

REGULAR MEETING OF THE MAYOR AND BOROUGH COUNCIL

April 12, 2021 MINUTES

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

SALUTE TO FLAG

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

Mayor Kobylarz asked for a moment of silence for those who have given their lives for our country. He also gave recognition to those protecting our lives during the current health pandemic caused by coronavirus, COVID-19. He further acknowledged the 31.2 million Americans who contracted COVID-19, and the more than 562,000 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 #21-152

RESOLUTION TO ADJOURN INTO CLOSED SESSION

Mayor Kobylarz asked Council Member Truilo to proceed with Resolution # 21-152.

Council Member Truilo read Resolution # 21-152 as follows:

RESOLUTION #21-152

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
2. Personnel Matter: Police Officer Hire – Chief Gibbons

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 # 21-152 seconded by Council Member Mathiasen. By a unanimous voice vote, Resolution # 21-152 was approved.

The Governing Body adjourned into Executive Session at 6:10 P.M.

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GOVERNING BODY RETURNS TO PUBLIC SESSION

The Governing Body reconvened into public session at 7:05 p.m.

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

Mayor Kobylarz asked Council Member Resto to proceed with Resolution # 21-153.
Council Member Resto read Resolution # 21-153.

RESOLUTION #21-153

RESOLUTION TO ADOPT COUNCIL MEETING MINUTES

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

March 8, 2021

Council Member Resto moved to approve Resolution # 21-153, seconded by Council Member Truilo. By a unanimous voice vote, Resolution # 21-153 was approved.

RECUSALS

Recusals or abstentions submitted for the record.

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

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Resolution # 21-154.

Council Member Koronkiewicz read Resolution # 21-154.

RESOLUTION #21-154

RESOLUTION TO EMPLOY JOHN P. GRAZIANO AS A PROBATIONARY POLICE OFFICER FOR THE BOROUGH OF CHATHAM POLICE DEPARTMENT

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

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

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

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Committee and hereby authorize John P. Graziano to be appointed as a Probationary Police Officer at a salary of \$52,466.54 effective April 13, 2021, to be prorated for the remainder of 2021; and

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

Council Member Koronkiewicz moved to approve Resolution # 21-154, seconded by Council Member Resto. By a unanimous voice vote, Resolution # 21-154 was approved.

ADMINISTRATION OF OATH: OFFICER JOHN P. GRAZIANO

Borough Clerk Tamar Lawful proceeded to administer the oath of office to Officer John P. Graziano. Upon administration of the oath, Chief Gibbons acknowledged the family of Officer Graziano, all of whom attended virtually. He further gave a brief history of the newly appointed officer.

DISCUSSION ITEMS

Introducing Stanley Center:

Presented By: Council President Dempsey and Council Member Mathiasen

Council President Dempsey and Council Member Mathiasen gave a presentation on the Stanley Congregational Church which was donated to the Borough. Council President Dempsey provided a brief history of the property. She further explained the process that led to the Borough's acquisition of the church. A virtual tour of the building was demonstrated by Council President Dempsey and Council Member Mathiasen. The tour showed the interior of the building and the many exquisite rooms which can be utilized by the public. Ideas of how to use the building were proposed during the virtual tour. For instance, the property can be used for weddings, concerts, and shows, or an office space. There are numerous uses for the building. Both Council Members went room by room revealing the well-kept property.

An application was submitted to the New Jersey Historic Preservation Office and the National Register of Historic Places to register the property as a historic building. As a historic building, the Borough will have the opportunity to apply for grants to assist with maintenance of the property. A survey will be created to allow residents to provide feedback and ideas on how the property could be utilized. The Borough will meet with various recreational centers to ensure the building is utilized in the best way, and with the best revenue options possible.

Recreation Facilities Survey Results:

Presented By: Council President Dempsey and Council Member Mathiasen

Council President Dempsey and Council Member Mathiasen presented on the recreational survey results. It was reported that an overwhelming number of votes went towards the refurbishment of the basketball courts, followed by the tennis courts. The Budget and Finance Committee allocated \$150,000 towards the improvement of parks. The improvements include the basketball courts, the enclosed dog off-leash area at Shepard Kollock Park, and the tennis courts. Residents were encouraged to submit a survey and provide their input on desired recreational improvements in the Borough.

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 446 residents of the Borough contracted COVID-19 since the start of the pandemic. Last week, the Borough had nine (9) new cases. New Jersey is trending in a gradual downslope direction, with the current 7-day rolling average of 3,173 positive cases. Last week, it was 3,349. The transmission rate is now 0.94, which demonstrates progress. Health Officer Megan Avallone advised the public to take precautions. New Jersey remains at high risk per capita compared to other states in the nation.

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

New Basketball Court:

As reported by Council President Dempsey and Council Member Mathiasen, Borough residents have expressed interest in seeing a new basketball court. The Borough has already started the improvement of the basketball court and it is projected to be available for the public's use by the end of June 2021. The basketball court is the first tangible project to be addressed from the survey results.

Chatham Borough Restaurants:

COVID-19 (coronavirus) has created many challenges to the retail industry. For this reason, the Borough wants to assist the downtown businesses and eateries in any way possible. Tonight's agenda lists Resolution # 21-167, which is intended to suspend the outdoor dining application fee for 2021. Additionally, short-term parking zones were made available for outside eateries, and picnic tables have been placed by the gazebo to provide additional dining opportunities for the public wishing to order take-out to be enjoyed outdoors. Outdoor lighting will be installed by the gazebo to enhance the ambiance of the outdoor dining experience. The Mayor intends to meet with restaurants, and review measures that may be of further assistance. There will be a webinar in April to discuss both state and federal funding for small businesses.

Acknowledgement of Ramadan:

Mayor Kobylarz acknowledged the holy month of worship for the Muslim community. He wished Borough residents a blessed Ramadan.

MEETING OPEN TO THE PUBLIC

Residents wishing to make public comments may dial 929-205-6099 (Meeting ID: 827 0316 2310) or obtain online access of the meeting using the following URL:
<https://us02web.zoom.us/j/82703162310> .

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

Robert Weber- 99 Summit Avenue:

Mr. Weber inquired about the new legislation that legalized cannabis in New Jersey. He explained the new law permits municipalities to manage the presence of cannabis establishments in their municipalities. He further explained that municipalities have until August 22, 2021 to act on how cannabis establishments will be managed in their respective towns. Failure to act will restrict a municipality from taking further action relating to this new law for five (5) years.

Mr. Kleinman stated that the Borough is in the process of moving forward shortly on how to regulate the new legalization of cannabis.

Freddie Bicknese – 137 N. Hillside Avenue:

Mr. Bicknese asked the Council whether they will commit to banning the operation of cannabis businesses in the Borough.

Mr. Kleinman clarified the new law and explained that people may still purchase or use cannabis. The new legislation cannot be outlawed, only regulated. The law permits the manufacture and sale of marijuana. The question is whether the Borough will permit businesses to be operated in the Borough. Council Member Mathiasen added that public spaces can be regulated to ban the use of cannabis.

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

Mayor Kobylarz proceeded to Borough Council Member Reports.

REPORTS

COUNCIL MEMBERS

Council President Dempsey – Council President Dempsey reported that effective April 19, 2021, sixth-graders and high school students will begin in-person learning, Monday – Friday. However, students will be dismissed at lunchtime.

It was further reported that a new Class III Police Officer will be stationed at the Chatham Middle School.

Council Member Mathiasen – Council Member Mathiasen reported that the 2021 Municipal Budget is almost complete. She stated that uncontrolled circumstances surrounding COVID-19 have created financial challenges to the budget. There have been increases in state pension costs, and loss of revenue from parking, and the municipal court. Nonetheless, the Borough remains fiscally strong. The 2021 budget presentation will be conducted by Karen Fornaro on April 26, 2021. She further acknowledged the members of the Budget & Finance Committee for their hard work and efforts during the budget process.

Council Member Koronkiewicz – Council Member Koronkiewicz reminded residents to secure a permit to remove any tree in the Borough. The Shade Tree Commission is also responsible for planting new trees. Trees serve many important purposes, including enhancing the appearance of the community which helps increase property values.

Council Member Treloar – Council Member Treloar reminded the public of the town-wide garage sale event on April 17, 2021.

She further reported on an upcoming webinar which will discuss the planning stage for the end of life on Wednesday, April 14, 2021.

Lastly, Spring Clean is scheduled on May 1, 2021. For more information, kindly contact Community Services.

Council Member Resto – Council Member Resto reported that the Department of Health will have vaccines available for home-bound seniors on Tuesday April 13, 2021.

The Senior Center will be available to provide transportation for seniors with vaccination appointments. The website for booking an appointment was provided.

The Economic Development Advisory Committee created a sub-committee called Student Consultants Aiding the Local Economy (SCALE). The sub-committee will provide services to local businesses by promoting businesses through a greater presence on social media.

Council Member Resto thanked residents for their continuous generosity in supporting the Chatham Food Distribution Program. He reported that 81 hams were received as donations. The hams were donated to the food insecure coming through the Food Distribution line for Easter. Children were given beautifully decorated Easter Baskets for which the Girl Scouts were thanked.

Lastly, the Senior Citizen Advisory Committee will host a paper shredding event on Saturday, April 24, 2021.

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

Business Administrator Steven Williams had nothing new to report.

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 #21-155 through Resolution #21-171 have been placed on the Consent Agenda.

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

Resolution # 21-171 was removed from the Consent Agenda at the request of Council Member Resto.

RESOLUTION AUTHORIZING EXECUTION OF A THIRD AMENDMENT TO THE LEASE AGREEMENT WITH AT& T

Resolution #21-155 through Resolution #21-170 on the Consent Agenda proceeded as follows:

CONTRACTS

RESOLUTION TO AWARD A NON-FAIR AND OPEN CONTRACT FOR PAVING TO LA FORZA CONSTRUCTION, LLC FOR THE PAVING OF THE TENNIS COURTS AT CHATHAM MIDDLE SCHOOL (GARDEN PARK) IN THE BOROUGH OF CHATHAM

WHEREAS, the Borough of Chatham is in the process of upgrading the tennis courts at Garden Avenue Park; and

WHEREAS, the purchasing agent has determined and certified in writing that the value of the services exceeds \$17,500; and can be awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5 as appropriate; and

WHEREAS, because the anticipated contract amount is less than the Borough's bid threshold of \$44,000.00, but 15% or more of that amount, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires the Borough to solicit at least two (2) competitive quotations for said work; and

WHEREAS, the Borough of Chatham solicited Request for Proposals for the paving of the Tennis Courts at Garden Park; and

WHEREAS, the Borough Engineer received two quotes in response to the Request for Proposal; and

WHEREAS, La Forza Construction, LLC submitted a proposal to pave the Tennis Courts in the amount of \$39,734.00; and

WHEREAS, La Forza Construction, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that La Forza Construction, LLC has not made any reportable contributions to a political or candidate committee in the Borough of Chatham in the previous one year, and that the contract will prohibit La Forza Construction, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, upon the recommendation of the Borough Engineer and the Borough's Qualified Purchasing Agent, the Borough Council wishes to authorize a non-fair and open contract with La Forza Construction, LLC in accordance with the scope of work and contract amount set forth in its proposal; and

WHEREAS, Borough of Chatham CFO has certified that there are funds available in capital account C-04-55-920-301; 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 La Forza Construction, LLC in the amount of \$39,734.00; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute a contract with La Forza Construction, LLC in the amount of \$39,734.00.

FINANCE

RESOLUTION #21-156

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 #21-157

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

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

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

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX</u>
<u>QTR.</u> 11/2 Qtr.	Ronald and Sara Pellegrino 76 Chandler Road Chatham, New Jersey 07928	\$8,194.18	2021/1 st

***Please make check payable and mail to:**

Simplicity Title, LLC
70 Grove Street
Somerville, NJ 08876

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.

BOARDS, COMMISSIONS & COMMITTEES

RESOLUTION #21-158

**RESOLUTION TO RE-APPOINT DOUGLAS ALLAN AS A MEMBER TO THE
9/11 MEMORIAL ADVISORY COMMITTEE FOR CALENDAR YEAR 2021**

WHEREAS, N.J.S.A. 40A:60-7(d) authorizes Borough Councils to create “advisory councils” in the municipality; and

WHEREAS, the Undergrounding Advisory Committee was re-established by the Mayor and Borough Council on January 4, 2021 by Resolution # 21-28; and

WHEREAS, Douglas Allan served as a member of the 9/11 Memorial Advisory Committee and expressed interest in continuing to serve as a member of the Committee for calendar year 2021.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Douglas Allan shall be re-appointed to the 9/11 Memorial Advisory Committee for Calendar Year 2021.

PERSONNEL

RESOLUTION #21-159

RESOLUTION TO ACCEPT THE RETIREMENT OF CHIEF MECHANIC DONALD URENOVICH FROM THE CHATHAM BOROUGH DEPARTMENT OF PUBLIC WORKS

WHEREAS, Donald Urenovich has submitted written notification to the Borough of Chatham that he will be retiring from the Chatham Borough Department of Public Works, effective March 31, 2021; and

WHEREAS, Donald Urenovich began his employment as Chief Mechanic in the Chatham Borough Department of Public Works on October 7, 2002; and

WHEREAS, throughout his 18 years of service to the Borough, he demonstrated great work-ethics and dedication to his duties and the Borough. Donald Urenovich will truly be missed for his exemplary work and service to the Borough.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Donald Urenovich retirement is hereby accepted with an effective date of March 31, 2021; and

BE IT FURTHER RESOLVED, that the Mayor and Council do hereby extend their sincere and grateful appreciation to Donald Urenovich for his 18 years of outstanding service to the Borough of Chatham and congratulate him on his well-earned retirement and wish him happiness and good health in the years to come.

RESOLUTION #21-160

RESOLUTION PROMOTING VITO MILANO TO THE POSITION OF CHIEF MECHANIC IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Director of Public Works posted the job opening for the position of Chief Mechanic in the Department of Public Works and notice of the vacancy was posted on

the Union bulletin board in accordance with Article XXII and applications were solicited from interested employees in the Chatham Borough Public Works Department; and

WHEREAS, Vito Milano, the Borough's Mechanic was the only candidate who applied for the position and whereby the selection committee conducted an interview to determine his qualification; and

WHEREAS, the selection committee agreed that Vito Milano's municipal experience and education in the automotive field met the qualifications and work requirements for the Chief Mechanic position and recommended his promotion to the position of Chief Mechanic in the Department of Public Works, effective April 16, 2021; and

WHEREAS, the starting salary for this position shall be \$92,844.88, 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 promote Vito Milano to the position of Chief Mechanic in the Department of Public Works, effective April 16, 2021 at the starting annual salary of \$92,844.88, 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.

LAW AND PUBLIC SAFETY

RESOLUTION #21-161

RESOLUTION AUTHORIZING THE HIRING OF MARY SPAANSTRA AS A CROSSING GUARD FOR THE BOROUGH OF CHATHAM POLICE DEPARTMENT

WHEREAS, the Chief of Police has informed that a vacancy currently exists on the Borough of Chatham's Police Department Crossing Guard roster; and

WHEREAS, the Chief of Police recommends the hiring of Mary Spaanstra to fill the vacancy.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby authorize the hiring of Mary Spaanstra as a Crossing Guard for the Borough of Chatham Police Department effective April 13, 2021, at an hourly rate of \$23.40.

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 #21-162

RESOLUTION AUTHORIZING THE HIRING OF ANDREW W. PINESS AS A CROSSING GUARD FOR THE BOROUGH OF CHATHAM POLICE DEPARTMENT

WHEREAS, the Chief of Police has informed that a vacancy currently exists on the

Borough of Chatham's Police Department Crossing Guard roster; and

WHEREAS, the Chief of Police recommends the hiring of Andrew W. Piness to fill the vacancy.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby authorize the hiring of Andrew W. Piness as a Crossing Guard for the Borough of Chatham Police Department effective April 13, 2021, at an hourly rate of \$23.40.

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 #21-163

RESOLUTION AUTHORIZING THE HIRING OF ROBERT W. KELLY AS A CROSSING GUARD FOR THE BOROUGH OF CHATHAM POLICE DEPARTMENT

WHEREAS, the Chief of Police has informed that a vacancy currently exists on the Borough of Chatham's Police Department Crossing Guard roster; and

WHEREAS, the Chief of Police recommends the hiring of Robert W. Kelly to fill the vacancy.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby authorize the hiring of Robert W. Kelly as a Crossing Guard for the Borough of Chatham Police Department effective April 13, 2021, at an hourly rate of \$23.40.

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 #21-164

RESOLUTION AUTHORIZING THE HIRING OF JESSICA L. LOPEZ AS A CROSSING GUARD FOR THE BOROUGH OF CHATHAM POLICE DEPARTMENT

WHEREAS, the Chief of Police has informed that a vacancy currently exists on the Borough of Chatham's Police Department Crossing Guard roster; and

WHEREAS, the Chief of Police recommends the hiring of Jessica L. Lopez to fill the vacancy.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby authorize the hiring of Jessica L. Lopez as a Crossing Guard for the Borough of Chatham Police Department effective April 13, 2021, at an hourly rate of \$23.40.

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

OTHER

RESOLUTION #21-165

RESOLUTION TO RETURN CASH PERFORMANCE BOND TO MATTHEW BAUM AT 222 FAIRMOUNT AVENUE IN THE BOROUGH OF CHATHAM

WHEREAS, Matthew Baum submitted to the Borough of Chatham a Cash Bond in the amount of \$5,000.00 for the completion of work at 222 Fairmount Avenue, pursuant to the requirements of the Borough Engineer; and

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

WHEREAS, the Chatham Borough Engineer has reviewed the request and determined that Mr. Baum has completed all of the items outline 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 Matthew Baum in the form of an escrow check.

RESOLUTION #21-166

RESOLUTION TO RETURN CASH PERFORMANCE BOND TO RON GUNN FOR WORK COMPLETED AT 113 SUMMIT AVENUE IN THE BOROUGH OF CHATHAM

WHEREAS, Ron Gunn submitted to the Borough of Chatham a Cash Performance Bond in the amount of \$5,000.00 for the completion of lighting work at 113 Summit Avenue, pursuant to the requirements of the Borough Engineer; and

WHEREAS, Mr. Gunn submitted a request to the Chatham Borough Engineer to release the Cash Performance Bond in the amount of \$3,019.89.00 based on the completion of the work; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Chatham that the Cash Performance Bond in the amount of \$3, 019.89.00 be released to Ron Gunn in the form of an escrow check.

RESOLUTION #21-167

RESOLUTION AUTHORIZING THE AMENDMENT OF THE 2021 FEE SCHEDULE TO SUSPEND THE APPLICATION FEE FOR SIDEWALK DINING FOR THE YEAR 2021

WHEREAS, Resolution #21-70 adopted by the Mayor and Council on January 4, 2021 set forth a schedule of fees for permits, fees, applications, and miscellaneous services of the Borough for calendar year 2021; and

WHEREAS, the current health crisis caused by coronavirus, COVID-19 has financially impacted many retail food businesses throughout the nation, the state and the Borough; and

WHEREAS, the Borough Council wishes to suspend the sidewalk dining application fee in the amount of \$25.00 to help support Borough businesses during this challenging time.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby amend the Fee Schedule as set forth below:

Area to Amend	Amended From:	Amended To:
Sidewalk Dining	\$25.00	\$0.00 (Fee Suspended for year 2021)

BE IT FURTHER RESOLVED, that businesses requesting to have outdoor dining for their patrons must submit an application to the Clerk's Office.

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.

RESOLUTION # 21-168

RESOLUTION RE-ESTABLISHING THE "GREEN TEAM" TO LEAD CHATHAM BOROUGH'S SUSTAINABLE JERSEY RECERTIFICATION PROJECT AND ASSOCIATED SUSTAINABILITY PROGRAMS

WHEREAS, Chatham Borough was certified by Sustainable Jersey at the Silver Level in 2018, 2015 and 2012, and at the Bronze level in 2009; and

WHEREAS, Chatham Borough shared the Sustainable Jersey Collaboration Award with Chatham Township in 2009 and achieved the Sustainable Champion Award for medium-sized municipalities in 2012 and 2015; and 2018, and

WHEREAS, Sustainable Jersey requires that municipalities must recertify every third year meaning Chatham Borough must recertify in 2021; and

WHEREAS, the Chatham Borough Environmental Commission was the "Green Team" responsible for the 2015 Silver Certification conferred upon Chatham Borough by Sustainable Jersey in that year; and the Chatham Borough Environmental Commission Green Team sub-committee was responsible for the 2018 Silver Certification conferred upon Chatham Borough by Sustainable Jersey in that year; and

WHEREAS, the Mayor and Borough Council has previously named the Chatham Borough Environmental Commission as its “Green Team” responsible for achieving the same and recognizes that additional help would be beneficial to reach its goal.

BE IT RESOLVED, that a “Green Team” is hereby established to lead the Borough’s Sustainable Jersey recertification project and the associated sustainability programs consisting of the following members: Rozella Clyde, Yana Doyle, Ernest Dorflinger, Sam Francis, Maddie Kaplan, Kate Murphy, Susie Robertson, Patricia Soteropoulos, Joseph Treloar, Torri Van Wie, borough employees Janice Piccolo and Margie Lowe, and Council liaison Jocelyn Mathiasen; and that such Green Team shall report to the Environmental Commission Chair, Torri Van Wie; and

BE IT FURTHER RESOLVED, that the Chair of the Environmental Commission may select additional “Green Team” members at her sole discretion on an “as needed” basis.

RESOLUTION #21-169

RESOLUTION FOR THE BOROUGH OF CHATHAM SUPPORTING PARTICIPATION IN THE SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROGRAM

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Chatham Borough strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, Chatham Borough hereby acknowledges that the residents of Chatham Borough desire a stable, sustainable future for themselves and future generations; and

WHEREAS, Chatham Borough wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path Chatham Borough is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of Chatham Borough we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community.

NOW THEREFORE, BE IT RESOLVED, to focus attention and effort within Chatham Borough on matters of sustainability, the Chatham Borough Council wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED, by the Borough Council of Chatham Borough that we do hereby authorize Janice R. Piccolo to serve as Chatham Borough's agent for the Sustainable Jersey Municipal Certification process and authorize her to complete the Municipal Registration on behalf of Chatham Borough.

RESOLUTION #21-170

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING SETTLEMENT OF 4 WATCHUNG AVENUE, LLC VS. THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF CHATHAM AND THE BOROUGH OF CHATHAM, DOCKET NO. MRS-L-1350-17

WHEREAS, the Borough of Chatham is a party to the litigation entitled 4 Watchung Avenue, LLC v. the Zoning Board of Adjustment or the Borough of Chatham and the Borough of Chatham, Docket No. MRS-L-1350-17; and

WHEREAS, special counsel for the Borough has engaged in settlement negotiations with the attorney for the plaintiff property owner; and

WHEREAS, said negotiations have resulted in a comprehensive settlement of the litigation; and

WHEREAS, the Mayor and Borough Council have reviewed the terms and conditions of the settlement and wish to approve same; and

WHEREAS, the Mayor and Borough Council have determined that said settlement is in the best interest of the Borough and furthermore avoids the time, expense and risks associated with the continuance of the litigation.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Chatham that the Borough Council hereby approves settlement of the litigation entitled 4 Watchung Avenue, LLC v. the Zoning Board of Adjustment or the Borough of Chatham and the Borough of Chatham, Docket No. MRS-L-1350-17.

BE IT FURTHER RESOLVED, that special counsel for the Borough is hereby authorized and directed to further negotiate the terms and conditions of the settlement and to execute and file a consent order or such other documents as required to implement this settlement with the Superior Court of New Jersey, Law Division.

BE IT FURTHER RESOLVED, all Borough employees and 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 Member Treloar to proceed with the Resolutions listed on the Consent agenda, Resolutions #21-155 through #21-170.

Council Member Treloar made a motion to approve Resolutions #21-155 through # 21-170 on the Consent Agenda. The motion was seconded by Council Member Resto. By a unanimous voice vote, the resolutions were approved.

ORDINANCES FOR FIRST READING

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

Council Member Koronkiewicz introduced Ordinance #21-07 by title as follows:

ORDINANCE #21-07

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

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

Council Member Koronkiewicz read:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on April 12, 2021.

BE IT RESOLVED, that at the Council meeting to be held on April 26, 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 Koronkiewicz offered Ordinance #21-07 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 Resto to introduce Ordinance #21-08.

Council Member Resto introduced Ordinance #21-08 by title as follows:

ORDINANCE #21-08

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

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

Council Member Resto read:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on April 12, 2021.

BE IT RESOLVED, that at the Council meeting to be held on April 26, 2021 at 6:00 p.m. prevailing time, at Borough Hall, the Chatham Borough Council will further consider this Ordinance for a second reading, public hearing and final passage; and

BE IT FURTHER RESOLVED, that the Clerk is hereby requested to publish the proper notice thereof, including this Ordinance, post the Ordinance on the bulletin board in Borough Hall and make copies available to members of the general public.

Council Member Resto offered Ordinance #21-08 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			
Treloar			X			
Resto	X		X			
Truilo		X	X			

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

Council Member Treloar introduced Ordinance #21-09 by title as follows:

ORDINANCE #21-09

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

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 April 12, 2021.

BE IT RESOLVED, that at the Council meeting to be held on April 26, 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 #21-08 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			
Koronkiewicz			X			
Treloar	X		X			
Resto		X	X			
Truilo			X			

RESOLUTION REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION

Council Member Resto inquired whether AT&T had provided a Certificate of Insurance in compliance with the lease. Mr. Kleinman explained that Resolution # 21-171 authorized the approval of the third amendment to the AT&T Lease Agreement. By approving this resolution, he will certify that nothing puts the Borough at risk. Borough Administrator Williams indicated he would find the Certificate of Insurance and forward same to Council Member Resto for review.

Resolution # 21-171 was read aloud by Council Member Resto.

RESOLUTION #21-171

RESOLUTION AUTHORIZING EXECUTION OF THIRD AMENDMENT TO THE LEASE AGREEMENT WITH AT&T

WHEREAS, the Borough of Chatham and New Cingular Wireless PCS, LLC (or its predecessors-in-interest) entered into a Lease Agreement dated April 22, 2002 to place certain wireless telecommunications equipment on the rooftop of the Municipal Building at 54 Fairmount Avenue; and

WHEREAS, the aforementioned Lease Agreement was amended by a First Amendment to the Lease Agreement dated February 26, 2013 and a Second Amendment to the Lease Agreement dated September 28, 2015; and

WHEREAS, the parties mutually desire to further amend the Lease Agreement to include various modifications, updates and corrections in a Third Amendment to the Lease Agreement.

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 the Mayor and Borough Clerk are authorized to execute the Third Amendment to the Lease Agreement with New Cingular Wireless PCS, LLC substantially in the form attached hereto, and subject to the prior review and approval of the Borough Attorney; and

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 Resto moved to approve Resolution # 21-171, seconded by Council Member Treloar. By a unanimous voice vote, Resolution # 21-171 was approved.

ADD-ON RESOLUTION[S]

Mr. Kleinman explained the purpose of the add-on Resolution.

Mr. Kleinman read Resolution # 21-172.

RESOLUTION #21-172

RESOLUTION AUTHORIZING EXECUTION OF CONSENT ORDER CLARIFYING AFFORDABLE HOUSING REQUIREMENTS OF THE RIVER ROAD DEVELOPMENT (BLOCK 135, LOTS 9, 10, 11 AND 12)

WHEREAS, the Borough of Chatham has been engaged in litigation filed in the Superior Court of New Jersey, Law Division, Morris County, captioned I/M/O the Borough of Chatham Mount Laurel Compliance, docket number MRS-L-1906-15; and

WHEREAS, the Borough is being represented in this litigation by its special affordable housing counsel, Jonathan E. Drill, Esq., of Stickel, Koenig, Sullivan & Drill, LLC; and

WHEREAS, pursuant to a November 7, 2016 settlement agreement to resolve the Borough's Mount Laurel declaratory judgment action, the Borough must create a realistic opportunity for affordable housing at 12 and 16 River Road (Block 135, Lots 10, 11, and 12); and,

WHEREAS, in furtherance of this requirement, the Borough, along with the other parties involved in this matter, the Chatham Planning Board, Chatham River Road Urban Renewal LLC, the Fair Share Housing Center and the Special Master, have conferred and now desire to propose a Consent Order to clarify and establish the affordable housing requirements that shall apply to the River Road Redevelopment Plan (Block 135, Lots 9, 10, 11 and 12) and any residential development approved thereon; and

WHEREAS, Special Counsel Drill recommends approval of the Consent Order 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 Special Counsel Drill is authorized to execute the aforementioned Consent Order on behalf of the Mayor and Council; and,

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 Mathiasen moved to approve Resolution # 21-172, seconded by Council Member Resto. By a unanimous voice vote, Resolution # 21-172 was approved.

ADJOURNMENT

Having no other business to conduct in public session, Council Member Truilo made a motion to adjourn the meeting, seconded by Council Member Resto. The meeting was adjourned at 8:58 p.m.

Respectfully Submitted on May 10, 2021 by:

Tamar Lawful, RMC
Borough Clerk
BOROUGH OF CHATHAM