

REGULAR MEETING OF THE MAYOR AND BOROUGH COUNCIL

May 11, 2020 MINUTES

Mayor Thaddeus J. Kobylarz called the Regular Council Meeting of the Borough of Chatham to order on Monday, May 11, 2020 at 6:03 p.m. in the Council Chambers in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

Note: The start time of this meeting was moved from 7:30 p.m. to 6:00 p.m. to accommodate the emergency measures in place due to the coronavirus pandemic.

SALUTE TO FLAG

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

MOMENT OF SILENCE

Mayor Kobylarz asked for a moment of silence for those who have given their lives for our country. He also gave recognition to the following professionals during the existential health pandemic caused by the coronavirus, COVID-19: First Responders, EMS personnel, Police Officers, Fire Fighters, Office of Emergency Management (OEM), nurses, doctors, other medical personnel, local government professionals, employees and volunteers, and research scientists working diligently to develop a vaccine to combat the existing global health crisis and those afflicted by it. Mayor Kobylarz further gave recognition to essential workers ensuring the continuity of our food production, food chain and other essential businesses that are open during the crisis. Finally, he acknowledged the passing of all three Borough residents who died since the last Mayor and Council Meeting held on April 27, 2020: An 87 year-old woman who passed away on April 28, a 95 year old woman who passed away on May 4, 2020 and a 91 year old woman who passed away on May 7, 2020. Recognition was also given to Judy Gibbons, the step-mother of Police Chief, Brian Gibbons, who passed away due to COVID-19 complications on May 9, 2020; and lastly, the son-in-law of Fire Chief, Jeffrey Fricke, Jay Jenkins suddenly passed away due to injuries sustained in a car accident.

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, 2020.

Pursuant to the requirements of R.S. 10:4-10, adequate notice of the change in time of tonight's virtual meeting was provided to the press on May 6, 2020, a copy of which was posted on the Borough website, including the front and side entrance of Borough Hall.

ROLL CALL

Mayor Thaddeus J. Kobylarz
Council President Jocelyn Mathiasen (*Attended Virtually*)
Council Member Robert A. Weber, Sr. (*Attended Virtually*)
Council Member Carolyn Dempsey (*Attended Virtually*)
Council Member Karen Koronkiewicz (*Attended Virtually*)

Council Member Irene Treloar (*Attended Virtually*)
Council Member Leonard Resto (*Attended Virtually*)
Stephen W. Williams, Borough Administrator
Tamar Lawful, Borough Clerk (*Attended Virtually*)
James L. Lott, Jr., Borough Attorney (*Attended Virtually*)

Mayor Kobylarz proceeded with Resolution # 20-165.

RESOLUTION #20-165

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:

April 27, 2020

Council Member Weber moved to approve Resolution # 20-165, seconded by Council Member Koronkiewicz. By a unanimous voice vote, Resolution # 20-165 was approved.

RECUSALS

Recusals or abstentions submitted for the record.

There were none.

Mayor Kobylarz proceeded to open the meeting to the public; however, prior to doing so, he delivered a portion of his Mayor's Report as follows:

Future Meeting Format:

Mayor Kobylarz reported that the Borough's virtual meeting platform is up and running. He thanked the Borough's media consultant, John Grobert for interfacing the Borough's new video conference capability with the Borough's public access broadcast channels. The Mayor and Council meetings are available on Facebook Live and are available for viewing during and after each meeting.

Statistical Update on the Coronavirus:

As of noon today, the Borough Health Officer, Megan Avallone reported a total of 54 positive cases in the Borough. Of the fifty-four (54) residents who have tested positive for COVID-19, eight (8) have been hospitalized and sadly six (6) have passed away. The age range of those testing positive for COVID-19 is 5 to 95 years-of-age. Morris County has reported 5,876 positive cases, with 518 reported deaths. The State of New Jersey reported 139,945 confirmed cases, with 9,310 reported deaths. The State of New Jersey infection trend reached a peak at 3,674 cases on April 6, 2020 but plateaued for the next 19 days with daily infections of 3,443 on April 25th. Since April 25, 2020, the number of COVID-19 cases decreased with less than 2,000 infectious cases per day. Residents were encouraged to continue to adhere to the Governor's social-distancing and stay-at-home orders to ensure the steady reduction and ultimately, the demise of this insidious virus. Mayor Kobylarz read an email submitted by the Borough's Health Officer, in which she reported a dramatic decrease in new cases. In fact, New Jersey's Department of Health reported a 37.9 % of positivity rate of all persons tested, down from a high of over

50 %. Overlook Hospital reported great stats, including an increase in patient discharges and a decrease in COVID-19 patient admissions. We are moving in the right direction, Mrs. Avallone wrote.

Limited Reopening of Borough Parks:

Mayor Kobylarz reported that the Borough will permit passive recreational use of its parks, beginning Friday, May 15, 2020. Mayor Kobylarz read the following statement:

In the issuance of the Governor's Executive Order # 118, the CDC released guidance for visiting parks and recreational facilities recognizing that parks and open spaces provide a way for people to keep the mind and body healthy. The CDC guidance regarding the safe access of parks advises individuals to stay 6 feet away from other visitors, avoid the use of playgrounds, refrain from participating in organized sports and other recreational activities, and visit parks close to home to limit travel distance. Both the Borough of Chatham and the State of New Jersey are no longer seeing an increase in the number of new cases of COVID-19 that are being reported on a daily basis. Moreover, the state is experiencing a decrease in the number of individuals visiting emergency rooms and being admitted to hospitals as a result of COVID-19. As we are making progress in the fight against COVID-19, it is appropriate to permit Borough residents the safe enjoyment of passive outdoor recreation, with reasonable restrictions that limit the spread of COVID-19, as a means to enhance physical and mental health while maintaining the overall social distancing requirements in place to protect the health, safety and welfare of all. Accordingly, all parks in the Borough of Chatham will be open to the public commencing Friday, May 15, 2020 for the strictly defined purpose of allowing residents to engage in the following passive recreational activities, in which social distancing can be readily achieved: hiking, walking, running/jogging, biking, bird watching, dog walking and fishing. However, the use of the following shall remain closed in the Borough of Chatham parks: picnic areas, playgrounds, pavilions, restrooms, tennis courts and other buildings and facilities.

The following policies shall apply to all park visitors:

1. Social distancing between members of separate households shall be maintained at all times.
2. Facial mask shall be worn in all settings where social distancing measures are difficult to maintain; except for when doing so will inhibit that individual's health or where the individual is under two years of age.
3. Picnicking is prohibited. Picnic blankets, chairs, coolers, and other personal property of such shall not be carried into any parks.
4. Consistent with paragraph 3 of the Governors Executive Order # 107, park visitors must practice social distancing and stay 6 feet apart at all times. This policy excludes immediate family members, care takers, household members and romantic partners. No organized contact activities or sports resulting in the congregation of people will be permitted.
5. Consistent with paragraph 5 of Executive Order # 107, gatherings of individuals from different households are strictly prohibited.

This policy is subject to revisions and will be revisited periodically in the coming weeks. As the daily infection rate decreases, restrictions governing park usage will loosen. However, should the current state of emergency worsen, or should the number of infected cases spike upwards, restrictive measures will be reimplemented. Mayor Kobylarz reminded the public that the safety and welfare of residents is the first priority of the governing body.

Safety Practices in Chatham Borough:

As the temperature increases, the temptation to exercise or engage in outdoor activities becomes more desirable. Although the limited use of the Borough parks is now permitted, he cautioned residents to not congregate with members of a different household and to maintain 6 feet social distance from everyone. Mayor Kobylarz further reported on the congregation of teenagers near the CVS Pharmacy, along the Riverside Trail and along the streets in various neighborhoods within the Borough. Additionally, a growing number of young children are riding bicycles grouped closely together. Mayor Kobylarz reminded the public that the daily infection rate is very high, just short of 2,000 individuals per day. The novel coronavirus is extremely infectious, which can easily trigger a second infectious wave should the public fail to adhere to the governor's directives:

- a. Maintain proper social distancing.
- b. Stay at home, unless shopping, traveling to work or exercising.

As a parent himself, Mayor Kobylarz requested other parents not to allow their children to leave their homes without their knowledge nor to congregate on the street with other children from other homes. He stressed that the public should adhere to the restrictive measures delineated in the Governor's executive orders pursuant to the coronavirus.

Mayor Kobylarz proceeded to open the meeting to public comment and read the Notice of Public Comment Time Limit.

MEETING OPEN TO THE PUBLIC

Residents wishing to make public comments may dial 929-205-6099 (Meeting ID: 811-3434-4002) or obtain online access of the meeting using the following URL: <https://us02web.zoom.us/j/81134344002>.

NOTICE OF PUBLIC COMMENT TIME LIMIT

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 or are not matters scheduled for Public Hearing tonight. In light of the emergency, discussions and actions by the Chatham Borough Mayor and Council related to discretionary municipal actions and/or other non-emergent matters including redevelopment planning will be deferred until further notice. Accordingly, I would respectfully request that the public try to limit its comments to matters primarily related to the COVID-19 response and/or the continued operations of the Borough government during the emergency. While the Chatham Borough Mayor and Council welcome public participation and comment on any topic, 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:

Ms. Clyde called and complimented the Governing Body on how well they are responding to the health crisis and working together as a team. She further thanked everyone for their hard work and dedication.

With no one else from the public wishing to be heard, Mayor Kobylarz closed the public session of the meeting and proceeded with the ordinance for a second reading.

ORDINANCE FOR SECOND READING

Mayor Kobylarz asked Council Member Resto to proceed with Ordinance #20-07.

Council Member Resto read Ordinance # 20-07 entitled:

ORDINANCE # 20-07

AN ORDINANCE AMENDING CHAPTER 139 OF THE CODE OF THE BOROUGH OF CHATHAM DESIGNATING THE INTERSECTION OF HEDGES AVENUE AND WESTON AVENUE AS A STOP INTERSECTION

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on April 27, 2020.

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 #20-07 was introduced and passed on first reading at the April 27, 2020 meeting and indicated the second reading and public hearing would be held at 6:00 p.m. on May 11, 2020 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 public hearing on the Ordinance and for any member of the public to be heard.

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

Council Member Resto offered the following Ordinance 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 President Mathiasen seconded the motion.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Weber, Sr.			X			
Dempsey			X			
Mathiasen		X	X			
Koronkiewicz			X			
Treloar			X			
Resto	X		X			

Mayor Kobylarz declared this Ordinance adopted and finally passed and requested the Borough Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

MAYOR'S REPORT II

Economic Development Advisory Committee Webinar (held on April 28, 2020):

The Economic Development Advisory Committee hosted an informational webinar on Tuesday, April 28, 2020 to discuss federal and state assistance programs for small businesses during the COVID-19 public health emergency. Mayor Kobylarz encouraged small businesses within the Borough to view the video and to understand financial options available during this time. He thanked the following panelists for their participation: Elizabeth Limbrick and John Costello of the New Jersey Economic Development Authority (NJEDA), Rana Shanawani of the Chatham-based Women's Center for Entrepreneurship, Meghan Hunscher from the Morris County Chamber of Commerce and Congresswoman Mikie Sherrill.

Chatham Community Assistance Programs:

Mayor Kobylarz gave recognition to the following programs available to the public during this time:

- **The Senior Center Courier Service:** This program provides essential items to seniors unable to leave their homes, such as food and pharmaceutical supplies. He gave special recognition to Executive Director Julie Reich, Council Member Resto and the staff of the Chatham Senior Center and their volunteers.
- **Chatham Borough Emergency Courier Service:** This program provides the same service as the Senior Center Courier Service, but to any and all residents of the Borough; specifically, residents affected by the coronavirus and those who are self-quarantined. He thanked Borough Administrator Stephen Williams, Police Chief Brian Gibbons, Council Member Len Resto and Council President Jocelyn Mathiasen and the volunteers for making this program possible for Borough residents.
- **United Methodist Church – Pop Up Outdoor Food Pantry:** This program provides non-perishable food for anyone in need. Reverend Jeff Markay and the church staff were acknowledged for putting this program in place.
- **St. Paul's Episcopal Church Tablet/Phone Drive:** This program collects tablets, phones, and baby monitors to allow isolated COVID-19 hospital patients the ability to communicate with the outside world (family and friends). He acknowledged Rev. Mary Davis, Rector and Rev. Ellen Korn-Perry, Assistant Rector of the St. Paul's Episcopal Church for this innovative and helpful idea to keep families connected.
- **North Porch Women and Infants' Center:** This program provides diapers, baby formula and other essentials to mothers and their infants in need. Mayor Kobylarz thanked Rev. Ellen Korn-Perry, Assistant Rector from St. Paul's Episcopal Church for putting this program together.
- **Keep Chatham Thriving!:** This is a grassroots organization established to support businesses during this crisis. On their website, the public will find information about Chatham restaurants, including take-out menus, specials, and items for sale from retail stores. Mayor Kobylarz thanked Michelle Lease and M. J. Morgan for putting this together and giving residents the ability to support local businesses.
- **The Flag Frontline Appreciation Group of Chatham and Madison:** This program provides meals to frontline workers, including small-sized portions and grab and go meals. During this time,

frontline workers find it difficult to take a break for themselves due to the intensity and high volume of patients and/or workload. The ability to find time to eat becomes further restricted due to restaurants closing by 7:30 p.m. Mayor Kobylarz read an email submitted by the organization which also detailed the program's mission and other efforts being made during this time.

- **The Chatham Helping Hands School Lunch Program:** This program provides free and reduced cost lunches to school children. The Organization is working with the school administration and ShopRite of the Chathams to provide \$25 gift cards to families in need. If a student already qualifies for free or reduced cost lunch, the school will provide gift cards to those families when they pick up meals on Wednesdays. Gift cards that are left over once the school year ends will be provided to families in need. Mayor Kobylarz read an email statement submitted by the organization which details the program's purpose.

ADMINISTRATOR'S REPORT

Mr. Williams reported on the cancelation of the Borough's Annual Fourth of July Celebration hosted by the Chatham Borough Fire Department. This decision was made to ensure the continued safety of the public.

There was a power outage on Sunday, May 10, 2020 caused by a squirrel, which came in contact with a primary wire on Watchung Avenue. JCP&L was very responsive in addressing this issue. The power was temporarily shut-off in an effort to reconnect the wires.

Mr. Williams reminded residents of the new program, Tri-Town Cares, which works collectively with Chatham Borough, Chatham Township and Madison Borough to provide information on mental health programs available to the public. He directed the public to visit the Borough's website for more information. Mr. Williams further reported that Police Chief Gibbons sent notification to residents of a scam targeting senior citizens across the state. This scam involves a phone call to senior citizens stating that their grandchild was arrested, and money should be sent via wiring, gift card or through a courier service. He cautioned residents to be cognizant of this scam and any calls of this nature.

PSE&G continues to perform gas main line replacements throughout the Borough. This week they will be working on the following locations, weather permitting: Broadview Terrace between Washington Avenue and Fairmount Avenue, Dellwood Avenue between Longwood Avenue and Fairview Avenue, Fairview Avenue between Lafayette Avenue and Highland Avenue, Longwood Avenue between Fairmount Avenue and Lafayette Avenue, Girard Avenue between Watchung Avenue and Willow Street, Hillside Avenue between Maple Street and Watchung Avenue and finally, Willow Street between Hillside Avenue and Lackawanna Avenue.

There is a meeting scheduled with the Department of Transportation (DOT) on May 12, 2020 to discuss the traffic optimization program for Madison and Chatham Borough.

In response to the scam Mr. Williams reported on, Council Member Resto reported a potential scam which he personally experienced. According to Council Member Resto, he received a phone call in regards to Medicare. He was informed to press "1" to speak with a representative and his failure to do so by today would result in the termination of his Medicare. He echoed the warnings from Mr. Williams stating that the public must be careful of any suspicious calls.

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 #20-166 through Resolution #20-167 have been placed on the Consent Agenda.

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

Council Member Resto requested the following resolution to be removed from the Consent Agenda:

RESOLUTION #20-168

A RESOLUTION PROCLAIMING THE MONTH OF JUNE 2020 AS LGBTQ PRIDE MONTH IN THE BOROUGH OF CHATHAM

The Consent Agenda proceeded as follow:

FINANCE

RESOLUTION #20-166

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 #20-167

RESOLUTION AUTHORIZING THE TAX COLLECTOR TO ISSUE THIRD QUARTER “ESTIMATED” TAX BILLS, DUE ON AUGUST 1, 2020

WHEREAS, in light of the disruption caused by the coronavirus outbreak, the State delayed the adoption of the State Fiscal Year 2021 Budget to September 30, 2020; and

WHEREAS, the Division of Local Government Services (DLGS) cannot certify State Aid allocations to municipal budgets until State Aid Appropriations are known; and

WHEREAS, the DLGS cannot approve municipal budgets and the County Board of Taxation cannot certify taxes until long after the June 30, 2020 deadline to process third quarter tax bills due August 1, 2020; and

WHEREAS, without an adopted 2020 Municipal Budget and a 2020 Certified Tax Rate, the Tax Collector cannot process the final 2020 Tax Levy; and

WHEREAS, the DLGS “strongly recommends” under Local Finance Notice 2020-07 “that municipalities prepare to issue estimated property tax bills for 2020;” and

WHEREAS, the Tax Collector, in consultation with the Chief Financial Officer, has computed an estimated Tax Levy necessary to bill third quarter taxes due August 1, 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Chatham, in the County of Morris and State of New Jersey on this 11th day of May 2020 that the Tax Collector is hereby authorized and directed to process estimated tax bills for the third quarterly installment of 2020 taxes; and

BE IT FURTHER RESOLVED that, the third quarterly installment of 2020 taxes shall not be subject to interest until the later of August 10, 2020 or the twenty-fifth (25) calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

Mayor Kobylarz asked Council Member Dempsey to proceed with the Resolutions listed on the Consent agenda. Resolutions #20-166 through #20-167.

Council Member Dempsey made a motion to approve the resolutions placed on this evening’s Consent Agenda by consent of the Council, Resolutions #20-166 through #20-167, seconded by Council Member Resto. By a unanimous voice vote, Resolutions #20-166 through #20-167 were approved.

**RESOLUTION REMOVED FROM THE CONSENT AGENDA
FOR DISCUSSION AND VOTE**

Council Member Resto explained that he requested to have Resolution #20-168 removed from the Consent Agenda in order to modify where the flags will be placed. In the last paragraph of the resolution, which reads “...rainbow flags will be displayed at Borough Hall and along the business district on Main Street during the month of June...” should be amended to “...rainbow flags will be displayed at Borough Hall, Reasoner Park and at the Library during the month of June.” Council Member Resto requested this change to save on cost.

RESOLUTION #20-168

**A RESOLUTION PROCLAIMING THE MONTH OF JUNE 2020 AS LGBTQ PRIDE MONTH
IN THE BOROUGH OF CHATHAM**

WHEREAS, our nation was founded on the principle of equal rights for all people and some of the most inspiring moments in our history have arisen from the various civil rights movements that have brought one group after another from the margins to the mainstream of American society; and

WHEREAS, in the movement towards equal rights for lesbian, gay, bisexual, transgendered and questioning (LGBTQ) people, history was made some 51 years ago on June 28, 1969, in New York City, with the onset of the Stonewall Inn Uprising. During this uprising, LGBTQ citizens rose up and fought against the discriminatory criminal laws which have since been declared unconstitutional; and

WHEREAS, all human beings are born free and equal in dignity and rights and LGBTQ individuals have had an immeasurable impact to the cultural, civic and economic successes of the United States and the world; and

WHEREAS, the Borough of Chatham is committed to supporting visibility, dignity and equality for LGBTQ people as part of the increasingly rich mosaic of diversity in Chatham Borough; and

WHEREAS, while society at large is increasingly supporting LGBTQ equality and dignity, it is essential to acknowledge that the need for education and awareness remains vital; and

WHEREAS, the LGBTQ community having made great strides since 1969 still faces challenges in being accepted, in not having equal protection under the law in 39 states, and in parents still rejecting their own children when they come out of the closet as LGBTQ individuals; and

WHEREAS, the struggle of LGBTQ youth with their sexual orientation is a major cause of the teen suicide rate being unacceptably high; and

WHEREAS, this nation was founded on the principle that every individual has inherent dignity and worth and is thus to be treated with ultimate dignity and respect; and

WHEREAS, celebrating June as LGBTQ Pride Month brings awareness and provides support and advocacy for Chatham Borough's LGBTQ community and is an opportunity to act and engage in dialogue to strengthen alliances, build acceptance, and advance equal rights; and

WHEREAS, the rainbow flag is widely recognized as a symbol of pride, inclusion and support for social movements that advocate for LGBTQ people in our society and in the Borough of Chatham.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham do hereby proclaim the month of June 2020 as Pride Month in the Borough of Chatham in support of and in solidarity with our LGBTQ community and rainbow flags will be displayed at Borough Hall and along the business district on Main Street during the month of June recognizing LGBTQ residents whose influential and lasting contributions to our neighborhoods make Chatham Borough a vibrant and accepting community in which to live, work and visit.

Council Member Resto made a motion to approve resolution # 20-168 and its amendment, seconded by Council Member Koronkiewicz. By a unanimous voice vote, Resolution #20-168 was approved.

ADD-ON RESOLUTION[S]

There were none.

ADJOURNMENT

Having no other business to be conducted in public session, Council Member Resto made a motion to adjourn the Regular Mayor and Council Meeting, seconded by Council Member Treloar. On a unanimous voice vote, the motion to adjourn was approved. The meeting adjourned at 7:01 p.m.

Respectfully Submitted on May 26, 2020 by:

Tamar Lawful, RMC
Borough Clerk
BOROUGH OF CHATHAM