,600 people had signed a petition to save the bridge. She asked the members of the Governing Body to read a fact sheet about the historic bridge and to adopt a resolution in support of saving the bridge.

Mrs. Drew presented a plan as a proposal for the Post Office Plaza Redevelopment Project. She emphasized the need for additional parking. The Ken's Glen Plan, as presented, will help improve sales in the downtown area, and may attract more retail businesses in the area.

Mrs. Drew thanked the Governing Body for their hard work and dedication to the Borough.

### **Valerie Clark – 21 Fern Avenue**

Ms. Clark requested clarification that the reason for designating certain areas in need of redevelopment on River Road, is a mechanism to provide the Borough with more leverage on what can be built in the area.

The area designated for redevelopment is 30 acres in total, 13 of which is owned by the Borough. The percentage of acreages owned by the Borough provides leverage. She suggested removing the Borough owned land from the areas designated in need of redevelopment. She also recommended removing 7.7 acres to which she described as “undevelopable land” due to high tension wires.

The Post Office Plaza Redevelopment Project is in the historic district. She stated that any property located in a historic district trumps any lawsuits.

The Ordinance to adopt the Gateway Affordable Housing Overlay 1 and Overlay 2 districts are in areas of conservation and should remain as such.

**Brigit McMenamin – 133 Center Avenue**

Ms. McMenamin requested the Governing Body to persuade the Fair Share Housing Center to accept an alternative mechanism to meet the Borough's obligations.

She further inquired about more details on the changes to the ordinance for the Post Office Plaza Redevelopment Plan, such as spending and housing elements.

She inquired when Town Hall meetings would be conducted to discuss the redevelopment projects as previously promised.

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

Mayor Kobylarz stated that the Governing Body is committed to holding Town Hall Meetings in the year 2022.

## **REPORTS**

### **COUNCIL MEMBERS**

**Council President Dempsey** – Council President Dempsey reported that the rise in positive cases, including break-through cases, encouraged the School District to provide voluntary COVID-19 testing for students at the Chatham Middle School between the hours of 3:00 p.m. and 4:00 p.m. for all students every Friday. The clinic will also be available, free of charge, for any parent of a School District student.

On December 15, 2021, there will be a night of music downtown. The event will be from 5:30 p.m. to 6:30 p.m. A list of performers was mentioned. The event will take place at the corner of Elmwood Avenue and Main Street, at the Gazebo, Memorial Park near Scoops, and the storefronts near Purple Aardvark.

During the hours of 7:00 p.m. and 8:00 p.m., the Lafayette 4<sup>th</sup> and 5<sup>th</sup> grade choirs will take stage at the Gazebo, and the evening will conclude with more Chatham High School ensemble performances near Scoops between 8:00 p.m. and 8:30 p.m.

The performances are free, and everyone is encouraged to shop and enjoy the holiday cheers.

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

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

**Council Member Treloar** – Council Member Treloar had nothing to report but informed everyone that she would participate in the Trot the Manor Race and is committed to run one mile. She encouraged everyone to participate.

**Council Member Resto** – Council Member Resto reported that he intends to participate in the Trot the Manor race as a course marshal for the 5-K run.

As requested by the Senior Citizens Advisory Committee, the Post Office fixed the steps at the rear of the building. The steps were a tripping hazard for seniors. He continues his efforts to encourage the Post Office to install an automatic door for easier access into the building.

Channel 21 and Channel 32 have been down for over a month. Residents, especially senior citizens, rely on both channels to remain informed. Both stations further facilitate advertising local businesses for the holiday. He asked that restoring these channels be made a priority.

The Economic Development Advisory Committee will re-define its core mission to attract businesses to the Borough. The Committee is also discussing ways to encourage residents to purchase gift certificates from local merchants, and to have those gift certificates donated at the Food Distribution on Wednesdays.

On November 17, 2021, the Food Distribution set a record, with 63 vehicles. 81 families were served, some of which were senior citizens. A total of 91 Thanksgiving boxes were organized, and 81 was given away. Residents were thanked for their generosity. Many residents donated turkey and hams, and one generous donor, donated \$8,000 to the Food Distribution.

The Board of Health met and is discussing clarification of the “hazardous plants” ordinance, which includes poison ivy.

Any senior citizen of the Borough who is house-bound can obtain a free COVID-19 vaccine administered by the Chatham Borough Health Department in the convenience of their home.

Mayor Kobylarz added additional context to Council Member Resto’s comment concerning the generous donation to the Food Distribution. The gentleman resides in Baltimore, Maryland. However, his children recently moved into Chatham Borough. To get a feel of the community, he decided to attend a Mayor and Council Meeting, at which point he heard a report on the Food Distribution.

A proclamation will be issued to express the Borough’s appreciation for such an immense generosity proffered by the gentleman.

**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:

Several hundred cases of green bags were delivered to ShopRite, Dreyer's Lumber & Hardware, and Kings Supermarket last Wednesday. Small and large bags are in stock.

The Schindler Court curbing and milling paving project is moving along. Milling will take place on November 24, 2021, followed by paving on Monday. Curbing was completed on Greenwood Avenue. The curbing on Greenwood Avenue was collapsing into the street. Curbing on Clark Street has begun and will be completed this week.

The Police Department installed flashing pedestrian crossing lights at the following locations:

- N. Passaic Avenue and Weston Avenue
- At the entrance of the Middle School on Van Doren Avenue, and
- Between Yale Street and N. Passaic Avenue

The flashing lights will help draw attention to pedestrians crossing the street in these areas.

The Department of Public Works (DPW) will continue to collect leaves this week. Next Monday will be the last rotation. However, there will be two Saturdays in which residents may drop-off leaf bags to the mulch area.

## **CONSENT AGENDA**

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

Resolution #21-370 through Resolution #21-378 have been placed on the Consent Agenda.

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

There were none.

## **FINANCE**

### **RESOLUTION #21-370**

### **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 #21-371**

#### **RESOLUTION APPROVING THE TAX APPEAL SETTLEMENT FOR 27 OAK DRIVE - BLOCK 11, LOT 19 DOCKET NOS. 005871-2019; 006808-2020; 006290-2021**

**WHEREAS**, an appeal of the real property tax assessment for the tax years 2019, 2020 and 2021 for the property located at 27 Oak Drive, also known as Block 11, Lot 19 on the Official Tax Map of the Borough of Chatham have been filed by the taxpayer and are pending in the Tax Court of New Jersey bearing Docket Nos. 005871-2019; 006808-2020; 006290-2021; and

**WHEREAS**, a settlement has been negotiated with the taxpayer resolving the tax appeal; and

**WHEREAS**, the property owner has agreed to waive pre-judgment interest due to any refund payable as a result of the proposed settlement provided that the refund be made within sixty (60) days of the date of entry of Judgment by the Tax Court; and

**WHEREAS**, as a result of the proposed settlement, the appeal of the real property tax assessment bearing Docket Nos. 005871-2019; 006808-2020; 006290-2021 reduced as follow:

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>
2019, 2020 & 2021	\$1,250,000	\$1,125,000

**WHEREAS**, upon the recommendation of the Borough Tax Assessor and Borough Appraisal Consultant, the Borough Council believes that this settlement is in the best interest of the Borough and secures fairness and uniformity in the assessment process.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that the Borough Council hereby approves the above settlement of the real property tax appeal for 2019, 2020 and 2021 bearing Docket Nos. 005871-2019; 006808-2020; 006290-2021.

**BE IT FURTHER RESOLVED**, by the Borough Council that the Borough Tax Counsel is hereby authorized and directed to enter into a Stipulation of Settlement, and to file the Stipulation and such other documents as required to implement this settlement with the Tax Court of New Jersey.

**BE IT FURTHER RESOLVED**, upon receipt of the Tax Court Judgement, the Borough Tax Collector is hereby authorized to apply the appropriate refund for 2019, 2020 and for 2021 in the form of a credit against future taxes.

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

#### **RESOLUTION #21-372**

#### **RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT**

**WHEREAS**, the Tax Collector for the Borough of Chatham has advised that the Board of Taxation of Morris County imposed a judgment for a refund of overpayment for property taxes for the year 2021 for the herein referenced property; and



**WHEREAS**, the Tax Collector has further advised that a refund per the Board of Taxation of Morris County Judgement # 04-21-0000-1L is to be made as follows:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
118/43	Robert Blau Qualified Personal 45-5 S. Passaic Avenue Chatham, New Jersey 07928	\$1,025.76	2021

**\*Please make check payable and mail to:**  
Jacobus & Associates (Attorney Trust Account)  
201 Littleton Road, Suite 100  
Morris Plains, NJ 07950

**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.

#### **RESOLUTION #21-373**

#### **RESOLUTION AMENDING THE 2021 MUNICIPAL BUDGET FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE FOR THE OFFICE OF EMERGENCY MANAGEMENT - EMAA GRANT**

**WHEREAS**, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the 2021 budget: and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Borough has received funds from the New Jersey State Office of Emergency Management EMAA Grant in the amount of \$10,000.00 and wishes to amend its 2021 Municipal Budget to include this amount as revenue.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Chatham, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$10,000.00 which is now available as revenue from:

- Miscellaneous Revenues: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenues Off-set with Appropriations: New Jersey State Office of Emergency Management EMAA Grant in the amount of \$10,000.00.

**BE IT FURTHER RESOLVED**, that the like sum of \$10,000.00 is hereby appropriated under the caption of:

- General Appropriations: Operations Excluded from “CAPS”:

Public and Private Programs Off-Set by Revenues: New Jersey State Office of Emergency Management EMAA Grant in the amount of \$10,000.00.

## **CONTRACTS**

### **RESOLUTION #21-374**

#### **RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT TO COLLIER ENGINEERING AND DESIGN FOR MUNICIPAL ENGINEERING SERVICES FOR THE PARROT MILL PUMP STATION UPGRADES**

**WHEREAS**, there exists a need to enter into a non-fair and open professional services contract for Municipal Engineering Services for the Parrot Mill Pump Station Upgrades 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, 331 Newman Springs Road, Suite 201, Red Bank, NJ 07701 possesses the experience necessary in their respective profession and the Mayor and Council have determined that the award of the contract would be in the best interests of the Borough; and

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

**WHEREAS**, Borough of Chatham’s CFO has certified that there are funds available in budget account C-04-55-917-007, C-04-55-918-005 and C-04-55-919-007; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Chatham, County of Morris, State of New Jersey that a contract be processed and awarded to Colliers Engineering and Design in the amount not to exceed \$25,240.00 for engineering services associated with the Parrot Mill Pump Station Upgrades; and

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are hereby authorized and directed to execute a contract with Colliers Engineering and Design in the amount not to exceed \$25,240.00.

**RESOLUTION #21-375**

**RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO AMERICAN ASPHALT AND TRUCKING, LLC**

**WHEREAS**, The Borough of Chatham publicly opened bids on November 17, 2021 for the resurfacing of Hillside Avenue from Maple Street to Watchung Avenue; and

**WHEREAS**, ten bids were received and the base bids are as follow; and

<b>Vendor</b>	<b>Base Bid</b>
American Asphalt and Trucking	\$122,209.96
AJM Contractor LLC	\$129,629.80
Reivax Contracting Corp	\$145,044.82
Your Way Construction	\$146,957.56
Fischer Contracting Inc	\$150,039.16
Top Line Construction	\$152,126.32
S & L Contractors LLC	\$163,740.20
DLS Contracting Inc	\$180,829.20
ADS Contractors LLC	\$183,289.69
D'Avellino Construction Inc.	\$211,125.00

**WHEREAS**, American Asphalt and Trucking 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 American Asphalt and Trucking 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 capital accounts numbered C-04-55-921-701; and

**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 American Asphalt and Trucking, LLC of Newark, New Jersey in the amount not to exceed \$122,209.96.

2. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with American Asphalt and Trucking LLC in accordance with its bid for the Resurfacing of Hillside Avenue from Maple Street to Watchung Avenue.
3. This resolution and contract shall be available for public inspection in the office of the Borough Clerk.

## **OTHER**

### **RESOLUTION #21-376**

#### **RESOLUTION GRANTING PERMISSION TO THE HOLY NIGHT SOCIETY TO INSTALL AND DISPLAY A NATIVITY SCENE AT REASONER PARK DURING THE HOLIDAY SEASON**

**WHEREAS**, the Holy Night Society, an unaffiliated local taxpayer organization, has requested permission to install and display a Nativity Scene at Reasoner Park during the holiday season; and

**WHEREAS**, the Nativity Scene to be installed and displayed shall consist of an eight foot square manger, which includes a life-size figure of Mary and Joseph and the baby Jesus in a crib positioned within the manger, and a star placed on top of the manger, increasing its height by approximately two feet.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Holy Night Society is hereby granted permission to install and display the Nativity Scene at its own expense as part of the Borough's Holiday Display at Reasoner Park from December 1, 2021 until January 7, 2022; and

**BE IT FURTHER RESOLVED**, that the Holy Night Society shall be required to post a sign clearly identifying itself as the sponsor of the Nativity Scene and that the Nativity Scene is not supported or sponsored by any government entity or official; and

**BE IT FURTHER RESOLVED**, that the Holy Night Society shall be responsible for the installation and removal of the Nativity Scene, and shall indemnify and hold the Borough harmless for any property damage or property loss to its display; and

**BE IT FURTHER RESOLVED**, that the name and address of the responsible person on behalf of the Holy Night Society is Mary McNiff, 53 Lincoln Avenue, Chatham, New Jersey; and

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

### **RESOLUTION #21-377**

#### **RESOLUTION GRANTING PERMISSION TO CHABAD OF SOUTHEAST MORRIS COUNTY TO INSTALL AND DISPLAY A MENORAH AT REASONER PARK DURING THE HOLIDAY SEASON**

**WHEREAS**, the Chabad of Southeast Morris County has requested permission to install and display a Menorah at Reasoner Park during the holiday season; and

**WHEREAS**, the Menorah to be installed and displayed is approximately six feet tall and five feet wide.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Chabad of Southeast Morris County is hereby granted permission to install and display a Menorah at its own expense as part of the Chatham Borough Holiday Display at Reasoner Park from November 22, 2021 until January 7, 2022; and

**BE IT FURTHER RESOLVED**, that the Chabad of Southeast Morris County shall be required to post a sign clearly identifying itself as the sponsor of the Menorah and that the Menorah is not supported or sponsored by any government entity or official; and

**BE IT FURTHER RESOLVED**, that the Chabad of Southeast Morris County shall be responsible for the installation and removal of the Menorah and shall indemnify and hold the Borough harmless for any property damage or property loss to its display; and

**BE IT FURTHER RESOLVED**, that the name and address of the responsible person on behalf of the Chabad of Southeast Morris County is Rabbi Shalom Lubin, 42 Park Avenue, Madison, New Jersey; and

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

## **RESOLUTION # 21-378**

### **RESOLUTION APPROVING THE CHATHAM EDUCATION FOUNDATION (CEF) WALK-THROUGH WINTER WONDERLAND ON SUNDAY DECEMBER 12, 2021**

**WHEREAS**, Bethany Gianusso is seeking permission on behalf of the Chatham Education Foundation to hold a Walk-Through Winter Wonderland on Sunday, December 12, 2021 from 4:30 p.m. to 8:00 p.m. and has filed a Facilities Use Permit Application with the Borough; and

**WHEREAS**, the festivities will be a 3-block area to include Rowan Road, Kimball Street, Coleman Avenue, Jackson Ave, Burgess Street and a portion of Van Doren Avenue; and

**WHEREAS**, the event will require closure of the above mentioned roads; and

**WHEREAS**, the Mayor and Borough Council wish to authorize this event for the benefit of our local residents and community organizations.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that permission is hereby granted to Bethany Gianusso to hold the Walk-Through Winter Wonderland on Sunday, December 12<sup>th</sup>, 2021, from 4:30 p.m. to 8:00 p.m. as herein referenced, contingent upon receipt of proof of insurance coverage as set forth in the Facilities Use Permit Application; and

**BE IT FURTHER RESOLVED**, that the Chatham Borough Police Department shall monitor certain portions of Rowan Road, Coleman Avenue, Kimball Street, Jackson Avenue and a portion of Van Doren Avenue during the event to ensure the safety of the public; and

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

**CONSENT AGENDA VOTE:**

Mayor Kobylarz asked Council President Dempsey to proceed with the Resolutions listed on the Consent agenda, Resolutions #21-370 through #21-378.

Council President Dempsey made a motion to approve Resolutions #21-370 through # 21-378 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 Koronkiewicz to introduce Ordinance # 21-20.

Council Member Koronkiewicz introduced Ordinance # 21-20 by title as follows:

**ORDINANCE # 21-20**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 139, ENTITLED “VEHICLES AND TRAFFIC,” OF THE BOROUGH CODE TO ESTABLISH “EMERGENCY VEHICLE” PARKING SPACES ON A PORTION OF MAIN STREET**

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

Council Member Koronkiewicz read:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on November 22, 2021.

**BE IT RESOLVED**, that at the Council meeting to be held on December 13, 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 Koronkiewicz offered Ordinance # 21-20 and moved its adoption on first reading.

Council Member Truilo seconded the motion.

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

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

###

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

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

**ORDINANCE # 21-21**

**ORDINANCE ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN  
FOR POST OFFICE PLAZA REDEVELOPMENT AREA  
BLOCK 121, LOTS 10 THROUGH 13 AND 17  
BLOCK 122, LOTS 1, 2 AND 12 THROUGH 18  
BOROUGH OF CHATHAM, NEW JERSEY**

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

Council Member Truilo read:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on November 22, 2021.

**BE IT RESOLVED**, that at the Council meeting to be held on December 13, 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 Truilo offered Ordinance # 21-21 and moved its adoption on first reading.

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			
Treloar			X			
Resto			X			
Truilo	X		X			

###

Mayor Kobylarz asked Council Member Mathiasen to introduce Ordinance # 21-22.

Council Member Mathiasen introduced Ordinance # 21-22 by title as follows:

**ORDINANCE # 21-22**

**ORDINANCE ADOPTING THE GATEWAY AFFORDABLE HOUSING  
OVERLAY 1 ZONING DISTRICT AS AN  
AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS  
BOROUGH OF CHATHAM, NEW JERSEY**

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 November 22, 2021.

**BE IT RESOLVED**, that at the Council meeting to be held on December 13, 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 # 21-22 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			

###

Mayor Kobylarz asked Council Member Truilo to introduce Ordinance # 21-23.

Council Member Truilo introduced Ordinance # 21-23 by title as follows:

**ORDINANCE # 21-23**

**ORDINANCE ADOPTING THE GATEWAY AFFORDABLE HOUSING  
OVERLAY 2 ZONING DISTRICT AS AN  
AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS  
BOROUGH OF CHATHAM, NEW JERSEY**

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

Council Member Truilo read:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on November 22, 2021.

**BE IT RESOLVED**, that at the Council meeting to be held on December 13, 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 Truilo offered Ordinance # 21-23 and moved its adoption on first reading.

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			
Treloar			X			
Resto			X			
Truilo	X		X			

## **EXECUTIVE SESSION**

Mayor Kobylarz asked Council Member Truilo to proceed with Resolution # 21-379 to enter into Closed Session to discuss various personnel matters and a matter concerning contract negotiations.

Council Member Truilo read Resolution # 21-379.

## **RESOLUTION #21- 379**

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

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

Personnel Matters:

- Chatham Police Department - Stephen Williams and Chief Gibbons
- Borough Personnel - Stephen Williams

**BE IT FURTHER RESOLVED**, the matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Borough of Chatham, provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege. The Borough Council will not return to public session after this closed session.

Council Member Truilo motioned to approve Resolution # 21-379, seconded by Council Member Resto. By a unanimous voice vote, Resolution # 21-379 was approved.

## **ADJOURNMENT**

Having no other business to conduct in public session, Mayor Kobylarz adjourned into closed session at 9:09 p.m.

Respectfully submitted on December 13, 2021, by:

Tamar Lawful, RMC  
Borough Clerk  
BOROUGH OF CHATHAM