

**REGULAR MEETING OF THE  
MAYOR AND BOROUGH COUNCIL  
MARCH 14, 2022 MINUTES**

Mayor Thaddeus J. Kobylarz called the Regular Meeting, held virtually, of the Borough of Chatham to order on Monday, March 14, 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	Attended Virtually
Council Member Karen Koronkiewicz	Arrived late
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 President Treloar to proceed with Resolution #22-133.

Council President Treloar read Resolution #22-133.

### **RESOLUTION #22-133**

#### **RESOLUTION CELEBRATING NATIONAL WOMEN'S HISTORY MONTH IN THE MONTH OF MARCH**

**WHEREAS**, the origins of Women's History Month as a national celebration go back to 1981 when Congress passed PL 97-28 which established the week beginning March 7, 1982, as "Women's History Week", and then to 1987 when Congress passed PL 100-9 designating March as "Women's History Month"; and

**WHEREAS**, as the Library of Congress reminds us, the goal of Women's History Month is "to commemorate and encourage the study, observance, and celebration of the vital role of women in American history;" and

**WHEREAS**, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and the peace movement, all of which have helped to create a more fair and just society for all; and

**WHEREAS**, despite these contributions, the role of women has been consistently overlooked and undervalued, in the literature, teaching and study of American history; and

**WHEREAS**, the study of history reveals such memorable facts about the struggle women have faced as the following:

- NJ's original (1776) constitution gave the right to vote to all state residents (including women) who owned property. This right applied to single women only. Married women were excluded since their property was legally owned by their husbands. In 1807, this law was changed, limiting the right to vote to white males only.
- In November 1917, after peacefully demonstrating in front of the White House on behalf of women's right to vote, 33 women were imprisoned and brutally beaten in what became known as the Night of Terror.
- In 1920, the 19th Amendment giving women the right to vote was ratified, which marked the largest expansion of democracy in the history of our country. But it was not until 1965, when President Lyndon Johnson signed the Voting Rights Act into law, that discriminatory tactics used against women of color were outlawed, and all women could vote.
- It was not until 1974, when Congress passed the Equal Credit Opportunity Act, that women were able to get credit cards in their own name.

**WHEREAS**, each year Women's History Month has a theme, and the theme for 2022 is "Providing Healing, Promoting Hope"; and

**WHEREAS**, this theme is meant to be a tribute to the work of caregivers and frontline workers during the pandemic as well as a recognition of the thousands of ways that women of all cultures have provided both healing and hope throughout history; and

**WHEREAS**, American women have played and continue to play a critical role (economic, cultural, and social) in every sphere of life in our Nation.

**NOW, THEREFORE BE IT RESOLVED**, that the Borough of Chatham supports 2022's celebration of Women's History Month and encourages residents of all ages to observe this occasion through activities based on thoughtful reflection and principled resolve to create a world that is more just, peaceful, and equitable for all.

###

Council President Treloar moved to adopt Resolution #22-133, seconded by Council Member Dempsey. By a unanimous voice vote, Resolution #22-133 was adopted.

Council Member Koronkiewicz arrived at the meeting.

Council Member Dempsey made brief remarks regarding Women's History Month.

Council President Treloar announced an event hosted by the Borough of Madison honoring Women's History Month.

Mayor Kobylarz read Resolution #22-134.

#### **RESOLUTION #22-134**

#### **RESOLUTION OF THE BOROUGH OF CHATHAM EXPRESSING SOLIDARITY WITH THE PEOPLE OF UKRAINE AND AUTHORIZING DISPLAY OF THE UKRAINIAN FLAG IN FRONT OF ITS MUNICIPAL BUILDING IN SUPPORT THEREOF**

**WHEREAS**, on February 24, 2022, the Russian military, under the direction of that nation's reckless President, Vladimir Putin, launched an unprovoked, unjustifiable, and illegal invasion of the sovereign and free country of Ukraine; and

**WHEREAS**, the Russian military has, in the time since, engaged in unceasing military attacks on civilian populations, hospitals, nuclear power plants, and even humanitarian corridors as innocent Ukrainian citizens seek to flee these unwarranted assaults; and

**WHEREAS**, more that 2.5 million Ukrainians have now fled the country they love; and

**WHEREAS**, many who have stayed behind are currently in cities and towns devoid of such basic needs as running water, electricity, medicines, and food – all of which have been cut off by the invading Russian military; and

**WHEREAS**, many brave Ukrainians have chosen to remain in their country for the purpose of courageously defending their homeland; and

**WHEREAS**, to date, thousands of Ukrainian soldiers and civilians have been killed in this unjustified and senseless war; and

**WHEREAS**, this brutal invasion of the sovereign nation of Ukraine has been condemned by much of the entire world, including the residents of Chatham Borough and the members of this Governing Body; and

**WHEREAS**, we cannot but feel repulsed by the incessant media images of dead civilians (including children and pregnant women), devastated neighborhoods, and millions of Ukrainian refugees fleeing the senseless carnage wrought by these foreign aggressors upon the Ukrainian homeland; and

**WHEREAS**, we are equally moved by the brave resistance of the Ukrainian people in the face of the relentless assaults, bombings, and crimes against peace waged by Vladimir Putin and his brutal military, who, despite overwhelming odds, Ukrainians continue to defend their nation and the broad principles of liberal democracy with valor, resolve, and honor.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Chatham strongly condemns the unprovoked invasion of the sovereign nation of Ukraine by Vladimir Putin and his military and stands in complete solidarity with the people of Ukraine in their courageous defense of their security, freedom, and the sovereignty of their nation.

**BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Chatham hereby approves the flying of the Ukrainian national flag for a period of thirty (30) days in front of the Municipal Building as an expression of our admiration for, and solidarity with, the brave people of Ukraine.

# # #

Mayor Kobylarz asked for a motion to adopt Resolution #22-134.

Council President Treloar moved to adopt Resolution #22-134, seconded by Council Member Resto. By a unanimous voice vote, Resolution #22-134 was adopted

Mayor Kobylarz spoke about an anonymous Borough resident who will be receiving a ceremonial copy of Resolution #22-134.

## **RECUSALS**

There were none.

## **DISCUSSION ITEMS**

Mayor Kobylarz introduced the President of the Library Board of Trustees, Andrew Hollander and the Library Directory, Karen Brodsky.

Andrew Hollander and Karen Brodsky gave a short presentation on the status of the Library of the Chathams.

Mayor Kobylarz made some brief remarks and opened the floor to other Council Members' input for a Q&A session with Mr. Hollander and Ms. Brodsky.

## **MAYOR'S REPORT I:**

Mayor Kobylarz gave a report on the latest Covid-19 statistics. The Mayor announced a brief flag raising ceremony to show support for the people of Ukraine. Finally, Mayor Kobylarz reported on the timeline for the Post Office Plaza Redevelopment selection process.

## **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.

### **Jack Drew- 32 Inwood Road**

Jack asked if there would be a Q&A at the aforementioned Post Office Plaza Redevelopment (POP) meeting.

### **Bob Weber – 99 Summit Avenue**

Bob expressed his support for the Q&A at the next POP meeting. He suggested revisions to the POP process.

### **Freddie Bicknese – 137 N. Hillside Avenue**

Freddie stated that Bob Weber covered most of the points he had written down. Freddie asked several questions regarding the five options for POP.

### **Brigid McMnamin – Center Avenue**

Brigid thanked Mayor Kobylarz for announcing the town hall meeting for POP. She also suggested revisions to the POP timeline and process.

### **Hugh Ames – Girard Avenue**

Hugh criticized the current process for POP.

### **Fran Drew – 32 Inwood Road**

Fran expressed frustration with the parking situation on Center Street in connection with the yoga studio. She also discussed and advocated for the adoption of the “Ken’s Glen” plan.

### **Valerie Clark – Fern Avenue**

Valerie asked if the Council would produce new redevelopment options after feedback from the POP town hall meetings.

### **Rozella Clyde – 36 Carmine Street (attended virtually)**

Rozella complimented the library staff and operations. She expressed concern about the lack of teen recreation services to avoid drug and alcohol abuse, and the allocation of funds donated to the library. Rozella encouraged the council to expand the POP timeframe.

### **Brian McAuliffe – 40 Lum Avenue**

Brian critiqued the POP timeframe.

**(inaudible) – Chatham Borough**

The resident echoed previous critiques of the POP timeframe.

**Rozella Clyde – 36 Carmine Street** (attended virtually)

Rozella shared the details of a Green Team event with the Borough Council.

**Michael Dean – 181 N. Passaic Avenue** (attended virtually)

Michael asked if there were any conflicting Borough events on the POP town hall dates. He also asked if the timeline could be extended. Michael asked for clarification on the five options. He was concerned about the POP timeframe.

**Trisha Finley – 35 Woodland Road** (attended virtually)

Trisha suggested revisiting the contents of the Master Plan. She also suggested making the POP options available ahead of time.

**Bob Weber – 99 Summit Avenue**

Bob announced that there was a Board of Education budget meeting the following Monday.

**Hugh Ames – Girard Avenue**

Hugh asked for more information regarding the attorney's advice to the Borough Council.

Borough Attorney Kleinman stated that the redevelopment counsel's advice is standard practice in redevelopment matters as there are ongoing negotiations.

**Brian McAuliffe – 40 Lum Avenue**

Brian asked for clarification on the specifics of the advice.

Borough Attorney Kleinman answered that the Council is operating appropriately under the Open Public Meetings Act and that any disclosure of information may give a developer an unfair advantage.

Brian suggested amending the POP timeframe.

**Bob Weber – 99 Summit Avenue**

Bob thanked the Mayor and Council for allowing Mr. Kleinman to speak and agreed with his opinion. He again critiqued the POP timeframe.

**Brigid McMenamin – Center Avenue**

Brigid critiqued the redevelopment counsel's opinion.

**Jack Drew – 32 Inwood Road**

Jack asked why there were legal issues.

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

Mayor Kobylarz gave an overview of the Post Office Plaza redevelopment history and provided information regarding his personal aims and opinions.

## **RESOLUTIONS NON-ROUTINE/NON-CONSENT**

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Resolution #22-135.

Council Member Koronkiewicz read Resolution #22-135 and provided a brief explanation.

###

### **RESOLUTION #22-135**

#### **RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM FOR TEMPORARY EMERGENCY APPROPRIATION**

**WHEREAS**, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year; and

**WHEREAS**, the total emergency temporary appropriation resolutions adopted in the year 2022 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$6,388,835 for Current Fund, \$696,550 for the Water Utility Fund, and \$405,195 for the Solid Waste Utility Fund.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Chatham, in the County of Morris, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20: 1. Emergency temporary appropriations be and the same are hereby made in the amount of \$6,388,835 for Current Fund, \$696,550 for the Water Utility Fund, and \$405,195 for the Solid Waste Utility Fund. The detailed account breakdown is as follows:

#### **CURRENT FUND 2022 EMERGENCY TEMPORARY APPROPRIATIONS:**

<b><u>Account Description</u></b>	<b><u>2022 Temporary Emergency Appropriations</u></b>
ADMINISTRATIVE SALARIES	\$71,945.00
ADMIN & EXEC. O.E.	\$72,375.00
HUMAN RESOURCES SALARIES	\$14,280.00
HUMAN RESOURCES OE	\$4,000.00
MAYOR & COUNCIL EXPENSES	\$1,250.00
COMMUNITY SERVICES S&W	\$70,712.50
COMMUNITY SERVICES OE	\$10,350.00
BOROUGH CLERK SALARIES	\$75,452.50
BOROUGH CLERK O.E.	\$14,500.00
FINANCIAL ADMIN.SALARIES	\$100,065.00
FINANCIAL ADMIN. OE	\$49,250.00
AUDITOR O.E.	\$18,000.00
TAX COLLECTION - SALARIES	\$32,035.00
TAX COLLECTION O.E.	\$3,300.00

ASSESSMENT - SALARIES	\$24,705.00
ASSESSMENT O.E.	\$14,750.00
LEGAL O.E.	\$50,000.00
ENGINEERING SALARIES	\$29,355.00
ENGINEERING OE	\$3,250.00
O.E. HISTORIC PRESERVATION	\$500.00
PLANNING BOARD - SALARIES	\$18,405.00
PLANNING BOARD O.E.	\$11,750.00
BOARD OF ADJUSTMENT-SALARIES	\$18,405.00
BOARD OF ADJUSTMENT - O.E.	\$4,150.00
LIABILITY INSURANCE	\$71,088.50
WORKERS COMP. INSURANCE	\$64,088.50
GROUP INSURANCE	\$285,600.00
HEALTH BENEFIT WAIVER	\$27,500.00
UNEMPLOYMENT INSURANCE	\$8,750.00
SALARIES -POLICE	\$1,604,267.00
POLICE O.E.	\$89,744.00
AUTO PURCHASE	\$9,150.00
PROJECT PRIDE	\$15,300.00
INTERLOCAL SVC AGREEMENT-COUNTY DISPATCH	\$102,777.50
PARKING ADMINISTRATIVE-SALARIES	\$57,370.00
PARKING ADMINISTRATIVE - OE	\$9,750.00
EMERGENCY MGMT. - SALARIES	\$4,255.00
EMERGENCY MGMT. O.E.	\$1,125.00
EMERGENCY SQUAD O.E.	\$7,500.00
FIRE - SALARIES	\$25,400.00
FIRE O.E.	\$48,022.50
FIRE SAFETY S & W	\$31,600.00
FIRE SAFETY OE	\$3,000.00
SALARIES PUBLIC WORKS	\$497,950.00
PUBLIC WORKS O.E.	\$75,550.00
SHADE TREE COMMISSION	\$12,500.00
BLDGS & GROUNDS O.E.	\$31,750.00
P.E.O.S.H.A.	\$4,000.00
VEHICLE MAINTENANCE-SALARIES	\$51,425.00
VEHICLE MAINTENANCE O.E.	\$34,250.00
BOARD OF HEALTH - SALARIES	\$7,300.00
BOARD OF HEALTH O.E.	\$49,169.00
ENVIRONMENTAL - SALARIES	\$4,185.00
ENVIRONMENTAL COMMISSION O.E.	\$1,150.00
ANIMAL CONTROL SERVICES O.E.	\$1,000.00
RECREATION SALARIES	\$53,730.00
BOARD OF RECREATION O.E.	\$13,600.00
SR.CITZENS CNTR TRANSPORATION	\$12,500.00
PARK MAINTENANCE O.E.	\$28,250.00
LIBRARY	\$478,546.00
CELEBRATION OF PUBLIC EVENTS	\$3,000.00



FARMER'S MARKET S & W	\$5,480.00
FARMER'S MARKET O.E.	\$8,500.00
ELECTRICITY	\$35,500.00
STREET LIGHTING	\$33,000.00
TELEPHONE	\$28,000.00
NATURAL GAS	\$12,500.00
HEATING OIL	\$50.00
SEWAGE PROC & DISPOSAL S & W	\$56,705.00
SEWERAGE PROC & DISPOSAL O.E.	\$318,315.00
GASOLINE / DIESEL	\$38,000.00
P.E.R.S.	\$284,888.00
SOCIAL SECURITY TAXES	\$115,260.00
DCRP - EMPLOYERS MATCH	\$1,000.00
P.F.R.S.	\$823,409.00
INTERLOCAL AGREEMENT-JOINT COURT	\$89,300.00
<b>TOTAL</b>	<b>\$6,388,835.00</b>

**WATER UTILITY 2022 EMERGENCY TEMPORARY APPROPRIATIONS:**

<u>Account Description</u>	<u>2022 Temporary Emergency Appropriations</u>
WATER OPERATING SALARIES	\$324,988.00
WATER ADMIN. O.E.	\$236,200.00
PERS	\$110,000.00
F.I.C.A.	\$24,250.00
UNEMPLOYMENT INSURANCE	\$1,112.00
<b>TOTAL</b>	<b>\$696,550.00</b>

**SOLID WASTE UTILITY 2022 EMERGENCY TEMPORARY APPROPRIATIONS:**

<u>Solid Waste Utility Account Description</u>	<u>2022 Temporary Emergency Budget</u>
WATER OPERATING SALARIES	\$57,780.00
WATER ADMIN. O.E.	\$329,115.00
PERS	\$13,500.00
F.I.C.A.	\$4,300.00
UNEMPLOYMENT INSURANCE	\$500.00
<b>TOTAL</b>	<b>\$405,195.00</b>

###

Council Member Koronkiewicz moved to adopt Resolution #22-135, seconded by Council Member Resto.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Dempsey			<b>X</b>			
Mathiasen			<b>X</b>			
Koronkiewicz	<b>X</b>		<b>X</b>			

Treloar			<b>X</b>			
Resto		<b>X</b>	<b>X</b>			
Truilo			<b>X</b>			

By a unanimous Roll Call Vote, Resolution #22-135 was adopted.

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Resolution #22-136.

Council Member Koronkiewicz read Resolution #22-136 and gave a brief explanation.

# # #

### **RESOLUTION #22-136**

#### **RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM AUTHORIZING 2021 BUDGET APPROPRIATION TRANSFER**

**BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Chatham, County of Morris, and State of New Jersey, that 2021 Budget Appropriations Transfers totaling \$81,000 for Current Fund, are to be made in the following manner:

#### **CURRENT FUND:**

<b>FROM:</b>	<b>AMOUNT</b>
Group Insurance, Operating Expenses	\$50,000
Health Benefit Waiver	\$10,000
Public Works Salary & Wages	\$10,000
Joint Court Operating Expenses	\$11,000
<b>TOTAL</b>	<b>\$81,000</b>
<b>TO:</b>	<b>AMOUNT</b>
Madison & Chatham Joint Meeting Operating Expenses	\$31,000
Public Works Operating Expenses	\$50,000
<b>TOTAL</b>	<b>\$81,000</b>

**BE IT FURTHER RESOLVED**, by the Mayor and Borough Council of the Borough of Chatham, (not less than two thirds of all members thereof affirmatively concurring) that in accordance with provision N.J.S.A. 40A:4-59, that the transfers in the listed above be made between the 2021 Budget Appropriation Reserves.

# # #

Council Member Koronkiewicz moved to adopt Resolution #22-136, seconded by Council Member Truilo.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Dempsey			<b>X</b>			
Mathiasen			<b>X</b>			
Koronkiewicz	<b>X</b>		<b>X</b>			
Treloar			<b>X</b>			

Resto			<b>X</b>			
Truilo		<b>X</b>	<b>X</b>			

By a unanimous Roll Call Vote, Resolution #22-136 was adopted.

## **ORDINANCE FOR SECOND READING**

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Ordinance #22-02.

Council Member Koronkiewicz read Ordinance #22-02 by title and the following statement:

### **ORDINANCE #22-02**

#### **CALENDAR YEAR 2022**

#### **AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

**(N.J.S.A. 40A: 4-45.14)**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on February 28, 2022.

Mayor Kobylarz asked the Borough Clerk to give a summary of the legal notice.

Acting Borough Clerk Stephen Williams stated: A legal notice was published indicating that Ordinance #22-02 was introduced and passed on first reading at the February 28, 2022, meeting and indicated the second reading and public hearing would be held at 7:30 pm on March 14, 2022 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Kobylarz opened the meeting for public hearing on the Ordinance.

Mayor Kobylarz closed the public hearing when no one else wished to be heard.

Council Member Koronkiewicz moved to adopt Ordinance #22-02.

**BE IT RESOLVED**, that this Ordinance as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

Council Member Resto seconded the motion.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Dempsey			<b>X</b>			
Mathiasen			<b>X</b>			
Koronkiewicz	<b>X</b>		<b>X</b>			
Treloar			<b>X</b>			

Resto		<b>X</b>	<b>X</b>			
Truilo			<b>X</b>			

By a unanimous Roll Call Vote, Ordinance #22-02 was adopted on second reading.

# # #

**ORDINANCE #22-02**

**CALENDAR YEAR 2022**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Council of the Borough of Chatham in the County of Morris finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 1% increase in the budget for said year, amounting to \$100,135.70 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Chatham in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Chatham shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$350,474.95 and that the CY 2022 municipal budget for the Borough of Chatham be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER RESOLVED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER RESOLVED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER RESOLVED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

# # #

## **COUNCIL MEMBER REPORTS**

**Council President Treloar** – Council President Treloar announced two new events in town: a vigil for the anniversary of the Atlanta shootings and the Diversity Equity and Inclusion Committee’s Coffee Culture and Conversation series.

**Council Member Dempsey** – Council Member Dempsey reported on the Joint Recreation Committee meeting and Chatham Spring sports. She congratulated the Girls High School Basketball team for making state finals. Council Member Dempsey announced the High School musical and urged all to attend.

**Council Member Mathiasen** – Council Member Mathiasen reported on the Environmental Commission’s future events.

**Council Member Koronkiewicz** – Council Member Koronkiewicz had no new business to report on.

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

- Senior Citizen Advisory Committee’s next meeting, and annual paper shredding event.
- Board of Health’s new member, Dr. Scherer, the importance of dog and cat licensing, and the improper disposal of dog waste.
- Food Distribution event series and increasing demand from seniors.

**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 reported on the following topics:

- JCP&L High Tension Wire utility patrols
- Memorial Pool Lifeguard position openings

## 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 #22-137 through Resolution #22-141 have been placed on the Consent Agenda.

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

There were none.

# # #

### **RESOLUTION #22-137**

#### **RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT**

**WHEREAS**, there appears on the tax records an overpayment for 2020 4th Quarter taxes as shown below, and;

**WHEREAS**, the Tax Collector recommends the refund of such overpayment to be made as follows:

<b>BLOCK/LOT</b>	<b>OWNERS/PROPERTY LOCATION</b>	<b>AMOUNT</b>	<b>TAX QTR.</b>
79/16	Haemmerle Aprill, Patricia 380 Main Street – Unit #36 Chatham, New Jersey 07928	\$278.17	2020 4 <sup>th</sup> Qtr.

**\*Please make check payable and mail to the above homeowner**

**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 #22-138**

#### **RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT**

**WHEREAS**, there appears on the tax records an overpayment for 2020 4th Quarter taxes as shown below, and;

**WHEREAS**, the Tax Collector recommends the refund of such overpayment to be made as follows:

<b>BLOCK/LOT</b>	<b>OWNERS/PROPERTY LOCATION</b>	<b>AMOUNT</b>	<b>TAX QTR.</b>
111/4	Lemons, Michael & Linda Deutz	\$2,431.96	2022 2 <sup>nd</sup> Qtr.

121 Hillside Avenue  
Chatham, New Jersey 07928

**\*Please make check payable and mail to the above homeowner**

**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 #22-139**

**RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO D'ONOFRIO & SON INC.**

**WHEREAS**, The Borough of Chatham publicly opened bids on March 2, 2022, for a two-year contract to provide grass and property maintenance at various locations throughout the Borough of Chatham; and

**WHEREAS**, two bids were received, and base bids are as follow; and

Vendor	Base Bid
D'Onofrio & Son Inc.	\$96,610.00
LTI, Inc.	\$173,480.00

**WHEREAS**, D'Onofrio & Son, Inc. is the lowest responsive and responsible bidder and has been duly reviewed and analyzed by the Chatham Borough Attorney and the Qualified Purchasing Agent; and

**WHEREAS**, the bid received by D'Onofrio & Son, Inc. has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

**WHEREAS**, the Chief Financial Officer has certified that encumbrances for these services shall come from account number 2-01-28-375-258 and will be appropriated in future years' budgets and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Borough of Chatham, County of Morris, State of New Jersey, as follows:

1. The Borough Council hereby awards a contract to D'Onofrio & Son, Inc. in the amount not to exceed \$96,610 for a two-year grass and property maintenance contract.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with D'Onofrio & Son, Inc. in accordance with its bid for grass and property maintenance.
3. This resolution and contract shall be available for public inspection in the office of the Borough Clerk.

**RESOLUTION #22-140**

**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 will cover the bills list from February 25, 2022 and March 11, 2022.

**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 #22-141**

#### **RESOLUTION APPOINTING JAMES BRUEN AS A PROBATIONARY FIREFIGHTER FOR THE CHATHAM BOROUGH VOLUNTEER FIRE DEPARTMENT**

**WHEREAS**, the Mayor and Council of the Borough of Chatham recognize the valuable contributions volunteer firefighters make to our community every day of every year; and

**WHEREAS**, James Bruen has expressed interest in becoming a Probationary Firefighter with the Chatham Borough Volunteer Fire Department; and

**WHEREAS**, the Fire Chief has recommended that James Bruen should be appointed as a Probationary Firefighter to the Chatham Borough Volunteer Fire Department, Engine Company No. 1.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that James Bruen is hereby appointed as a Probationary Firefighter to the Chatham Borough Volunteer Fire Department, Engine Company No. 1; and

**BE IT FURTHER RESOLVED**, that James Bruen's application for membership to the Chatham Borough Volunteer Fire Department is hereby approved.

###

#### **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.

#### **ORDINANCE FOR FIRST READING**

Mayor Kobylarz asked Council Member Koronkiewicz to introduce Ordinance #22-03 on first reading.

Council Member Koronkiewicz read Ordinance #22-03 by title and briefly explained its purpose.

###



**ORDINANCE #22-03**

**BOND ORDINANCE TO AUTHORIZE THE RESURFACING OF WOODLAND ROAD (FROM LAFAYETTE AVENUE TO THE MADISON BORDER) IN, BY AND FOR THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$320,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, 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**

**BE IT RESOLVED**, by the Borough Council of the Borough of Chatham, in the County of Morris, State of New Jersey, as follows:

Section 1. The Borough of Chatham, in the County of Morris, State of New Jersey (the "Borough") is hereby authorized to resurface Woodland Road (from Lafayette Avenue to the Madison border), including curb, sidewalk and drainage improvements, where necessary, in, by and for the Borough. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor. It is hereby determined and stated that said road being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of \$320,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the State grant appropriated by this ordinance. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves a project to be funded by a State grant. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$320,000, and (4) \$138,100 of said sum is to be provided by the State grant hereinafter appropriated, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$181,900, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$54,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. The sum of \$138,100 received or to be received as a grant from the State of New Jersey Department of Transportation is hereby appropriated to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$181,900 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$181,900 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any

time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$181,900 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose (other than the State grant hereinbefore appropriated which shall be applied to the payment of the cost of such purpose, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction in the amount of bonds authorized), shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The Borough intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes, in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

###

Council Member Koronkiewicz explained the purpose of Ordinance #22-03 and moved to adopt Ordinance #22-03 on first reading, seconded by Council Member Truilo.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Treloar			<b>X</b>			
Mathiasen			<b>X</b>			
Dempsey			<b>X</b>			
Koronkiewicz	<b>X</b>		<b>X</b>			
Resto			<b>X</b>			
Truilo		<b>X</b>	<b>X</b>			

By a unanimous Roll Call Vote, Ordinance #22-03 was adopted on first reading.

## **EXECUTIVE SESSION AND ADJOURNMENT**

Having no other business to conduct in public session, Mayor Kobylarz asked Council Member Truilo to proceed with Resolution #22-142 to adjourn into Closed Session.

Council Member Truilo read Resolution #22-142

### **RESOLUTION #22-142**

#### **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 #22-142 to adjourn into Closed Session, seconded by Council Member Resto. By a unanimous vote, the meeting was adjourned.

Respectfully submitted on June 13, 2022, by  
Stephen Williams, Acting Borough Clerk.