

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

**June 14, 2021, MINUTES**

Mayor Thaddeus J. Kobylarz called the virtual Regular Meeting of the Borough of Chatham to order on Monday, June 14, 2021, at 6:05 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 33.4 million Americans who contracted COVID-19, and the more than 600,000 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)

**RESOLUTION #21-239**

**RESOLUTION TO ADJOURN INTO CLOSED SESSION**

Mayor Kobylarz asked Council Member Truilo to proceed with Resolution # 21-239.

Council Member Truilo read Resolution # 21-239 as follows:

**RESOLUTION TO ADJOURN INTO CLOSED SESSION**

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

1. Attorney Client Privilege: Chatham Borough Affordable Housing Declaratory Judgment Action - John Drill
2. Contract Negotiations: POP Redevelopment
3. Personnel Matter: Zoning Official - Steve Williams
4. Contract Negotiations: Professional Service Agreement with Brightview

**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 # 21-239 seconded by Council Member Resto. By a unanimous voice vote, Resolution # 21-239 was approved.

The Governing Body adjourned into Executive Session at 6:11 p.m.

###

**GOVERNING BODY RETURNS TO PUBLIC SESSION**

The Governing Body reconvened into public session at 7:30 p.m.

A roll call was taken, and all members of the Governing Body were present.

**PROCLAMATIONS**

Mayor Kobylarz asked Council Member Resto to proceed with Resolution # 21-218.

Council Member Resto read Resolution # 21-218.

**RESOLUTION #21-218**

**RESOLUTION HONORING AND THANKING CHATHAM HIGH SCHOOL SENIORS DENNIS MOYNIHAN, CASEY O'REILLY, AND BEN GOLDFIELD FOR THEIR SERVICE ON THE TEEN TASK FORCE FOR THE MADISON-CHATHAM COALITION (MCC)**

**WHEREAS**, the Madison-Chatham Coalition exists to help students of all ages avoid the pitfalls involved with underage smoking, vaping and consumption of alcoholic beverages; and

**WHEREAS**, the Madison-Chatham Coalition employs a Teen Task Force to foster its message on a "peer to peer" basis as students are much more inclined to listen to a fellow student than an older adult; and

**WHEREAS**, three outstanding members, Dennis Moynihan, Casey O'Reilly, and Ben Goldfield have been part of the Madison-Chatham Coalition's Teen Task Force and will soon be graduating from Chatham High School; thus, making them ineligible to continue serving on the Task Force; and

**WHEREAS**, the "pandemic year" created undue stress, depression and anxiety among students which led to an increased use of prohibited substances as a mean of coping with the pandemic stressors; and

**WHEREAS**, Dennis Moynihan recorded a video describing his feelings during the pandemic year and how he coped with same, encouraging his peers to emulate his example; and

**WHEREAS**, Dennis along with fellow High School seniors Casey O'Reilly and Ben Goldfield performed their service selflessly and without any expectation of monetary reward; and

**WHEREAS**, the Borough of Chatham is part of the Madison-Chatham Coalition and wishes to express its gratitude to Dennis Moynihan, Casey O'Reilly, and Ben Goldfield.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that Dennis Moynihan, Casey O'Reilly and Ben Goldfield are hereby recognized and thanked for their exemplary service as members of the Madison Chatham Coalition's Teen Task Force; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Chatham wishes future success to Dennis, Casey and Ben in whatever career field they choose to pursue, and they will continue to be role models for others to emulate. We are grateful for your service!

###

Council Member Resto motioned to approve Resolution # 21-218, seconded by Council Member Mathiasen. By a unanimous voice vote, Resolution # 21-218 was approved.

Mayor Kobylarz provided a commemorative copy of the resolution to Dennis Moynihan, Casey O'Reilly, and Ben Goldfield.

Dennis Moynihan, Casey O'Reilly and Ben Goldfield who attended virtually thanked Madison-Coalition Director Allison Bardon and the Governing Body for the resolution.

## RECUSALS

There were none.

## ADOPTION OF COUNCIL MEETING MINUTES

Mayor Kobylarz asked Council Member Resto to proceed with Resolution # 21-219.

Council Member Resto read Resolution # 21-219.

## RESOLUTION #21-219

## RESOLUTION TO ADOPT COUNCIL MEETING MINUTES

**BE IT RESOLVED**, by the Council of the Borough of Chatham that the minutes from the following meeting are approved as prepared and shall be filed as a permanent record in the Borough Clerk's office:

May 10, 2021

Council Member Resto motioned to approve Resolution # 21-219, seconded by Council Member Truilo. By a unanimous voice vote, Resolution # 21-219 was approved.

## DISCUSSION ITEMS

### 2021 Goals and Objectives

Presented by: Mayor Kobylarz and Council Member Mathiasen

Mayor Kobylarz introduced the meeting discussion item, *2021 Goals and Objectives*. This year's goals and objectives were created to accomplish policy-based objectives with time-based measurable actions that support the completion of specific goals.

Council Member Mathiasen explained that the smart goal-setting method focuses on resident perspectives and what they care about. The goals and objectives require responsible fiscal management and long-term management. The Governing Body wants to ensure its fiduciary responsibilities to Borough residents that property taxes are spent wisely and responsibly.

The smart goal setting method allows the Borough Council to create goals and objectives for the following:

- Emergency response;
- Prevention of potential harmful events, such as fire;
- Quality of life for all residents and the value of diversity within the community;
- Preparation for future crises, especially on financial performance measures; and
- The development of measurable, environmental indicators to make sure purchases of new equipment are environmentally friendly.

Council President Dempsey inquired on the frequency of evaluations under the new goals and objectives format. There is no timeframe currently in place. Any goals and objectives not met within the expected timeframe would be rolled into the upcoming year, stated Council Member Mathiasen. Council Member Resto recommended quarterly reviews, with adjustments made to goals and objectives depending upon unforeseen circumstances.

## **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 546 residents of the Borough contracted COVID-19 since the start of the pandemic. Last week the Borough reported one (1) new case. The State of New Jersey is trending in a downslope direction, with the current 7-day rolling average dropping 11% (or 200 cases) from a week ago. The transmission rate is now below 1.0 which demonstrates progress and a reduction in the proliferation of the virus.

There is a low level of COVID-19 activity in Morris County. Four million New Jersey residents have been fully vaccinated. In the Borough of Chatham, 73% of residents have received at least one dose of the vaccine. 97% of senior citizens, 65 year-of-age and older have been vaccinated in Chatham Borough. Mayor Kobylarz encouraged the public to do their part to put an end to this insidious pandemic.

### Borough Hall will reopen to the public on July 1, 2021:

Borough Hall will officially reopen to the public on July 1, 2021. In-person public meetings for the Mayor and Council will resume in July, with the next scheduled meeting on July 12, 2021. Protocols for in-person meetings will be discussed at the next scheduled virtual meeting to be held on June 28, 2021.

### Borough Engineer, Mr. Vince DeNave:

Mr. DeNave, who has been with the Borough of Chatham for 13 years, has resigned as the Borough's Engineer and Zoning Officer, effective Tuesday, June 15, 2021. However, he will continue to serve the Borough in the capacity of an engineering consultant through a professional services agreement with Bright View Engineering.

### Flag Day Remarks:

To commemorate Flag Day, a ceremony was held in front of Borough Hall on Monday, June 14, 2021. In attendance were the Fire Department, the Police Department, the Emergency Squad, and the Department of Public Works.

Mayor Kobylarz acknowledged and thanked the following individuals who were present during the ceremony for their services to the community: Fire Chief Jeff Fricke, Police Chief Brian Gibbons, Police Lt. Ralph Colatrella, Police Sgt. Rick Jaremba, Police Officer Brian Colatrella, EMS Captain Mike Lemons, Department of Public Works Utility Division Serviceman David Allen. Finally, he

acknowledged and thanked Council Member Mathiasen, Council Member Resto, Council President Dempsey, and former Mayor John Bennett who all were in attendance.

Mayor Kobylarz read a brief speech on the history of flag day and what the flag means to many.

### **MEETING OPEN TO THE PUBLIC**

Residents wishing to make public comments may dial 929-205-6099 (Meeting ID: 874 5530 8805) or obtain online access of the meeting using the following URL: <https://us02web.zoom.us/j/87455308805>

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.

### **Dr. Rozella Clyde – 33 Carmine Street:**

Dr. Clyde thanked the Mayor and Council Member Mathiasen for the *2021 Goals and Objectives* presentation. She asked the Council to reconsider potentially adopting Ordinance # 21-15 [Cannabis Ordinance]. She stated that the ordinance imposes limitations to the public and would warrant public solicitation prior to its adoption.

Seeing no one else 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 #21-11.

Council Member Koronkiewicz read Ordinance #21-11 by title as follows:

#### **ORDINANCE # 21-11**

#### **AN ORDINANCE OF THE BOROUGH OF CHATHAM PROVIDING FOR REPAIR TO THE SMALL BACKHOE FOR THE WATER UTILITY AND APPROPRIATING \$20,000 THEREFORE, FROM THE CAPITAL IMPROVEMENT FUND**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on May 24, 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 # 21-11 was introduced and passed on first reading at the May 24, 2021 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on June 14, 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 # 21-11 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		X			
Treloar			X			
Resto		X	X			
Truilo			X			

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Ordinance #21-12.

Council Member Koronkiewicz read Ordinance #21-12 by title as follows:

**ORDINANCE # 21-12**

**AN ORDINANCE OF THE BOROUGH OF CHATHAM PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS FOR THE SOLID WASTE UTILITY AND APPROPRIATING \$42,000 THEREFORE, FROM THE CAPITAL IMPROVEMENT FUND**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on May 24, 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 # 21-12 was introduced and passed on first reading at the May 24, 2021 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on June 14, 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 # 21-12 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		X			
Treloar			X			
Resto		X	X			
Truilo			X			

Mayor Kobylarz asked Council Member Mathiasen to proceed with Ordinance #21-13.

Council Member Mathiasen read Ordinance #21-13 by title as follows:

**ORDINANCE # 21-13**

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$888,100 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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.**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on May 24, 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 # 21-13 was introduced and passed on first reading at the May 24, 2021 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on June 14, 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 Mathiasen offered Ordinance # 21-13 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		X			
Koronkiewicz			X			
Treloar			X			
Resto		X	X			
Truilo			X			

Mayor Kobylarz asked Council Member Resto to proceed with Ordinance #21-14.

Council Member Resto read Ordinance #21-14 by title as follow:

**ORDINANCE # 21-14**

**BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$254,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on May 24, 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 # 21-14 was introduced and passed on first reading at the May 24, 2021 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on June 14, 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.

**Dr. Rozella Clyde – 33 Carmine Street:**

Dr. Clyde encouraged the Mayor and Council to purchase new environmentally friendly equipment with this bond.

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

Council Member Resto offered Ordinance # 21-14 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 Resto to proceed with Ordinance #21-15.

Council Member Resto read Ordinance #21-15 entitled:

**ORDINANCE # 21-15**

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF CHATHAM WITH A NEW CHAPTER ENTITLED “CHAPTER 101, CANNABIS, PROHIBITION OF ALL CLASSES OF BUSINESSES” SO AS TO PROHIBIT THE OPERATION OF ANY CLASS OF CANNABIS BUSINESS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH OF CHATHAM AND FURTHER TO SUPPLEMENT CHAPTER 165 ENTITLED “ZONING”, ARTICLE I “GENERAL PROVISIONS” AND SECTION 165-5 ENTITLED “PROHIBITED USES” SO AS TO PROHIBIT THE USE BY ANY CLASS OF LICENSED CANNABIS BUSINESSES UPON ANY PREMISES IN ANY ZONE OF THE BOROUGH OF CHATHAM**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on May 24, 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 # 21-15 was introduced and passed on first reading at the May 24, 2021 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on June 14, 2021 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

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

**Robert Weber – 99 Summit Avenue:**

Mr. Weber thanked the Governing Body for placing Ordinance # 21-15 on the agenda and requested that they vote in the affirmative. Mr. Weber also noted his disagreement with Dr. Clyde, stating that the Ordinance is structured to only prohibit businesses from opening and conducting the sale of cannabis within the Borough.

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

Council Member Resto offered Ordinance # 21-15 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			

## RESOLUTION REQUIRING A SEPARATE VOTE NON-ROUTINE/NON-CONSENT

There were none.

## REPORTS

### COUNCIL MEMBERS

**Council President Dempsey** – Council President Dempsey reported that the Borough of Chatham Municipal Pool is now open to the public and anyone wishing to register may do so online or in-person at the Municipal Pool.

The renovations of the new basketball courts and the tennis courts at Garden Park is progressing nicely. Many youths have registered for the Basketball Clinic thus far. The Tennis Clinic will also be available in the summer and registration is currently available online.

The Joint Recreation Advisory Committee met frequently during the pandemic to discuss safety measures once sports and recreational activities reopen to the public. The Committee hopes that sports activities will resume quasi-normalcy for recreational leagues.

The Chatham High School graduation will be held on June 17, 2021. Council President Dempsey thanked all the school's faculty and staff for their hard work and efforts during the school year in a pandemic. Council President Dempsey also thanked Dr. LaSusa and read aloud his letter in which he said "thank you" in over 30 languages to every teacher, faculty and staff members employed by the district for their hard work, understanding, and dedication to the school district during the pandemic.

**Council Member Mathiasen** – Council Member Mathiasen acknowledged all students who experienced the challenges of learning and adjusting to a new norm during the pandemic. She expressed how proud she is of everyone and wished all graduating seniors the best of luck.

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

**Council Member Treloar** – Council Member Treloar reported that the Joint Municipal Court met last week and adopted a resolution accepting the withdrawal of Harding Township as a municipal member of the Joint Municipal Court by the end of the current year. The Joint Court is now searching for another municipality to join, as there are currently four (4) members on the court committee, which requires five (5).

**Council Member Resto** – Council Member Resto reported that the Senior Citizen Advisory Committee is scheduled to meet on Thursday, June 17, 2021, at 2:00 p.m. The Undergrounding Advisory Committee had a conference call with the Senior Management of JCP&L to discuss conducting a feasibility study for undergrounding utilities for various areas of difficulty. Another meeting will be held in early July. He reminded everyone that the Food Drive continues every Wednesday behind Chatham United

Methodist Church. He encouraged residents to continue supporting the cause as many residents are still in need of assistance. Finally, the Board of Health discussed the registration of cats and dogs. The Borough has approximately 400 registered dogs and 56 registered cats. He encouraged residents to register their pets.

**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:

Mr. Williams informed residents that the Department of Public Works is spending an inordinate amount of time picking up garbage and recycling in public parks. He requested residents to properly dispose of garbage when using public spaces.

JCP&L will be using a helicopter in the coming weeks to check high-tension wires. He advised the residents not to be alarmed.

The Hillside Avenue construction project is continuing. The contractor will finalize the sidewalk repairs, followed by milling and resurfacing of Hillside Avenue.

The Chatham Police Department will hold its National Night Out activities on August 3<sup>rd</sup> at Memorial Park. More information will be available in the coming weeks.

## **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 #21-220 through Resolution #21-238 have been placed on the Consent Agenda.

## **RESOLUTION[S] REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE RESOLUTION #21-**

There were none.

## **CONTRACTS**

### **RESOLUTION #21-220**

### **RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE**

**BIDDING CONTRACT TO DLS CONTRACTING, INC. FOR WASHINGTON AVENUE 2021 ROAD CAPITAL IMPROVEMENT PROJECT**

**WHEREAS**, The Borough Purchasing Agent and Borough Engineer publicly opened bids on June 10, 2021 for the Washington Avenue 2021 Road Capital Improvement Project; and

**WHEREAS**, six (6) bids were received and base bids are as follow with option 11; and

<b>Vendor</b>	<b>Base Bid</b>	<b>Option 11</b>
DLS Contracting, Inc.	\$ 253,284.00	\$ 0.35
S & L Contractors, LLC	\$ 308,437.50	\$ 3,500.00
Top Line Construction Corp.	\$ 325,713.95	\$ 10,500.00
J A Alexander Inc.	\$ 336,792.90	\$ 15,750.00
Riverview Paving, Inc.	\$ 347,720.00	\$ 5,250.00
Black Rock Enterprises, LLC	\$ 410,610.00	\$ 9,625.00

**WHEREAS**, said DLS Contracting, 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 DLS Contracting, 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 funds are currently available for the purpose of awarding this contract from the following Accounts: G-01-41-723-100, C-04-55-920-006, C-04-55-919-002, and C-04-55-920-002.

**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 DLS Contracting, Inc. in the amount not to exceed \$253,284.35.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with DLS Contracting, Inc. in accordance with its bid for said Washington Avenue 2021 Road Capital Improvement Project.
3. This resolution and contract shall be available for public inspection in the office of the Borough Clerk.

**RESOLUTION # 21-221**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY, REJECTING ALL BIDS FOR 2021 SIDEWALK AND CURB PROGRAM**

**WHEREAS**, the Borough of Chatham Purchasing Agent and Borough Engineer received six (6) bids for the 2021 Sidewalk and Curb Program; and

**WHEREAS**, all sealed bids were received and opened on June 10, 2021, in accordance with the advertised date for the acceptance of the bids; and

**WHEREAS**, the lowest bid submitted was determined to have exceeded the Engineer's estimate and the budget for the project; and

**WHEREAS**, the Local Contract Law, N.J.S.A.40A: 11-13.2(b) authorizes a municipality to reject all bids that exceeds the appropriation for goods and services; and

**WHEREAS**, the Borough of Chatham Purchasing Agent and Borough Engineer finds that the lowest responsive bid exceeded the appropriation for the 2021 Sidewalk and Curb Program.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Chatham, in the County of Morris and State of New Jersey, rejects all bids received by the Borough Purchasing Agent and Borough Engineer on June 10, 2021, for the 2021 Sidewalk and Curb Program because the lowest responsive bid exceeds the appropriation for the services.

## **RESOLUTION # 21-222**

### **RESOLUTION AWARDING THE LEASE OF COPIER EQUIPMENT TO RICOH USA, INC. TO RICOH USA THROUGH STATE CONTRACT #40467**

**WHEREAS**, there exists a need to lease copier equipment for Borough use; and

**WHEREAS**, the Borough solicited proposals from Kyocera, Ricoh USA, Inc. and Sharp for the lease of said equipment; and

**WHEREAS**, upon the review of all proposals, the Borough's Chief Financial Officer has recommended the proposal submitted by Ricoh USA, Inc. ("Ricoh") for the lease of eight (8) copier/printer fax multi-function machines for various Borough departments at Borough Hall, including one (1) machine for the Police Department, one (1) machine for the Fire Department and one (1) machine for 446 Main Street; and

**WHEREAS**, the lease term is 60 months commencing July 1, 2021, through July 1, 2026, with a monthly lease amount of \$1,116.68 per month; and

**WHEREAS**, the lease includes 45,000 black and white copies monthly (black and white overages \$.65 each) and color copies at \$.42 each and all maintenance and supplies except paper; and

**WHEREAS**, this lease is awarded pursuant to Ricoh's New Jersey State Contract # 40467; and

**WHEREAS**, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a State contract; and

**WHEREAS**, upon the recommendation of the Borough's Chief Financial Officer, the Mayor and Borough Council wish to authorize the execution of a lease with Ricoh; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

**WHEREAS**, as this is a multi-year lease agreement, for the additional calendar years it is contingent upon the adoption of temporary and/or permanent budgets for those years; and

**WHEREAS**, the Chief Financial Officer has confirmed that sufficient funds are available in the following Fund Accounts for the award of this contract:



1-01-21-180-213	1-01-21-185-213	1-01-20-100-212	1-01-25-240-215
1-01-26-290-213	1-01-25-265-201	1-05-55-502-201	

**BE IT RESOLVED**, by the Council of the Borough of Chatham that the Mayor is hereby authorized to execute a lease agreement with Ricoh USA, Inc. in accordance with this Resolution and Ricoh's proposal. The substance and form of the lease agreement shall be acceptable to the Borough Attorney; and

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

## **FINANCE**

### **RESOLUTION #21-223**

#### **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 #21-224**

#### **RESOLUTION AMENDING THE 2021 MUNICIPAL BUDGET INSERTION OF A SPECIAL ITEM OF REVENUE FOR A MORRIS COUNTY TRAILS CONSTRUCTION GRANT**

**WHEREAS**, N.J.S.A. 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**, the Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Borough of Chatham received funding from the Morris County Trails Construction Grant in the amount of \$88,289.63 and wishes to amend its 2021 Municipal Budget to include this 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 a revenue item for budget year 2021 in the sum of \$88,289.63 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:



- Morris County Trails Construction Grant in the amount of \$88,289.63

**BE IT FURTHER RESOLVED**, that the sum of \$88,289.63 is hereby appropriated under the caption of:

- General Appropriations: Operations Excluded from “CAPS” - Public and Private Programs Off-set by Revenues:
  - Morris County Trails Construction Grant in the amount of \$88,289.63

## **RESOLUTION #21-225**

### **RESOLUTION AMENDING THE 2021 MUNICIPAL BUDGET INSERTION OF A SPECIAL ITEM OF REVENUE FOR THE MUNICIPAL ALLIANCE GRANT CYCLE OCTOBER 2020 – JUNE 2021**

**WHEREAS**, N.J.S.A. 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**, the Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Borough has received funding from the State of New Jersey Governor’s Council on Alcoholism and Drug Abuse for the Municipal Alliance Grant Cycle of October 2020 through June 2021 in the amount of \$6,035.00 and wishes to amend its 2021 Municipal Budget to include this revenue.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Chatham hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue for budget year 2021 in the sum of \$6,035.00 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:
  - State of New Jersey’s Governor’s Council on Alcoholism and Drug Abuse for the Municipal Alliance Grant Cycle October 2020 through June 2021 in the amount of \$6,035.00.

**BE IT FURTHER RESOLVED**, that the sum of \$6,035.00 is hereby appropriated under the caption of:

- General Appropriations: Operations Excluded from “CAPS” - Public and Private Programs Off-Set by Revenues:
  - State of New Jersey’s Governor’s Council on Alcoholism and Drug Abuse for the Municipal Alliance Grant Cycle October 2020 through June 2021 in the amount of \$6,035.00.

## **RESOLUTION # 21-226**

### **RESOLUTION AMENDING THE 2021 MUNICIPAL BUDGET INSERTION OF SPECIAL ITEM OF REVENUE FOR THE BODY ARMOR REPLACEMENT FUND**

**WHEREAS**, N.J.S.A. 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**, the Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Borough has received funding from the State of New Jersey's Body Armor Replacement Fund in the amount of \$1,727.66 and wishes to amend its 2021 Municipal Budget to include this revenue.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Chatham hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue for the budget year 2021 in the sum of \$1,727.66 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:
  - State of New Jersey's Body Armor Replacement Fund in the amount of \$1,727.66

**BE IT FURTHER RESOLVED**, that the sum of \$1,727.66 is hereby appropriated under the caption of:

- General Appropriations: Operations Excluded from "CAPS" - Public and Private Programs Off-Set by Revenues:
  - State of New Jersey's Body Armor Replacement Fund in the amount of \$1,727.66

## **RESOLUTION #21-227**

### **RESOLUTION AMENDING THE 2021 MUNICIPAL BUDGET INSERTION OF A SPECIAL ITEM OF REVENUE FOR THE RECYCLING TONNAGE GRANT**

**WHEREAS**, N.J.S.A. 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**, the Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Borough has received funding from the State of New Jersey's Department of Environmental Protection's Recycling Tonnage Grant in the amount of \$23,275.11 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 request the Director of the Division of Local Government Services to approve the insertion of an item of revenue for the budget year 2021 in the sum of \$23,275.11, 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:
  - State of New Jersey's Department of Environmental Protection's Recycling Tonnage Grant in the amount of \$23,275.11

**BE IT FURTHER RESOLVED** that like sum of \$23,275.11 and the same is hereby appropriated under the caption of:

- General Appropriations: Operations Excluded from “CAPS” - Public and Private Programs Off-set by Revenues:
  - State of New Jersey’s Department of Environmental Protection’s Recycling Tonnage Grant in the amount of \$23,275.11.

**RESOLUTION # 21-228**

**RESOLUTION AMENDING THE 2021 MUNICIPAL BUDGET INSERTION OF A SPECIAL ITEM OF REVENUE FOR A CLEAN COMMUNITIES GRANT**

**WHEREAS**, N.J.S.A. 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**, the Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Borough has received funding from the State of New Jersey’s Clean Communities Grant in the amount of \$16,734.49 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 request the Director of the Division of Local Government Services to approve the insertion of an item of revenue for the budget year 2021 in the sum of \$16,734.49, 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:
  - State of New Jersey’s Clean Communities Grant in the amount of \$16,734.49.

**BE IT FURTHER RESOLVED** that like sum of \$16,734.49 and the same is hereby appropriated under the caption of:

- General Appropriations: Operations Excluded from “CAPS” - Public and Private Programs Off-set by Revenues:
  - State of New Jersey’s Clean Communities Grant in the amount of \$16,734.49.

**PERSONNEL**

**RESOLUTION # 21-229**

**RESOLUTION TO HIRE JAIR ZAPATA TO THE POSITION OF SERVICEPERSON IN THE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Director of Public Works posted the job opening for the position of Serviceperson 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**, Jair Zapata applied for the position and was interviewed by the selection committee to determine his qualifications; and

**WHEREAS**, the selection committee agreed that Jair Zapata exhibits the knowledge and experience and met all qualifications and work requirements to perform the duties required for the position and further recommended his hire to the position of Serviceperson in the Department of Public Works, effective June 16, 2021; and

**WHEREAS**, the starting salary for this position shall be \$38,450.00, 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 Jair Zapata to the position of Serviceperson in the Department of Public Works, effective June 16, 2021 at the starting annual salary of \$38,450.00, 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.

**RESOLUTION #21-230**

**RESOLUTION APPOINTING SUMMER POOL STAFF  
AT MEMORIAL PARK POOL FOR THE 2021 SEASON**

**WHEREAS**, the Chatham Borough Recreation Program has a need to hire summer pool staff for the 2021 season; and

**WHEREAS**, the Recreation Coordinator recommends hiring the following individuals pending completion of all paperwork requirements prior to any employment:

<b>Name</b>	<b>Hourly Rate</b>	<b>Position</b>
Labus, Nathaniel	\$11.10	Lifeguard
Clark, Casey	\$11.10	Lifeguard
Aroneo, Erin	\$11.10	Lifeguard
Nauta, Janet	\$11.10	Substitute

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Recreation Coordinator and hereby approve the hiring of all individuals referenced above as summer pool staff for the 2021 season at the respective positions and rates of pay, contingent upon the Recreation Coordinator verifying that all paperwork requirements have been completed prior to employment; and

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

**RESOLUTION # 21-231**

**RESOLUTION APPOINTING CERTIFIED POOL OPERATORS  
AT MEMORIAL PARK POOL FOR THE 2021 SEASON**

**WHEREAS**, the Chatham Borough Recreation Program has a need to hire summer pool staff for the 2021 season; and

**WHEREAS**, the Recreation Coordinator recommends hiring the following individuals pending completion of all paperwork requirements prior to any employment:

Name	Salary	Position
Hauser, Alan	\$1,500.00	Certified Pool Operator
Hauser, Lauren	\$1,500.00	Certified Pool Operator

**WHEREAS**, the salary for this position shall be \$1,500.00 for the season, retroactive to May 28, 2021 and pro-rated until the end of the season.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Recreation Coordinator and hereby approve the hiring of both individuals referenced above as Certified Pool Operators for the 2021 season at \$1,500.00 for the entire season, retroactive to May 28, 2021, and pro-rated until the end of the season.

**BE IT FURTHER RESOLVED**, that the Recreation Coordinator must verify that all paperwork requirements have been completed prior to employment; and 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 #21-232**

##### **RESOLUTION ACCEPTING THE RESIGNATION OF VINCENT DENAVE AS BOROUGH ENGINEER FOR THE BOROUGH OF CHATHAM**

**WHEREAS**, Vincent DeNave has tendered his resignation as Borough Engineer for the Borough of Chatham effective June 15, 2021.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby accept the resignation of Vincent DeNave as Borough Engineer and also Code Enforcer and Zoning Officer for the Borough of Chatham, with the effective date of June 15, 2021; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council thank Vincent DeNave for his 13 years of dedication and service to this community and wish him well in his future endeavors; 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.

#### **OTHERS**

#### **RESOLUTION #21-233**

##### **RESOLUTION APPROVING THE RENEWAL OF LIQUOR LICENSES FOR THE 2021-2022 LICENSING TERM**

**WHEREAS**, annual renewal applications have been filed by holders of liquor licenses in the Borough of Chatham for the 2021-2022 licensing term; and

**WHEREAS**, inspections were conducted at each of the licensee's premises in accordance with N.J.S.A. 33:1-24 and the Borough of Chatham Board of Health regulations; and

**WHEREAS**, the Chatham Borough Police Department prepared an annual investigation report, which reported no items of concern; and

**WHEREAS**, the Borough Clerk reported no objections were filed, either written or in person, with respect to the renewal of any liquor license in the Borough; and

**WHEREAS**, the Borough Clerk confirmed that all liquor license renewal applications have been completed in all respects and all required fees have been paid, and that Tax Clearance Certificates have been issued by the New Jersey Division of Taxation for each of the following licensees.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they are hereby satisfied that all requirements have been met and approve the renewal of the following liquor licenses for the 2021-2022 licensing term:

**PLENARY RETAIL CONSUMPTION LICENSES**

1404-33-008-001	Charley's Aunt Inc. t/a Charley's Aunt
1404-33-002-005	Chatham Towne Tavern, Inc. t/a River Grille
1404-33-006-009	Jamnan, Inc. t/a Restaurant Serenade
1404-33-007-004	Jesus Saves, Inc. t/a Scalini Fedeli

**PLENARY RETAIL DISTRIBUTION LICENSES**

1404-44-001-006	Stolar Vert Chatham Hospitality LLC t/a Chatham Cottage Deli
1404-44-003-009	Chatham Bottle King, Inc. t/a Chatham Bottle King
1404-44-004-005	Srinidhi Liquors LLC (inactive)

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they are hereby satisfied that all requirements for the renewal of said liquor licenses have been met and approve the renewal of the herein referenced liquor licenses for the 2021-2022 licensing term; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby directed to file a certified copy of this Resolution with the Director of the Division of Alcoholic Beverage Control with respect to each of the herein referenced liquor licenses and is further authorized to issue liquor licenses for the 2021-2022 licensing term on the form and certificate approved by the Alcoholic Beverage Control Commission in the State of New Jersey for each of the herein-referenced licenses.

**RESOLUTION #21-234**

**RESOLUTION TO RETURN CASH PERFORMANCE BOND TO BEN OU  
FOR CONSTRUCTION CONDUCTED AT 27 GIRARD AVENUE**

**WHEREAS**, Ben Ou submitted to the Borough of Chatham a Cash Performance Bond in the amount of \$5,000.00 for the performance of construction work conducted at 27 Girard Avenue, pursuant to the requirements of the Borough Engineer; and

**WHEREAS**, Mr. Ou 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. Ou has completed all 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 Mr. Ou in the form of an escrow check.

**RESOLUTION #21-235**

**RESOLUTION TO RETURN CASH PERFORMANCE BOND TO THE COMPANY LANDGATE FOR CONSTRUCTION CONDUCTED AT 41 DELLWOOD AVENUE**

**WHEREAS**, Landgate Inc. submitted to the Borough of Chatham a Cash Performance Bond in the amount of \$1,050.00 for the performance of construction work at 41 Dellwood Avenue, pursuant to the requirements of the Borough Engineer; and

**WHEREAS**, the authorized representative submitted a request to the Chatham Borough Engineer to release the Cash Performance Bond in the amount of \$1,050.00 based on the completion of work; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Chatham that the Cash Performance Bond in the amount of \$1,050.00 be released to Landgate Inc. in the form of an escrow check.

**RESOLUTION #21-236**

**RESOLUTION TO RETURN CASH PERFORMANCE BOND TO INNOVATIVE CONSTRUCTION & DESIGN, LLC FOR CONSTRUCTION CONDUCTED AT 265 WASHINGTON AVENUE**

**WHEREAS**, Innovative Construction & Design, LLC submitted to the Borough of Chatham a Cash Performance Bond in the amount of \$2,500.00 for the performance of final grading and landscaping work conducted at 265 Washington Avenue, pursuant to the requirements of the Borough Engineer; and

**WHEREAS**, Innovative Construction & Design, LLC submitted a request to the Chatham Borough Engineer to release the Cash Performance Bond in the amount of \$2,500.00 based on the completion of the work; and

**WHEREAS**, the Chatham Borough Engineer has reviewed the request and determined that Innovative Construction Design, LLC has completed all 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 \$2,500.00 be released to Innovative Construction & Design, LLC in the form of an escrow check.

**RESOLUTION #21-237**

**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**, a request for proposal for a Deferred Compensation Plan was prepared and made available to vendors; the Borough made written requests for proposal from National Life Group, MetLife and Prudential Insurance Company of America; and

**WHEREAS**, the following contractors submitted written proposals: National Life Group, MetLife and Prudential Insurance Company of America; 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; and

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

**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 expect 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 are 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 the Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent; and

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

**BE IT FURTHER RESOLVED**, that Resolution # 21-186, adopted April 26, 2021 entitled “Resolution Authorizing Agreement Between the Borough of Chatham and National Life Group to Provide a Deferred Compensation Plan” shall be repealed and replaced with this adopted resolution; and

**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.

**RESOLUTION #21-238**

**RESOLUTION AUTHORIZING THE EXECUTION OF A TWA-APPLICATION – SEWER EXTENSION FOR 12 RIVER ROAD, IN THE BOROUGH OF CHATHAM**

**WHEREAS**, the Borough of Chatham Planning Board has granted a Preliminary and Final Site Plan approval for Chatham River Road Urban Renewal, LLC application for the construction of residential housing at 12 River Road also known as the River Road Redevelopment Project; and

**WHEREAS**, an application must be filed with the NJDEP for a Treatment Works Approval Permit for sewer extension; and

**WHEREAS**, the Project requires the extension of the sewer main into River Road to provide sewer services for the Project; and

**WHEREAS**, an NJDEP Treatment Works Permit (TWA) Application has been submitted by Chatham River Road Urban Renewal for the River Road Redevelopment Project to the Borough of Chatham; and

**WHEREAS**, the Borough Engineer has reviewed the application and recommended the Borough to endorse the Application.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Chatham that the Mayor is hereby authorized to endorse the Treatment Work Application (TWA) for the Project known as River Road Redevelopment Project located within the Borough at 12 River Road, Chatham, New Jersey.

**CONSENT AGENDA VOTE:**

Mayor Kobylarz asked Council President Dempsey to proceed with the Resolutions listed on the Consent agenda, Resolutions #21-220 through #21-238.

Council President Dempsey made a motion to approve Resolutions #21-220 through # 21-238 on the Consent Agenda. The motion was seconded by Council Member Mathiasen. By a unanimous voice vote, the resolutions were approved.

**ADD-ON RESOLUTION[S]**

Two resolutions were added to the agenda.

Mayor Kobylarz asked Borough Clerk Tamar Lawful to proceed with Resolution # 21-240.

The Borough Clerk read Resolution # 21-240 as follows:

**RESOLUTION #21-240**

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

**WHEREAS**, there exists a need to enter into a non-fair and open professional services contract 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**, Bright View Engineering 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**, Bright View Engineering, 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**, the Chief Financial Officer has certified that funds are currently available for the purpose of awarding this contract in an amount not to exceed \$35,000.00 from Current Fund Account 1-01-20-165-010 from the effective date of June 16, 2021 for the year 2021; and

**BE IT RESOLVED**, by the Council of the Borough of Chatham that a non-fair and open professional services contract is hereby awarded to Bright View Engineering for professional engineering services in the amount of \$ 35,000.00 for the year 2021 and that the Mayor is hereby authorized to execute a professional services contract with same on behalf of the Borough to be effective June 16, 2021; and

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

###

Council Member Resto motioned to approve Resolution #21-240 , seconded by Council Member Koronkiewicz. By a unanimous voice vote, Resolution # 21-240 was approved.

Mayor Kobylarz asked Borough Clerk Tamar Lawful to proceed with Resolution # 21-241.

The Borough Clerk read Resolution # 21-241 as follows:

#### **RESOLUTION #21-241**

#### **RESOLUTION AUTHORIZING THE EXECUTION OF A FAIR SHARE HOUSING CENTER AMENDED SETTLEMENT AGREEMENT**

**WHEREAS**, Special Counsel Jonathan Drill recommends the approval of the first amendment to the November 7, 2016 Settlement Agreement with the Fair Share Housing Center and the Borough Council wishes to authorize the appropriate Borough officials to execute same.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham in the County of Morris and the State of New Jersey that Mayor Kobylarz is authorized to execute the first amendment to the November 7, 2016 Settlement Agreement with Fair Share Housing Center, which is dated June 14, 2021 and was signed by Adam Gordan on June 11, 2021.

**BE IT FURTHER RESOLVED**, that those Borough officials with responsibility for addressing this matter are authorized and directed to take all necessary and appropriate action to effectuate the purpose and intent of this Resolution.

###

Council Member Koronkiewicz motioned to approve Resolution #21-241, seconded by Council Member Resto. By a unanimous voice vote, Resolution # 21-241 was approved.

### **ORDINANCES FOR FIRST READING**

Mayor Kobylarz asked Council Member Treloar to introduce Ordinance #21-16.

Council Member Treloar introduced Ordinance #21-16 by title as follows:

#### **ORDINANCE # 21-16**

#### **AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING A LEASE RENEWAL FOR OFFICE SPACE AT THE BOROUGH'S MUNICIPAL BUILDING WITH COMMUNITY PERSONNEL SERVICES, INC.**

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

Council Member Treloar read:

**WHEREAS**, the above Ordinance was introduced and read by title at this Council meeting held on June 14, 2021.

**BE IT RESOLVED**, that at the Council meeting to be held on June 28, 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 Treloar offered Ordinance # 21-16 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		X			
Resto			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 9:06 p.m.

Respectfully Submitted on July 12, 2021 by:

Tamar Lawful, RMC  
Borough Clerk  
BOROUGH OF CHATHAM