

**REGULAR MEETING OF THE
MAYOR AND BOROUGH COUNCIL
APRIL 11, 2022 MINUTES**

Mayor Thaddeus J. Kobylarz called the Regular Meeting of the Borough of Chatham to order on Monday, April 11, 2022, at 7:30 P.M. in the Council Chambers in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

SALUTE TO FLAG

Mayor Kobylarz led those attending in the Pledge of Allegiance and asked for a moment of silence to honor those who have given their lives for our country, the healthcare professionals working during the pandemic, and the victims of Covid-19.

STATEMENT OF ADEQUATE NOTICE

Stephen Williams, Acting 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 04, 2022.

ROLL CALL

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

Mayor Thaddeus J. Kobylarz	
Council President Irene Treloar	
Council Member Carolyn Dempsey	
Council Member Jocelyn Mathiasen	
Council Member Karen Koronkiewicz	Attended Virtually
Council Member Leonard Resto	
Council Member Frank Truilo	

Also present were:

Stephen W. Williams, Borough Administrator
Steve Kleinman, Borough Attorney

PROCLAMATIONS

Mayor Kobylarz asked Council Member Resto to proceed with Resolution #22-143. Council Member Resto read Resolution #22-143.

**RESOLUTION #22-143
RESOLUTION INDICATING APRIL 16th AS
NATIONAL HEALTHCARE DECISION DAY**

WHEREAS, April 16, 2022, is National Healthcare Decision Day designated to increase public awareness about the importance of written documents that explain individual preferences in healthcare decisions, such as advance directives for end of life; and

WHEREAS, it is estimated that only one in three U.S. adults completes any type of advance directive for end-of-life care, and even fewer have written description of the types of care they want if unable to speak for themselves; and

WHEREAS, serious illness, accident, or injury can happen to anyone at any time regardless of age or health status; and

WHEREAS, decisions concerning health care should be made by individuals in consultation with their families and their healthcare provider; and

WHEREAS, in New Jersey, N.J.S.A. 26:2H-58 allows individuals to name a durable power of attorney for healthcare and N.J.S.A.26:2H-53 provides the specifics for a healthcare directive, offering a model form for patient use; and

WHEREAS, health care organizations across New Jersey are assisting residents to plan ahead for future healthcare decisions in the events that they are unable to make their own medical decisions and to encourage the use of advance directives to communicate these important healthcare decisions; and

WHEREAS, according to a report by the New Jersey Healthcare Quality Institute, it is estimated that 60 percent of people in New Jersey have not put their end-of-life wishes in writing, and 38 percent have not had a conversation expressing their end-of-life wishes; and

WHEREAS, The New Jersey Healthcare Quality Institute, a state supported organization in partnership with the New Jersey League of Municipalities, serving all New Jerseyans full life span to provide resources and tools available for public use to ignite conversation and promote healthcare quality; and

WHEREAS, written directives can alleviate unnecessary suffering, improve quality of life, and support adults at any age or stage of health in understanding and sharing their personal values, life goals, and preferences regarding future medical care; and

WHEREAS, a significant reason for these low rates may be the lack of knowledge and considerable confusion about advance care planning and advance directives; and

WHEREAS, National Healthcare Decision Day is designed to inspire, educate, and empower the public and health care providers about the importance of advance care planning and encourage physicians and care teams, medical groups, hospitals and health systems, nursing homes, assisted living facilities, retirement communities, and hospices to participate in a statewide effort to provide clear and consistent information to the public about advance care planning; and

WHEREAS, the Mayors' Wellness Committee of the Chathams, a Joint Advisory Committee of Chatham Borough and Chatham Township, has produced an educational program on advance care planning.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council encourages residents of the Borough and Chatham Township to participate in the National Healthcare Decision Day by learning more about the steps they should take in advance care planning.

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Council Member Resto moved to adopt Resolution #22-143, seconded by Council Member Dempsey. By a unanimous voice vote, Resolution #22-143 was adopted.

Mayor Kobylarz asked Council Member Resto to proceed with Resolution #22-144.

Council Member Resto read Resolution #22-144.

RESOLUTION #22-144

**RESOLUTION DECLARING APRIL AS PUBLIC HEALTH MONTH IN CHATHAM BOROUGH
AND THANKING THE WESTFIELD HEALTH DEPARTMENT FOR THEIR LEADERSHIP
DURING THE WORST OF COVID-19**

WHEREAS, the Borough of Chatham signed an agreement with the Health Department of the Town of Westfield on January 2021; and

WHEREAS, the month of April is designated as National Public Health Month in the United States; and

WHEREAS, Covid-19 displayed to the world the great importance and awareness of Public Health by promoting healthy lifestyles and choices that prolong life expectancy and quality of life; and

WHEREAS, the Health Department of the Town of Westfield demonstrated its incredible commitment to public health with the leadership based upon scientific evidence during the worst of the Covid-19 pandemic; and

WHEREAS, Megan Avallone was the “point person” for the Town of Westfield Board of Health assigned to Chatham Borough and guided the Borough through the raging pandemic which is showing signs of waning; and

WHEREAS, Megan Avallone demonstrated the utmost professionalism, competence and empathy during the crisis as rules and mandates seemed to change on a frequent basis; and

WHEREAS, Chatham Borough was among the leaders in the entire State of New Jersey with a vaccination rate of 84%, mainly due to the information and communication of that information provided by Megan Avallone; and

WHEREAS, the Borough Council of the Borough of Chatham owes a great debt to the unwavering and untiring efforts of Megan Avallone and her Department.

NOW THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Chatham does hereby recognize April as Public Health Month in the Borough of Chatham and,

BE IT FURTHER RESOLVED, that on behalf of all the residents of Chatham Borough, the Borough Council joins with them in expressing their heartfelt gratitude to Megan Avallone for a superlative job under the most trying of circumstances and thanks her colleagues and the Borough Board of Health for keeping us safe during the darkest days of Covid-19. You have all set a high bar!

###

Mayor Kobylarz asked for a motion to adopt Resolution #22-144.

Council Member Resto moved to adopt Resolution #22-144, seconded by Council Member Truilo. By a unanimous voice vote, Resolution #22-144 was adopted

Mayor Kobylarz said a few words and recognized Megan Avallone, Westfield Health Department Health Official.

Miss Avallone offered brief remarks.

RECUSALS

There were none.

DISCUSSION ITEMS

Budget Presentation – Karen Fornaro, Borough CFO

Mayor Kobylarz introduced Borough CFO, Karen Fornaro.

Karen Fornaro gave a short presentation on last year’s Borough finances and an overview of the new budget.

Due to some technical issues, Mayor Kobylarz asks to take a short break to fix those issues.

Mayor Kobylarz made some brief remarks and then opened the floor to other Council Members' input with Mrs. Fornaro.

Lock It or Lose It Communication Campaign – Police Chief Brian Gibbons

Mayor Kobylarz recognized Borough Police Chief Brian Gibbons to speak about the current motor vehicle safety situation in the Borough.

Chief Gibbons provided more data about vehicle safety and the Police Department's plans and policies moving forward.

MAYOR'S REPORT I:

Mayor Kobylarz gave a report on the latest Covid-19 statistics. The Mayor announced Library of the Chathams news and events. Finally, Mayor Kobylarz reported on the timeline for the Post Office Plaza Redevelopment selection process and the details of the town halls.

MEETING OPEN TO THE PUBLIC

Mayor Kobylarz read the following statement:

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

Rozella Clyde – 33 Carmine Street

Rozella announced Earth Day and Earth Month on behalf of the Borough's Green Team.

Fran Drew – 32 Inwood Road

Fran expressed her support for the Market to Affordable option for Post Office Plaza (POP) Redevelopment.

Bob Weber – 99 Summit Avenue

Bob spoke on several issues regarding POP.

Bob Lav (spelling?) – 45 S. Passaic Avenue

Bob expressed concern about incentives for the POP redeveloper.

Brian McAuliffe – 40 Lum Avenue

Brian asked for specific options to be offered at the next town hall meeting.

Jennifer Weiss – 70 Elmwood Avenue

Jennifer expressed concern about the increase in traffic due to a large redevelopment plan.

Michael Dean – 181 N. Passaic Avenue

Michael asked several questions regarding the town hall.

Brigid McMenamin – 133 Center Avenue

Brigid asked for more options at the town hall.

Valerie Clark – 21 Fern Avenue

Valerie expressed her support for the Market to Affordable option for Post Office Plaza (POP) Redevelopment.

Brigid McMenamin – 133 Center Avenue

Brigid indicated that there were technical difficulties on Zoom.

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

Mayor Kobylarz responded to several public comments.

RESOLUTIONS NON-ROUTINE/NON-CONSENT

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Resolution #22-145.

Council Member Koronkiewicz read Resolution #22-145.

###

**RESOLUTION #22-145
RESOLUTION TO INTRODUCE THE BOROUGH OF CHATHAM
2022 MUNICIPAL BUDGET**

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the local Municipal Budget for the year 2022; and

BE IT FURTHER RESOLVED, that said Budget be published in the Daily Record and the Chatham Courier in the issue of April 25, 2022, together with a notice to the public that the public hearing will be held in the Municipal Building on May 9, 2022, at 7:30 p.m. or as soon thereafter as the matter can be reached by the Council of the Borough of Chatham

###

Council Member Koronkiewicz moved to adopt Resolution #22-145, seconded by Council Member Mathiasen.

Mayor Kobylarz asked Acting Borough Clerk Stephen Williams for a Roll Call Vote.

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

By a unanimous Roll Call Vote, Resolution #22-145 was adopted.

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Resolution #22-146.

Council Member Koronkiewicz read Resolution #22-146 by title and gave a brief explanation.

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**RESOLUTION #22-146
RESOLUTION COMBINING TWO AUTHORIZATIONS OF BONDS INTO A SINGLE ISSUE,
DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$3,458,000 GENERAL
IMPROVEMENT BONDS, SERIES 2022, OF THE BOROUGH OF CHATHAM, IN THE COUNTY
OF MORRIS, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY
INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY PURSUANT TO THE SFY 2022
NEW JERSEY WATER BANK FINANCING PROGRAM**

WHEREAS, the Borough of Chatham (the "Local Unit"), in the County of Morris, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate, install, or refinance the Project which consists of the improvement of the Joint Meeting's Molitor Water Pollution Control Facility (the "Project"), as further defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into, by, and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into, by, and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the SFY 2022 New Jersey Water Bank Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance or refinance the acquisition, construction, renovation, or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan", and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively; and

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest, and deliver the Local Unit's I-Bank Loan General Improvement Bonds, Series 2022, to the I-Bank (the "I-Bank Loan Bond") and the Local Unit's Fund Loan General Improvement Bonds, Series 2022, to the State (the "Fund Loan Bond", and together with the I-Bank Loan Bond, the "Local Unit Bonds") in an aggregate principal amount not to exceed \$3,458,000, pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes Annotated (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, N.J.S.A. 40A:2-26(f) of the Local Bond Law allows for the combination of several authorizations of the Local Unit's bonds into a single issue of Local Unit Bonds (consisting of the I-Bank Loan Bond and the Fund Loan Bond); and

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank without any public offering, all under the terms and conditions set forth herein;

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the Borough Council of the Local Unit (the "Borough Council") as follows:

Section 1. In accordance with N.J.S.A. 40A:2-26(f) of the Local Bond Law, the following authorizations of bonds are combined into a single issue of Local Unit Bonds (consisting of the I-Bank Loan Bond and the Fund Loan Bond): (A) \$2,730,000 of bonds authorized pursuant to Ord. no. 18-12 adopted by the Borough Council of the Local Unit on December 10, 2018 to finance the Local Unit's proportionate share of the costs of the improvement of the Madison-Chatham Joint Meeting's Molitor Water Pollution Control Facility (the "Facility") (which purpose is included in the Project and has a period of usefulness stated in such ordinance of 40 years); and (B) \$728,000 of bonds authorized pursuant to Ord. no. 19-17 adopted by the Borough Council of the Local Unit on December 19, 2019 to finance the Local Unit's proportionate share of the costs of the improvement of the Facility (which purpose is included in the Project and has a period of usefulness stated in such ordinance of 40 years). The average period of usefulness within which the bonds authorized by said two bond ordinances mature, according to the respective reasonable lives of the purposes to be financed, as determined in said ordinances taking into consideration the respective amounts of bonds authorized for the purposes to be financed as set forth in each of the bond ordinances hereinbefore set forth, is a period of 40 years computed from the date of such bonds.

Section 2. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its I-Bank Loan Bond to the I-Bank and its Fund Loan Bond to the State, in a total aggregate principal amount not to exceed \$3,458,000, all in accordance with the provisions hereof. The Local Unit Bonds have been referred to and described in the following two bond ordinances of the

Local Unit: (A) Bond Ordinance No. 18-12 entitled, "BOND ORDINANCE TO AUTHORIZE THE FUNDING OF A PORTION OF THE COST OF THE IMPROVEMENT OF THE MADISON-CHATHAM JOINT MEETING'S MOLITOR WATER POLLUTION CONTROL FACILITY IN, BY AND FOR THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,730,000 TO PAY THE COST THEREOF, 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 was finally adopted by the Borough Council at a meeting thereof duly called and held on December 10, 2018, and (B) Bond Ordinance No. 19-17 entitled, "BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$728,000 FOR THE FUNDING OF A PORTION OF THE COST OF THE IMPROVEMENT OF THE MADISON-CHATHAM JOINT MEETING'S MOLITOR WATER POLLUTION CONTROL FACILITY IN, BY AND FOR THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS", which was finally adopted by the Borough Council at a meeting thereof duly called and held on December 19, 2019, at which times quorums were present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 3. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the I-Bank and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the I-Bank Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amount of the I-Bank Loan Bond and the Fund Loan Bond to be issued;
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed thirty years;
- (c) The date of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

Section 4. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 5(c) hereof.

Section 5. The Borough Council hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-1F. The I-Bank Loan Bond shall be issued in a single denomination and shall be numbered R-1I;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved, or reproduced thereon and attested by the manual signature of the Borough Clerk.

Section 6. The I-Bank Loan Bond and the Fund Loan Bond shall be substantially in the forms set forth in the I-Bank Loan Agreement and the Fund Loan Agreement, respectively.

Section 7. The law firm of Rogut McCarthy LLC (the "Local Unit's Bond Counsel") is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP,

bond counsel to the I-Bank and the State for the Program, to arrange for same. The Borough Auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Borough Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 8. The Mayor and the Chief Financial Officer are severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds and are further authorized to deliver same to the I-Bank and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. This resolution shall take effect immediately.

Section 10. Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to the Local Unit's Bond Counsel and to Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

#

Council Member Koronkiewicz moved to adopt Resolution #22-146, seconded by Council Member Mathiasen.

Mayor Kobylarz asked Acting Borough Clerk Stephen Williams for a Roll Call Vote.

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

By a unanimous Roll Call Vote, Resolution #22-146 was adopted.

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Resolution #22-147.

Council Member Koronkiewicz read Resolution #22-147 by title and gave a brief explanation.

RESOLUTION #22-147

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENTS TO BE EXECUTED BY THE BOROUGH OF CHATHAM AND EACH OF THE NEW JERSEY INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE SFY 2022 NEW JERSEY WATER BANK FINANCING PROGRAM

WHEREAS, the Borough of Chatham (the "Local Unit"), in the County of Morris, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate, install or refinance the Project which consists of the improvement of the Joint Meeting's Molitor Water Pollution Control Facility (the "Project"), as further defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the SFY 2022 New Jersey Water Bank Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance or refinance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the “I-Bank Loan”) and the State (the “Fund Loan”, and together with the I-Bank Loan, the “Loans”) pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit’s I-Bank Loan General Improvement Bonds, Series 2022, to the I-Bank (the “I-Bank Loan Bond”) and the Local Unit’s Fund Loan General Improvement Bonds, Series 2022, to the State (the “Fund Loan Bond”, and together with the I-Bank Loan Bond, the “Local Unit Bonds”) in an aggregate principal amount not to exceed \$3,458,000, pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes Annotated, other applicable law and the Loan Agreements; and

WHEREAS, the I-Bank and the State have expressed their desire to close in escrow the making of one or more of the Loans, the issuance of one or more of the Local Unit Bonds and the execution and delivery of one or more of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the “Escrow Agreement”) to be entered into by and among the I-Bank, the State, the Local Unit and the escrow agent to be named therein;

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the Borough Council of the Local Unit as follows:

Section 1. The I-Bank Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the “Financing Documents”) are hereby authorized to be executed and delivered on behalf of the Local Unit by the Mayor in substantially the forms as to be distributed by the I-Bank and the State, with such changes as the Mayor, in his or her sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the “Local Unit Consultants”) and after further consultation with the I-Bank, the State and their representatives, agents, counsel and advisors (collectively, the “Program Consultants”, and together with the Local Unit Consultants, the “Consultants”), shall determine, such determination to be conclusively evidenced by the execution of each such Financing Document by the Mayor. The Borough Clerk is hereby authorized to attest to the execution of the Financing Documents by the Mayor and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. The Mayor or the Chief Financial Officer (the “Authorized Officers”) and the Borough Clerk are hereby further severally authorized to (i) execute and deliver, and the Borough Clerk is hereby further authorized to attest to such execution and affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Borough Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect immediately.

Section 4. Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to Rogut McCarthy LLC, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

###

Council Member Koronkiewicz moved to adopt Resolution #22-147, seconded by Council Member Mathiasen.

Mayor Kobylarz asked Acting Borough Clerk Stephen Williams 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			

By a unanimous Roll Call Vote, Resolution #22-147 was adopted.

Mayor Kobylarz asked Council President Treloar to proceed with Resolution #22-148.

Council President Treloar read Resolution #22-148 by title and gave a brief explanation.

###

RESOLUTION #22-148

RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE BOROUGH OF MADISON REGARDING THE RECYCLING OF CERTAIN STYROFOAM ITEMS AND COMPOST DROP OFF

BE IT RESOLVED, that the Borough Council of the Borough of Chatham authorizes the Mayor to sign a Memorandum of Understanding with the Borough of Madison regarding the recycling of certain Styrofoam items and compost drop off.

###

Council President Treloar moved to adopt Resolution #22-148, seconded by Council Member Dempsey.

Mayor Kobylarz asked Acting Borough Clerk Stephen Williams for a Roll Call Vote.

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

By a unanimous Roll Call Vote, Resolution #22-147 was adopted.

COUNCIL MEMBER REPORTS

Council President Treloar – Council President Treloar said more regarding Resolution #22-148 and the Madison Recycling center and announced in-person Council office hours.

Council Member Dempsey – Council Member Dempsey reported on the Board of Education’s budget and updated School opening times. She further reported on events from the Joint Recreation Committee of the Chathams.

Council Member Mathiasen – Council Member Mathiasen deferred to Rosella Clyde’s comments on the Environmental Commission’s future events. She also reported on the Tri-Town Yard Sale and other community events.

Council Member Koronkiewicz – Council Member Koronkiewicz reported on the Shade Tree Commission and Chatham Emergency services.

Council Member Resto – Council Member Resto reported on the following topics:

Senior Citizen Advisory Committee’s next meeting, and community events.

Board of Health’s initiative to license dogs and cats.

Economic Development Advisor Committee’s Local Business questionnaire.

Food Distribution and the increasing challenges due to inflation.

Council Member Truilo – had no new business to report on.

MAYOR ’S REPORT II

Mayor Kobylarz had nothing further to report.

ADMINISTRATOR’S REPORT

Borough Administrator Steve Williams had no new business to report on.

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.

Resolutions #22-149 through Resolution #22-156 have been placed on the Consent Agenda.

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

There were none.

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RESOLUTION #22-149

RESOLUTION TO APPROVE PAYMENT OF VOUCHERS

WHEREAS, vouchers for payment have been submitted to the Borough Council by the various municipal departments; and,

WHEREAS, this resolution shall consider the bills list from both March 28, 2022 and April 11, 2022.

NOW, THEREFORE, 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 #22-150

RESOLUTION OF THE BOROUGH OF CHATHAM JOINT MEETING APPROVING CHANGE ORDER NO. 2 FOR FACILITY IMPROVEMENTS 2018

WHEREAS, by Resolution #20-01, the Madison-Chatham Joint Meeting (“Joint Meeting”) awarded a contract to CMS Construction, Inc. for facility improvements to the Molitor Water Pollution Control Facility; and

WHEREAS, during the course of the improvements, the Project Engineer identified several items of unforeseen additional Work, as follows:

1. Power to SG-1 and SG-2
2. Integration of BFP-1 and BFP-2
3. Electrical Upgrades to Dewatering Pump Station
4. Electrical Connection to Hoists
5. Additional Platform at BFP-2
6. Bagger for Bar Screen and Washer
7. HMI Software Upgrades
8. Handrail at Wet Well
9. Heat Trace on Screen Discharge Pipe; and

WHEREAS, the Project Engineer recommends that the Joint Meeting approve a change order in the amount of \$97,670.08 to complete the additional Work, which is 1.4% of the original contract amount; and

WHEREAS, the Joint Meeting believes that the proposed changes are necessary to ensure satisfactory completion of the Project; and

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Chatham that Change Order No. 2 for facility improvements to the Molitor Water Pollution Control Facility in the amount of \$97,670.08 is hereby authorized and approved

RESOLUTION #22-151
AUTHORIZATION OF THREE-YEAR AVERAGE FOR COVID-19 AFFECTED REVENUES IN
2022 MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-26 has been amended to authorize the Director of the Division of Local Government Services to promulgate new standards for the anticipation of COVID-19 affected revenues in the FY2022 budget, and, if necessary, in future years; and

WHEREAS, for FY2022, the Director authorizes use of a three-year average for calculation of affected revenues, which shall be calculated in a manner consistent with the Reserve for Uncollected Taxes (RUT) calculation used for anomalous years; and

WHEREAS, the municipal court revenue, and parking revenue were adversely impacted by COVID-19; and

WHEREAS, the actual cash collections for the above named revenues and the average cash collection over 2019, 2020, and 2021 are as follows:

Revenue Description	2021 Realized	2020 Realized	2019 Realized	Average of Realized Revenue 3 Preceding Years
Municipal Court	\$ 43,266.03	\$ 45,046.81	\$ 122,932.07	\$ 70,414.97
Parking	\$ 245,785.90	\$ 210,773.21	\$ 454,982.68	\$ 303,847.26

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, County of Morris, State of New Jersey, that it approves the utilization of the three-year average method in computing the Borough’s municipal court revenue anticipation of \$71,000.00, and parking revenue of \$304,000.00 for budget year 2022;

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Director of the Division of Local Government Services.

RESOLUTION #22-152*

RESOLUTION OF THE BOROUGH OF CHATHAM AUTHORIZING THE HIRE OF DAVID MOREL AS A FULL-TIME SERVICEPERSON IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, there exists a need for a full-time Serviceperson in the Department of Public Works; and

WHEREAS, the position to hire a full-time Serviceperson was publicly advertised, and applications and resumes were received and reviewed, and candidates were interviewed for the position; and

WHEREAS, David Morel applied for the position and was interviewed to determine his qualifications to fill the position; and

WHEREAS, Mr. Williams and Mr. Torello agree that David Morel exhibits the knowledge, experience, and qualifications to perform the duties of a Serviceperson in the Department of Public Works and recommends his hire to the position effective, April 1, 2022; and

WHEREAS, the starting salary for this position shall be \$45,750.75 pro-rated for the remainder of the 2022 calendar year.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Borough Administrator and the Director of Public Works and hereby authorize the hire of David Morel as a full-time Serviceperson for the Department of Public Works, effective April 1, 2022, at the starting annual salary of \$45,750.75, pro-rated for the remainder of the 2022 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.

*Please note that this Resolution was erroneously adopted as Resolution #22-154. The correct number, #22-152 is reflected here, in these minutes.

RESOLUTION #22-153

RESOLUTION TO SET THE RATE OF COMPENSATION FOR PART TIME SERVICE PERSON, SALVATORE MIELE, FOR THE YEAR 2022

WHEREAS, Ordinance #21-18, adopted by the Mayor and Council of the Borough of Chatham on October 12, 2021, established the minimum and maximum rate of pay for the various positions in the Borough of Chatham; and

WHEREAS, specific rates of pay must be established for each individual employee of the Borough.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the hourly rate of pay of \$25.00 shall be established for Salvatore Miele.

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 #22-154

RESOLUTION TO CLARIFY AND CORRECT AN ERROR IN PREVIOUSLY ADOPTED LEGISLATION WITH RESPECT TO 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)

WHEREAS, on April 26, 2021, the Chatham Borough Council adopted Ordinance #21-07, to authorize the sale of surplus Borough property consisting of 0.0702 acres of vacant land (approximately 3,058 square feet) on Block 75, Lot 8 on the Borough's tax map; and,

WHEREAS, the sale of this property, as authorized pursuant to N.J.S.A. 40A:12-13(B), was to the only immediately adjacent property owner, located at 49 Van Doren Avenue; and,

WHEREAS, the sale price for this property was for the fair market value of \$17,500 as established by the Borough's appraisal, and completing the sale would have the beneficial effect of returning unused and surplus Borough property to the tax rolls; and,

WHEREAS, Ordinance #21-07 contained a scrivener's error in boilerplate language stating that failure to close within 90 days after the sale of the Property would render it null and void when the intention of the parties was that the sale would be voidable, but not automatically void; and,

WHEREAS, the parties have been endeavoring to complete the sale transition in good faith, but due to various reasons have been unable to do so and realized the above-referenced error has created a legal issue that needs to be corrected so as to effectuate the agreed-upon intent of the parties when this transaction was first contemplated.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Chatham hereby clarifies that its Ordinance #21-07 was not intended to become void if the parties did not close within 90 days of adoption, but only voidable, and that the City Council affirms it wishes to complete this transaction in the most expeditious possible manner subject to all of the remaining terms and conditions of Ordinance #21-07; and,

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be provided to the owners of 49 Van Doren Avenue and/or their legal representatives.

RESOLUTION #22-155

A RESOLUTION AUTHORIZING ACCEPTANCE OF A SFY21 BODY-WORN CAMERA GRANT FROM THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY, OFFICE OF THE ATTORNEY GENERAL, AWARD NUMBER 21-BWC-087

WHEREAS, the State of New Jersey, Department of Law and Public Safety, Office of the Attorney General (OAG) received funds from the SFY21 Budget to administer the Body-Worn Camera Grant Program; and

WHEREAS, the Body-Worn Camera Grant Program is designed to provide eligible law enforcement agencies with State funding to aid the purchase of body-worn cameras, ancillary equipment, and storage; and

WHEREAS, the Borough of Chatham has been awarded a grant from the New Jersey Department of Law and Public Safety, Office of the Attorney General, U.S.; and

WHEREAS, the Grant Program is SFY21 Body-Worn Camera Grant, award number 21-BWC-087, with an award period of January 1, 2021, to December 31, 2025; and

WHEREAS, the amount of the grant awarded from the State is \$50,950.00 with no local match required.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Chatham that it hereby accepts the grant award in the amount of \$50,950.00 for the purchase of body-worn cameras for the period of January 1, 2021, through December 31, 2025.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Chatham that the Mayor and Municipal Clerk are hereby authorized to execute the award contract with the State of New Jersey and take any further action necessary for the acceptance of the grant award.

RESOLUTION #22-156

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM RECOGNIZING NJ LOCAL GOVERNMENT WEEK AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES IN BOROUGH HALL ON FRIDAY, APRIL 22, 2022

WHEREAS, local government is the government closest to most citizens, and the one with the most direct daily impact upon its residents; and

WHEREAS, local government provides services and programs that enhance the quality of life for residents, making their municipality their home;

WHEREAS, local government administered for its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, local government officials and Employees share the responsibility to pass along the understanding of public services and their benefits; and

WHEREAS, NJ Local Government Week offers an important opportunity for elected officials and local government staff to spread the word to all citizens of New Jersey that they can shape and influence this branch of government; and

WHEREAS, the new Jersey State League of Municipalities and its member municipalities have joined together to teach citizens about municipal government through a variety of activities; and

WHEREAS, Borough officials encourage the continued partnerships between Borough government and our schools, houses of worship, and community civic groups organizations in the Borough.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that all residents, school students, local government officials and Borough employees are encouraged to participate in events to be held in the Borough Hall on April 22nd, 2022 that recognize and celebrate NJ Local Government Week and promote the services and programs that enhance the quality of life for all Borough residents.

CONSENT AGENDA VOTE:

Mayor Kobylarz asked Council President Treloar to proceed with the Consent Agenda.

Council President Treloar moved to adopt the Consent Agenda by consent of the Council, seconded by Council Member Resto. By a unanimous voice vote, the resolutions were adopted.

EXECUTIVE SESSION AND ADJOURNMENT

Having no other business to conduct in public session, Mayor Kobylarz asked Council Member Truilo to proceed with Resolution #22-157 to adjourn into Closed Session.

Council Member Truilo read Resolution #22-157

RESOLUTION #22-157

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:

- Pending Affordable Housing litigation and Attorney Client privileged advice regarding Affordable Housing – Kendra Lillie, Robert Powell, and John Hague

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

Council Member Truilo moved to adopt Resolution #22-157 to adjourn into Closed Session, seconded by Council Member Resto. By a unanimous vote, the meeting was adjourned.

Respectfully submitted on September 12, 2022, by:

Steve Williams
Acting Borough Clerk.