

REGULAR MEETING OF THE MAYOR AND BOROUGH COUNCIL

November 23, 2020 MINUTES

Mayor Thaddeus J. Kobylarz called the Regular Council Meeting of the Borough of Chatham to order on Monday, November 23, 2020, at 6:11 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 those protecting our lives during the current health pandemic caused by coronavirus, COVID-19. Finally, he acknowledged the passing of all nine (9) Chatham Borough residents who died during the current 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, 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 November 16, 2020, a copy of which was posted on the Borough website, including the front and side entrances of Borough Hall.

ROLL CALL

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

Also, in attendance: Karen Fornaro, Appointed CFO, Police Chief Brian Gibbons, and Frank Truilo, Council Member Elect (*All Attended Virtually*)

RECUSALS

Recusals or abstentions submitted for the record.

There were none.

Mayor Kobylarz proceeded with Resolution # 20-253.

RESOLUTION # 20-253

RESOLUTION TO ADOPT COUNCIL MEETING MINUTES

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

October 26, 2020

Council Member Resto moved to approve Resolution # 20-253, seconded by Council Member Weber. By a unanimous voice vote, Resolution # 20-253 was approved.

DISCUSSION ITEMS

Finance Update:

Mrs. Fornaro reported on the deficit in the Borough's budget resulting from a significant loss of revenue from parking permits and the Joint Municipal Court. The Borough anticipated \$440,000 in parking permits, but only received approximately \$70,000. With respect to the Joint Municipal Court, \$122,000 in revenue was anticipated, however, it is projected that only \$44,000 will be received by year-end.

Municipalities are permitted to declare a special emergency appropriation in accordance with N.J.S.A. 40A:4-53, 54 and 55.1. To avoid a cumbersome burden on the 2020 budget, the special emergency appropriation will allow lost revenue to be spread throughout the next three to five years of the Borough's budget. On tonight's agenda, Ordinance # 20-17 and Resolution #20-254 and Resolution # 20-255 will authorize the Borough to apply for special emergency appropriation.

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 136 residents of the Borough contracted COVID-19. Borough Health Officer Megan Avallone is concerned about the potential consequences of families gathering together to celebrate Thanksgiving. Holidays are considered high risk for a contagious virus, which spreads expeditiously indoors. There is a dramatic increase in daily infection cases state-wide.

The surge in coronavirus cases is a result of our behavior. As a community, to mitigate the spread of the virus, we must put forth more effort and adhere to the protective measures of washing hands, maintaining social distancing, wearing masks, cooperating with contact tracing, and refraining from indoor gatherings.

COVID-19 Ambassador Program:

Mayor Kobylarz called for additional volunteers to participate in the COVID-19 Ambassador Program to gently remind the public to “Mask Up, Chatham”. Residents were encouraged to volunteer by contacting Chatham Borough Police Chief, Brian Gibbons or Borough Administrator, Stephen Williams.

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: 898 5007 8905) or obtain online access of the meeting using the following URL:

<https://us02web.zoom.us/j/89850078905?pwd=bnFZemgyV0I4OU44eWRMbm5USE44UT09.>

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.

Mike Holland – 30 Broadview Terrance

Mr. Holland, president of Chatham Basketball Club called to begin a dialogue with the Council concerning refurbishing outdoor basketball courts for use by children in the spring season.

Mayor Kobylarz advised Mr. Holland to contact the Chatham Borough Recreation Committee and the Joint Recreation Committee. Council Member Weber stated that the Joint Recreation Committee will be discussing winter sports and outdoor spaces for public use should indoor activities becomes prohibited at its next meeting.

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

REPORTS

COUNCIL MEMBERS

Council President Mathiasen – Council President Mathiasen had nothing new to report.

Council Member Weber – Council Member Weber reported that the Board of Health continues to discuss options on supporting the Borough during the current pandemic. The primary concern is helping to keep schools open and to help residents remain safe and healthy. He encouraged residents to do their part and follow all protective measures to mitigate the spread of the virus.

Council Member Dempsey – Council Member Dempsey reported on the Chatham Community Food Distribution program, which provides food to residents experiencing economic hardship. With gratitude, she happily announced the receipt of over 140 boxes of food and 60 turkeys for distribution. The boxes and turkeys were distributed to residents last Wednesday. The distribution of food takes place every Wednesday, from 3:30 p.m. to 4:30 p.m., behind the Chatham United Methodist Church.

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

Council Member Treloar – Council Member Treloar had nothing new to report.

Council Member Resto – Council Member Resto encouraged residents to support local businesses during this challenging time. Small Business Saturday is this weekend and he encouraged residents to shop locally. Lastly, the Undergrounding Committee and BPU (Board of Public Utilities) will examine the financials of Jersey Central Power and Light (JCP&L) due to the termination of FirstEnergy's CEO on alleged bribery charges. Residents were encouraged to visit the BPU's website to obtain additional information.

MAYOR'S REPORT II

Mayor Kobylarz had nothing further to report.

ADMINISTRATOR'S REPORT

Mr. Williams reported that PSE&G continues to work on Main Street. The paving project will be completed this week.

RESOLUTIONS REQUIRING A SEPARATE VOTE NON-ROUTINE/NON-CONSENT

Mayor Kobylarz asked Council President Mathiasen to proceed with Resolution # 20-254.

Council President Mathiasen read Resolution # 20-254:

RESOLUTION #20-254

[Require Roll Call Vote]

Majority of Full Membership

COVID-19 SPECIAL EMERGENCY CERTIFICATION OF CHIEF FINANCIAL OFFICER AND APPROVAL OF GOVERNMENT BODY

WHEREAS, The Borough of Chatham has experienced COVID-19 related revenue loss during budget year 2020; and

WHEREAS, P.L. 2020, c. 74 provides for the funding of these revenue losses and extraordinary expenditures through a COVID-19 Special Emergency; and

WHEREAS, in order to qualify for a special emergency under the provisions of N.J.S.A. 40A: 4-53, as amended by P.L.2020, c. 74, the Borough must, prior to December 1, make application to the Director of the Division of Local Government Services to obtain an approval of the certification of the special emergency and the resulting deferred charge in advance of the close of budget year 2020; and

WHEREAS, the Chief Financial Officer has determined that there is an operational gap attributable to COVID -19 affected revenue loss which needs to be addressed prior to year-end.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Chatham (by not less than a majority vote of the full governing body members affirmatively concurring), in accordance with the provisions of N.J.S.A 40A:4-53, as amended by P.L. 2020, c. 74, as follows:

1. The Chief Financial Officer is directed to submit an application to the Division Director on the prescribed form and shall certify that the deficits in revenue are directly attributable to COVID-19.
2. The Chief Financial Officer has submitted said certification to the governing body for approval (attached to this resolution).
3. The Borough Council by approval of this resolution approves the certification made by the Chief Financial Officer related to COVID-19 Special Emergencies.
4. The Borough Council directs the Chief Financial Officer, the Auditor and Bond Counsel to prepare the Ordinance and Resolution for Special Emergency COVID-19 related revenue deficit pursuant to statute and regulations resulting from P.L.2020, c. 74.
5. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services.

Council President Mathiasen offered the following Resolution and moved its adoption.

Council Member Resto 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 asked Council Member Resto to proceed with Resolution # 20-255.

Council Member Resto read Resolution # 20-255:

RESOLUTION #20-255

[Requires Roll Call Vote]

2/3 Vote of the full governing body

COVID -19 SPECIAL EMERGENCY RESOLUTION– N.J.S.A 40A:4-53, 54, 55.1 and 55.1 (3-year and 5-year Special Emergencies COVID-19 Related Operating Deficits)

WHEREAS, it has been found necessary to adopt a Special Emergency Appropriation to meet certain extraordinary COVID-19 affected revenue losses related to the COVID pandemic, and

WHEREAS, N.J.S.A. 40A:4-53 allows a municipality to authorize special emergency appropriations for COVID-19 related revenue loss and/or additional expenditures incurred during the COVID-19 related public health emergency, and provides that it shall be lawful to adopt such special emergency, which appropriation and/or the “special emergency notes” issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation as prescribed by the act and in compliance with the Division of Local Government Services regulations set forth as part of the COVID-19 Operating Deficits and Extraordinary Expenditures: Implementation of P.L. 2020, c.74.

NOW, THEREFORE BE IT RESOLVED, (by not less 2/3 vote of the full governing body members affirmatively concurring) that in accordance with the provisions of N.J.S.A 40A:4-55:

1. The Chief Financial Officer has been directed by Resolution # 20-254 adopted on November 23, 2020 to make a written application and certify to the Division Director, on the prescribed form, that the deficits in revenue are directly attributable to COVID-19, and said certification was approved by the governing body and submitted to the Director of the Division of Local Government Services.
2. A Special Emergency Deferred Charge is hereby established for COVID-19 affected revenue losses in the total amount of \$300,000.
3. That the total emergency appropriation shall be provided for in the budgets of succeeding years beginning in 2022 by the inclusion of not less than \$60,000 (must be at least one fifth of the total amount).
4. That special emergency notes, not in excess of the amount authorized pursuant to law, may be issued.
5. That such notes when issued shall be executed by Borough of Chatham's Chief Financial Officer, Mayor and Borough Clerk. The Chief Financial Officer is hereby authorized to sell said notes and any renewals thereof from time to time.
6. That said Special Emergency Notes may be issued to address the cash flow and appropriation needs related to the deferred charge in compliance with the provisions of P.L. 2020, c.74.
7. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services.

Council Member Resto offered the following Resolution and moved its adoption.

Council Member Weber seconded the motion.

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

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

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Resolution # 20-256.

Council Member Koronkiewicz read Resolution # 20-256:

RESOLUTION #20-256

[Requires Roll Call Vote]

2/3 Vote of the full governing body

RESOLUTION AUTHORIZING TRANSFERS BETWEEN CERTAIN BUDGET RESERVE APPROPRIATIONS IN THE 2020 CURRENT FUND BUDGET PURSUANT TO N.J.S.A. 40A:4-58

WHEREAS, N.J.S.A. 40A:4-58 provides that transfers may be made between appropriation accounts in the General Budget in the last two months of the fiscal year or the first three months of the next succeeding fiscal year by an authorizing resolution adopted by not less than a two-thirds (2/3) vote of the full membership of the governing body; and

WHEREAS, such transfers are made to cover expenses in accounts in excess of that anticipated and from accounts having expenses in lesser amounts than anticipated; and

WHEREAS, these transfers do not affect the total of the operations budget as originally approved in the 2020 Current Fund Budget.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, in the County of Morris, State of New Jersey, that the Chief Financial Officer is hereby authorized to make the following line-item transfers in the 2020 Current Fund Budget in accordance with N.J.S.A. 40A:4-58:

FROM:	AMOUNT
Community Services Salary & Wages	\$25,000
Health Insurance Operating Expenses	\$39,787
Police Operating Expenses	\$150
TOTAL	\$64,937
TO:	AMOUNT
Administration Salary & Wages	\$25,000
Finance Salary & Wages	\$11,287
Project Pride	\$150
Administration Operating Expenses	\$12,500
Finance Operating Expenses	\$6,000
Clerk Operating Expenses	\$10,000
TOTAL	\$64,937

And;

BE IT FURTHER RESOLVED, that the Borough Clerk shall provide a certified copy of this resolution to the Borough Administrator and to the Chief Finance Officer.

Council Member Koronkiewicz offered the following Resolution and moved its adoption.

Council Member Resto 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			
Koronkiewicz	X		X			
Treloar			X			
Resto		X	X			

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 #20-257 through Resolution #20-263 have been placed on the Consent Agenda.

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

RESOLUTION # 20-263

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING SETTLEMENT OF DOCKET NOS. 007013-2019 AND 002001-2020

Council Member Weber requested to remove Resolution # 20-263 from the Consent Agenda.

The Consent Agenda proceeded from Resolution # 20-257 through Resolution # 20-262 as follows:

APPOINTMENTS

RESOLUTION #20-257

RESOLUTION TO EMPLOY ANTHONY ALBANESE AS A PERMANENT EMPLOYEE FOR THE BOROUGH OF CHATHAM DEPARTMENT OF PUBLIC WORKS (DPW) AS SERVICEPERSON V

WHEREAS, the Anthony Albanese was hired by the Borough of Chatham as a Serviceperson IV on November 1, 2019 for a probationary period of one (1) year; and

WHEREAS, during the probationary period Anthony Albanese has demonstrated to be an exemplary employee and consistently exceeded the expectations of his supervisors with his dedication and work performance; and

WHEREAS, the Supervisor of Roads and Parks, Leo Pietrantuono and the Director of Public Works, Tony Torello recommend hiring Anthony Albanese as a full-time permanent employee for the Department of Public Works retroactive to November 2, 2020.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they concur with the recommendation of the Director of Public Works and hereby authorize Anthony Albanese be hired as a permanent employee for the Chatham Borough Department of Public Works as Serviceperson V, with an effective retroactive date of November 2, 2020; and

BE IT FURTHER RESOLVED, the salary of Anthony Albanese for the Department of Public Works shall be fixed at fifty thousand, three hundred and forty four dollars (\$50,344.00) per year which

shall be pro-rated over the remainder of the calendar year 2020 and thereafter paid in such amounts and at such times as set forth in the Borough of Chatham Policy and Procedures; 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.

FINANCE

RESOLUTION #20-258

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 #20-259

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised of an overpayment on the 2019 second quarter property taxes for the property listed below; and

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

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
135/14	B.O.L.T LLC 41 Watchung Avenue Chatham, New Jersey 07928	\$4,550.34	2 nd /2019

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

B.O.L.T. LLC
27 Watchung Avenue
Chatham, NJ 07928

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough Tax Collector to process a refund of property taxes as herein referenced.

RESOLUTION #20-260

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised that the New Jersey Tax Court imposed a judgment for a refund of overpayment for property taxes for the years 2018, 2019 and 2020 for the herein referenced property; and

WHEREAS, the Tax Collector has further advised that a refund per the New Jersey Tax Court Judgement is to be made as follows:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
64/14.01	Mahr Wong and Salena Walter 53 Elmwood Avenue Chatham, New Jersey 07928	\$4,412.68	2018/2019/2020

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

Jacobs & Associates, LLC
Jennifer R. Jacobus (Trust Account Attorney)
201 Littleton Road – 1st Floor
Morris Plains, NJ 07950

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough Tax Collector to process a refund of property taxes as herein referenced.

RESOLUTION #20-261

RESOLUTION REQUESTING PERMISSION FROM THE DIRECTOR OF LOCAL GOVERNMENT SERVICES FOR THE ESTABLISHMENT OF A DEDICATION BY RIDER TRUST FUND FOR CHARITABLE DONATIONS FOR THE DONATION OF THE STANLEY CONGREGATIONAL CHURCH PROPERTY AS REQUIRED BY N.J.S.A. 40A:5-29

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 provides for receipt of charitable donations to provide for and offset the costs for the purposes to which said donations are made; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated and collected from a charitable donation may be included in the budget subject to the approval of the Director of the Division of Local Government Services; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham, County of Morris, New Jersey that permission is hereby requested from the Director of the Division of Local Government Services to use dedicated revenues to be received for Charitable Donations for the Donation of the Stanley Congregational Church property in accordance with N.J.S.A. 40A:5-29; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to forward two (2) certified copies of this Resolution to the Director of the Division of Local Government Services; and

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

RESOLUTION #20-262

RESOLUTION AUTHORIZING NEWLY ELECTED COUNCIL MEMBERS TO ATTEND CLOSED SESSION MEETINGS OF THE MAYOR AND COUNCIL

WHEREAS, municipal government is responsible for a variety of important services, which taxpayers expect to be delivered in a cost-effective manner; and

WHEREAS, there are many legal, financial and administrative considerations elected officials must be keenly be aware of in order to effectively govern as legislators and policymakers; and

WHEREAS, it is vitally important for newly elected Council Member Frank Truilo to become acquainted and knowledgeable on a myriad of municipal government matters to better prepare himself in undertaking the responsibility of governing and setting policy in those matters, which may include matters that are discussed in Closed Session meetings, subject to the exemptions under the Open Public Meetings Act.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby authorize the newly elected Council Member Frank Truilo to attend Closed Session meetings of the Mayor and Borough Council, subject to him signing a Confidentiality Agreement prepared by the Borough Attorney so that he may become acquainted and knowledgeable on matters that are discussed in Closed Session meetings.

CONSENT AGENDA VOTE

Council Member Treloar made a motion to approve Resolutions #20-257 through #20-262 on the Consent Agenda. The motion was seconded by Council Member Resto. By a unanimous voice vote, The resolutions aforementioned were approved.

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

RESOLUTION #20-263

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING SETTLEMENT OF DOCKET NOS. 007013-2019 AND 002001-2020

Council Member Weber stated that the Resolution involves the authorization of settlement for tax appeals, which is scheduled to be discussed in Executive Session during which the Governing Body will be briefed on the matter by Mr. Lott. Council Member Weber stated the briefing should occur prior to voting on the resolution.

ORDINANCES FOR FIRST READING

Mayor Kobylarz asked Council Member Resto to introduce Ordinance #20-16

Council Member Resto introduced Ordinance #20-16 by title as follows:

ORDINANCE #20-16

AN ORDINANCE TO AMEND THE SALARIES AND WAGES FOR CERTAIN MUNICIPAL POSITIONS OF THE BOROUGH OF CHATHAM FOR THE YEAR 2021

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 November 23, 2020.

BE IT RESOLVED, that at the Council meeting to be held on December 14, 2020 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 #20-16 and moved its adoption on first reading.

Council Member Weber seconded the motion.

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

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

Mayor Kobylarz asked Council President Mathiasen to introduce Ordinance #20-17

Council President Mathiasen introduced Ordinance #20-17 by title as follows:

ORDINANCE #20-17

AN ORDINANCE AUTHORIZING A COVID-19 SPECIAL EMERGENCY APPROPRIATION IN ACCORDANCE WITH N.J.S 40A:4-53

Council President Mathiasen explained the purpose of the Ordinance and moved for introduction on First Reading.

Council President Mathiasen read:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on November 23, 2020.

BE IT RESOLVED, that at the Council meeting to be held on December 14, 2020 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 President Mathiasen offered Ordinance #20-17 and moved its adoption on first reading.

Council Member Weber seconded the motion.

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

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

RESOLUTION #20-264

RESOLUTION TO ADJOURN INTO CLOSED SESSION

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

1. Attorney Client Privilege: Litigation Report on 4 Watchung, LLC - Mr. Lott
2. Attorney Client Privilege: Overlook Hospital Litigation – Mr. Lott
3. Attorney Client Privilege/Litigation: AST Bradley – Third Round Mid-Point Review Challenge – Mr. Lott
4. Contract Negotiations: MuniciPay – Council President Mathiasen

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 Weber made a motion to adjourn into Closed Session, seconded by Council Member Resto. By a unanimous voice vote, the motion was approved. The Regular Meeting was adjourned at 7:15 p.m., to return to Public Session to take further action.

RETURN TO PUBLIC SESSION

The Governing Body returned into Public Session at 8:35 p.m. A roll call was taken, and all were present.

Mayor Kobylarz requested Council Member Resto to proceed with Resolution # 20-263 by title.

Council Member Resto read Resolution # 20-263 by title:

RESOLUTION #20-263

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING SETTLEMENT OF DOCKET NOS. 007013-2019 AND 002001-2020

WHEREAS, the property owner of the property located at Block 33, Lot 3.02 on the Official Tax Map of the Borough of Chatham (the "Property") has filed appeals in the Tax Court of New Jersey bearing Docket Nos. 007013-2019 and 002001-2020 challenging the taxable status of the Property and seeking a determination that the Property is eligible for a property tax exemption as a non-profit hospital; and

WHEREAS, the Borough Assessor has reviewed the matter and, in consultation with the Borough Tax Attorney, determined that the Property is eligible for property tax exemption as a non-profit hospital; and

WHEREAS, in light of this exemption determination, the Borough Tax Attorney will negotiate a settlement with the property owner in order to resolve the above appeals; and

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

WHEREAS, considering the Property is eligible for property tax exemption as a non-profit hospital, the Property was erroneously listed for upcoming tax sale and the Borough Tax Collector should not proceed with the tax sale for the Property.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Chatham that the Borough Council hereby approves of the above settlement of the appeals bearing Docket Nos. Docket Nos. 007013-2019 and 002001-2020.

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

BE IT FURTHER RESOLVED, that Borough Tax Collector is hereby authorized and directed not to proceed with the tax sale for the Property.

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

Council Member Resto offered the following Resolution and moved its adoption, seconded by Council Member Weber.

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

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

Koronkiewicz			X			
Treloar			X			
Resto	X		X			

With all members voting in favor of the resolution, Resolution # 20-263 was approved.

ADD-ON RESOLUTION[S]

Mayor Kobylarz requested Council Member Treloar to proceed with Resolution # 20-265 by title.

Council Member Treloar read Resolution # 20-265 by title:

RESOLUTION 20-265

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS APPOINTING SPECIAL COUNSEL

WHEREAS, the Borough of Chatham was granted Substantive Certification and a Judgment of Compliance and Repose by Order dated September 29, 2016 in connection with the Borough's affordable housing compliance action, in the Matter of Borough of Chatham Affordable Housing Compliance, Docket No. MRS-L-1906-15; and

WHEREAS, attorneys for AST Bradley Chatham, LLC have filed a Motion Requesting a Mid-Point Review pursuant to N.J.S.A. 52:27-313 and Assignment of a Special Master in that action; and

WHEREAS, the Mayor and Council desire to appoint Jonathan Drill of the firm Stickel, Koenig, Sullivan & Drill, LLC as special counsel to the Borough in connection with this matter; and

WHEREAS, the contract amount shall not exceed \$10,000.00; and

WHEREAS, the Borough Chief Financial Officer has certified that there are available sufficient funds for this contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Chatham that Jonathan Drill of the firm Stickel, Koenig, Sullivan & Drill, LLC, is hereby appointed as special counsel representing the Borough in connection with the Motion Requesting a Mid-Point Review pursuant to N.J.S.A. 52:27-313 and Assignment of a Special Master filed by attorneys for AST Bradley Chatham, LLC in connection with the Borough's affordable housing compliance action, In the Matter of Borough of Chatham Affordable Housing Compliance, Docket No. MRS-L-1906-15. The contract amount shall not exceed \$10,000.00 and the form of agreement shall be acceptable to the Borough Attorney.

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

Council Member Treloar offered the following Resolution and moved its adoption, seconded by Council Member Resto.

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			
Koronkiewicz			X			
Treloar	X		X			
Resto		X	X			

With all members voting in favor of the resolution, Resolution # 20-265 was approved.

ADJOURNMENT

Having no other business to be conducted in public session, Council Member Resto made a motion to adjourn the meeting, seconded by Council Member Koronkiewicz. The motion was approved on a voice vote and the meeting was adjourned at 8:41 p.m.

Respectfully Submitted on December 14, 2020 by:

Tamar Lawful, RMC
Borough Clerk
BOROUGH OF CHATHAM