

**MEETING OF THE BOROUGH OF CHATHAM
MAYOR AND BOROUGH COUNCIL
MEETING MINUTES
AUGUST 8, 2022**

CALL MEETING TO ORDER

Mayor Thaddeus J. Kobylarz called the Regular Meeting of the Borough of Chatham's Borough Council to order on Monday, August 8, 2022, at 7:30 P.M. in the Council Chambers in Borough Hall, 54 Fairmount Avenue.

SALUTE TO FLAG AND MOMENT OF SILENCE

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

Borough Clerk Nienhouse read the following statement:

Pursuant to the requirements of the Open Public Meetings Act, adequate notice of this meeting has been provided by including same in email to the Daily Record, the Chatham Courier, the Chatham Patch, and TAPinto Chatham, posted copies on the official bulletin board on the main floor of Borough Hall and was filed with the Borough Clerk, all on January 4, 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 - virtually
Council Member Jocelyn Mathiasen - virtually
Council Member Karen Koronkiewicz
Council Member Leonard Resto
Council Member Frank Truilo

Also present were:

Stephen W. Williams, Borough Administrator
Steven Kleinman, Borough Attorney
Vanessa Nienhouse, Borough Clerk

MAYORAL APPOINTMENTS

Mayor Kobylarz made the following appointment.

APPOINTMENT OF SUSAN ROBERTSON AS CHAIRPERSON AND ALLISON SLATER TO THE CHATHAM BOROUGH ENVIRONMENTAL COMMISSION

WHEREAS, due to the recent resignation of Torri Van Wie, there exists a need for a Chairperson on the Chatham Borough Environmental Commission with such position and term set to end on December 31, 2022; and

WHEREAS, Ms. Van Wie's resignation also created a vacancy on the Commission with a term ending on December 31, 2022; and

WHEREAS, N.J.S.A. 40:56A-1 sets forth that the Mayor of the municipality shall designate one of the members to serve as chairman and presiding officer of the commission as well as make the membership appointments; and

WHEREAS, Susan Robertson from the Environmental Commission has expressed interest in becoming the Chairperson and Allison Slater expressed interest in becoming a member of the same; and

NOW, THEREFORE, as Mayor, I, Thaddeus J. Kobylarz do hereby appoint Susan Robertson as the Chairperson to the Environmental Commission to fill the vacant unexpired Chairperson term ending December 31, 2022. I also appoint Allison Slater as a regular member with an unexpired term ending on December 31, 2022. The Borough Clerk is directed to update the register of Appointed Municipal Positions to reflect said appointments in accordance with N.J.S.A. 40:56A-1 and Chapter 3, §3.3 of the Code of the Borough of Chatham.

APPOINTMENT TO THE CHATHAM FIRE DEPARTMENT

Council Member Koronkiewicz read Resolution #22-231 in its entirety:

RESOLUTION #22-231

RESOLUTION APPOINTING JULIAN MOSZCZYNSKI 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, Julian Moszczynski has expressed interest in becoming a Probationary Firefighter with the Chatham Borough Volunteer Fire Department; and

WHEREAS, the Fire Chief has recommended that Julian Moszczynski be appointed as a Probationary Firefighter to the Chatham Borough Volunteer Fire Department.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that Julian Moszczynski is hereby appointed as a Probationary Firefighter to the Chatham Borough Volunteer Fire Department; and

BE IT FURTHER RESOLVED, that Julian Moszczynski's Application for Membership to the Chatham Borough Volunteer Fire Department is hereby approved.

Council Member Koronkiewicz moved to adopt Resolution #22-231, seconded by Council Member Resto. Resolution #22-231 was adopted by a unanimous voice vote.

PROCLAMATIONS

Council Member Treloar read Resolution #22-232 in its entirety:

RESOLUTION # 22-232

RESOLUTION SUPPORTING THE 16TH ANNUAL TURN THE TOWNS TEAL® CAMPAIGN, A NATIONAL CAMPAIGN PROMOTING AWARENESS OF OVARIAN CANCER AND ITS SYMPTOMS

WHEREAS, ovarian cancer is the fifth leading cause of cancer-related death among women in the United States; and

WHEREAS, the month of September is dedicated to raising awareness of ovarian cancer; and

WHEREAS, ovarian cancer is called the "silent disease" because its symptoms are often vague or subtle; and

WHEREAS, if detected in its early stages, the survival rate from ovarian cancer is 90-95 percent, yet the relative five-year survival rate for ovarian cancer is 46 percent because it is so difficult to detect early. Survival rates vary greatly depending on the stage of diagnosis; and

WHEREAS, the Turn The Towns Teal®, a national campaign to promote awareness of ovarian cancer and its symptoms, was the inspiration of Gail MacNeil of Chatham, New Jersey during her 10-year battle with

ovarian cancer. This campaign continues to go forward in her name and in her honor; and
WHEREAS, Turn The Towns Teal® and the Ovarian Cancer Research Fund Alliance (OCRFA) are partnering to promote awareness of ovarian cancer through the Turn The Towns Teal® campaign.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby support the Turn The Towns Teal® campaign, a national campaign to promote awareness of ovarian cancer and its symptoms, and authorize the placement of teal colored ribbons around Borough trees during the month of September; and

BE IT FURTHER RESOLVED, that the placement of any banners or signage must be reviewed and approved in advance of their posting on Borough property by the Borough's Zoning Officer and that all ribbons shall be removed from Borough trees on or before September 30, 2022.

Council Member Treloar moved to adopt Resolution #22-232, seconded by Council Member Resto. All were in favor.

RECUSALS

There were no recusals or abstentions submitted for the record.

ADOPTION OF COUNCIL MEETING MINUTES

Council Member Resto read Resolution #22-233.

RESOLUTION #22-233 RESOLUTION TO ADOPT COUNCIL MEETING MINUTES OF JUNE 27, 2022

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

June 27, 2022

Council Member Resto moved to adopt Resolution #22-233, seconded by Council Truilo. All were in favor.

DISCUSSION ITEMS

Nisivoccia Borough of Chatham Audit Presentation – Bud Jones and Caitlin Orton.
Recording was inaudible.

MAYOR'S REPORT I

Mayor Kobylarz reported on the following:

- Coronavirus numbers
- Monkeypox
- Library update- see library website for detailed information.

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.

Michael Dean – 181 North Passaic Ave. – Commented on the presentation by Mr. Bill Heap at the last meeting as well as his view on pertinent agenda items. Would like to see a business plan for the Stanley Community Center.

Bob Weber – 99 Summit Ave. – Asked for an explanation of auditing services in resolution 22-240. Commented on his opinion and views regarding Post Office Plaza.

Michael Dean – 181 North Passaic Ave. – Stated the 9/11 ceremony will be at 7pm on September 11th.

Seeing no one else wished to speak, Mayor Kobylarz closed this portion of the meeting.

Council Person Mathiasen gave an explanation of Resolution #22-240 as well as the work being done with the Stanley Community Center.

Mayor Kobylarz reminded everyone that the Post Office Plaza project is part of an ongoing litigation and that He and the Council needed to be very careful as to what is said.

RESOLUTIONS NON-ROUTINE NON-CONSENT

Council Member Koronkiewicz read Resolution #22-234 by title:

RESOLUTION #22-234

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Borough Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his/her office.

NOW, THEREFORE BE IT RESOLVED, That the Borough Council of the Borough of Chatham, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Council Member Koronkiewicz moved to adopt Resolution #22-234, seconded by Council Member Resto.

Roll call:

In favor: Council President Treloar and Council Members: Dempsey, Mathiasen, Koronkiewicz, Resto, Truilo

Against: none

Abstain: none

Absent: none

ORDINANCES FOR SECOND READING

Council Member Koronkiewicz read Ordinance #22-07 by title:

ORDINANCE #22-07

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF CHATHAM CHAPTER 139 THEREOF, ENTITLED "VEHICLES AND TRAFFIC" TO ADD A "STOP" SIGN ON TALLMADGE AVENUE AND MAIN STREET

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

Article V. Chapter 139 of the Code of the Borough of Chatham, Section 139-31 thereof, entitled "Stop Intersections" is hereby amended to add the following:

§ 139-31. Schedule IX: Stop Intersections.

In accordance with the provisions of § 139-15, the following described intersections are hereby designated as stop intersections:

Stop Sign on	At Intersection of
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Tallmadge Avenue	Main Street
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Section 1. All other provisions of the Borough Code not amended or supplemented herein remain in full force and effect.

Section 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 3. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

Borough Clerk Nienhouse read the following statement:

A legal notice was published indicating that Ordinance #22-07 was introduced and passed on first reading at the July 11, 2022, meeting and indicated the second reading and public hearing would be held at 7:30 pm on August 8, 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 a public hearing on the Ordinance.

Michael Dean – 181 North Passaic Ave. – Asked if the state was consulted in the installation of the stop sign. Attorney Kleinman and Administrator Williams responded.

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

Council Member Koronkiewicz moved to adopt Ordinance #22-07 by reading the following statement: **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 Truilo seconded the motion.

Roll call:

In favor: Council President Treloar and Council Members: Dempsey, Mathiasen, Koronkiewicz, Resto, Truilo

Against: none

Abstain: none

Absent: none

COUNCIL MEMBER REPORTS

President Treloar – The Borough is partnering with Madison and Chatham Township for a cultural and diversity celebration in Madison at 12-5 pm on September 10, 2022.

Council Member Dempsey – Stanley Center has had a lot of work done lately by the Department of Public Works as well as a cleanup done by volunteers. She added the newly surfaced basketball courts at Garden Park will be open within the next couple of weeks.

Council Member Mathiasen – No report.

Council Member Koronkiewicz – Commented on National Night Out and thanked all that were involved in putting it together.

Council Member Resto – Economic Development Advisory Committee has been speaking with local businesses seeking their opinions on the details of having a business in Chatham. He also spoke about the food distribution in town and asked for donations.

Council Member Truilo –Gave an overview on an Historic Preservation Commission application received by Terrace Apartments.

ADMINISTRATOR'S REPORT

The basketball courts are almost done and urged residents to stay off the courts until complete.

Nine roads in the Borough will be micro surfaced beginning in August. The curb and sidewalk program will begin in September and the milling and paving will be done shortly after. Verizon outage in the Borough

was caused by utility company crushing a fiber optic cable in Madison. Lastly, the Governor extended the outdoor dining option.

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 #22-235 through Resolution #22-246 have been placed on the Consent Agenda.

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RESOLUTION #22-235

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 #22-236

RESOLUTION APPROVING TAX APPEAL SETTLEMENT PUBLIC SERVICE ELECTRIC & GAS CO. BLOCK 31, LOT 2 DOCKET NO. 007058-2012

WHEREAS, an appeal of the real property tax assessment for the tax year 2012 for the property located at 30-64 Brooklake Road, also known as Block 31, Lot 2 on the Official Tax Map of the Borough of Chatham have been filed by the taxpayer and is pending in the Tax Court of New Jersey bearing Docket No. 007058-2012; and

WHEREAS, a settlement has been negotiated with the taxpayer resolving the tax appeal; and

WHEREAS, the property owner has agreed to waive pre-judgment interest due to any refund payable as a result of the proposed settlement provided that the tax refund is credited at the next quarter upon receipt of the Tax Court Judgment; and

WHEREAS, as a result of the proposed settlement, the appeal of the real property tax assessment bearing Docket No. 007058-2012 is reduced as follows:

Year	Original Assessment	Settlement Assessment
2012	\$1,540,000	\$1,055,000

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Chatham that the Borough Council hereby approves the above settlement of the real property tax appeal for 2012 bearing Docket No. 007058-2012; and

BE IT FURTHER RESOLVED, by the Borough Council that the Borough Tax Counsel is hereby authorized and directed to enter into a Stipulation of Settlement, and to file the Stipulation and such other documents as required to implement this settlement with the Tax Court of New Jersey; and

BE IT FURTHER RESOLVED, upon receipt of the Tax Court Judgement, the Borough Tax Collector is hereby authorized to apply the appropriate refund for 2012 in the form of a credit against the following quarter taxes within 60 days of the date of Judgment; and

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

RESOLUTION #22-237

AMENDING 2022 BUDGET, INSERTION OF SPECIAL ITEM OF REVENUE FOR MUNICIPAL ALLIANCE COMMITTEE OF CHATHAMS (MACC) FOR FISCAL YEAR 2023

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the 2022 budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough has received a funds from Morris County in conjunction with Governor's Council on Alcoholism and Drug Abuse (GCADA) in the amount of \$8,038 and wishes to amend its 2022 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Chatham, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022 in the sum of 8,038 which is now available as revenue from:

- Miscellaneous Revenues: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
- Public and Private Revenues Off-set with Appropriations: Morris County in conjunction with Governor's Council on Alcoholism and Drug Abuse (GCADA) in the amount of \$8,038

BE IT FURTHER RESOLVED that like sum of \$8,038 and the same is hereby appropriated under the caption of:

- General Appropriations: Operations Excluded from "CAPS"
- Public and Private Programs Off-set by Revenues: Morris County in conjunction with Governor's Council on Alcoholism and Drug Abuse (GCADA) in the amount of \$8,038

RESOLUTION #22-238

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CHRISTMAS DÉCOR BY EBBY'S FOR THE INSTALLATION AND REMOVAL OF HOLIDAY LIGHTS FOR THE 2022 HOLIDAY SEASON

WHEREAS, the Borough of Chatham enjoys the festive tradition of decorating its Main Street and public properties with holiday lights during the holiday season; and

WHEREAS, the Mayor and Council of the Borough of Chatham wish to continue this tradition for the 2022 holiday season; and

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

WHEREAS, the Borough solicited quotations from the following vendors:

1. Christmas Décor by Ebby's, P.O. Box 2287, Woodland Park, NJ
2. WeHangChristmasLights, 19 Davenport Place, Morristown, NJ

And,

WHEREAS, the Director of the Department of Community Services recommends that a contract be awarded to Christmas Décor by Ebby's of Woodland Park, New Jersey in the amount of \$11,757.52 for the installation of

holiday lights along Main Street, Borough Hall and Reasoner Park, on or about November 5, 2022 and to be taken down and removed on or about January 15, 2023; and

WHEREAS, the Chief Financial Officer has provided a certification of availability of funds in the amount not to exceed \$11,757.52 to be appropriated from the following accounts as follows:

<u>Account Description</u>	<u>Account Number</u>	<u>Amount</u>
Operating (Current) Account	2-01-30-420-201	\$11,757.52

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that it hereby authorizes the Mayor to execute a contract with Christmas Décor by Ebby's for the installation and removal of holiday lights in the aggregate contract amount not to exceed \$11,757.52; and

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

RESOLUTION #22-239

RESOLUTION TO AWARD NON-FAIR AND OPEN CONTRACT TO INSTALL NEW CARPETS IN STANLEY CENTER

WHEREAS, the Borough of Chatham wishes to install new carpets in the Stanley Center; and

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

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

WHEREAS, the Borough of Chatham Department of Public Works solicited two quotations and Best Carpets and Interiors provided the lowest responsive quotation to install new carpets in the Stanley Center in the amount not to exceed \$41,390; and

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

WHEREAS, upon the recommendation of the Department of Public Works and the Borough's Qualified Purchasing Agent, the Borough Council wishes to authorize a non-fair and open contract with Best Carpet Interiors, in accordance with the scope of work and contract amount set forth in its proposal; and

WHEREAS, Borough of Chatham's Chief Financial Officer has certified that there are funds available in the general trust account T-17-56-000-229; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Chatham, County of Morris, State of New Jersey that a contract be processed and awarded to Best Carpets and Interiors in the amount not to exceed \$41,390.

RESOLUTION #22-240

RESOLUTION AUTHORIZING THE AWARD OF NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACTS FOR AUDITING SERVICES TO REVIEW THE CONNECTION FEE FOR WATER AND SEWER SERVICES

WHEREAS, there exists a need to enter into non-fair and open professional services contract auditing services to review the connections fees for water and sewer services pursuant to the provisions of N.J.S.A. 40A:11-5(1)(a); and

WHEREAS, such services constitute professional services as defined by the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i) and N.J.S.A. 19:44A-20.5, which may be awarded without advertisement for bids or bidding in that the required services must be performed by persons authorized by law to practice a recognized profession, whose practice is regulated by law, of the performance of which requires knowledge of an advanced and specialized type; and

WHEREAS, Nisivoccia LLP possesses the experience necessary in their respective profession and the Mayor and Council have determined that the award of the contract would be in the best interests of the Borough; and

WHEREAS, Nisivoccia LLP, its subsidiaries, assigns, or principals controlling in excess of 10% of the firm have submitted to the Borough a Business Entity Disclosure Certification pursuant to the New Jersey Pay-to-Play Act, N.J.S.A. 19:44A-1 et seq., a completed Disclosure of Investment Activities in Iran pursuant to Public Law 2012, C.25, a New Jersey Business Registration Certificate, a completed affirmative action report (Form AA-302) and a completed W-9 form; and

WHEREAS, Borough of Chatham's CFO has certified that there are funds available in budget account 2-01-20-130-223; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Chatham, County of Morris, State of New Jersey that a contract be processed and awarded to Nisivoccia LLP in the amount not to exceed \$17,500 for auditing services to review the connections fees for water and sewer services

RESOLUTION #22-241

AWARDING CIFELLI & SON GENERAL CONTRACTING, INC. THROUGH THE MORRIS COUNTY CO-OP CONTRACT# 6 – SIDEWALK/CURB REPAIR AND REPLACEMENT

WHEREAS, the Borough of Chatham, pursuant to N.J.S.A. 40A:11-11(5), may, by resolution and without advertising for bids, award contracts for the purchase of any goods or services and that were procured through cooperative purchasing agreements; and

WHEREAS, the Borough of Chatham desires to repair and/or replace various sidewalks/curbs throughout the Borough through Morris County Cooperative Bid Contract #6, which exceeds the prevailing bid threshold:

VENDOR: Cifelli & Son General Contracting, Inc.
COST: Not to exceed \$188,120

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to N.J.A.C. 5:30-5.4, said funds to be encumbered from capital account C-04-55-922-502, C-04-55-916-901, C-04-55-916-301, C-04-55-918-002, C-04-55-920-003, C-04-55-922-302;

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Chatham, County of Morris, State of New Jersey authorizes the Mayor and the Borough Clerk to enter into a contract with Cifelli & Son General Contracting, Inc., not to exceed \$188,120 for repairing and/or replacing various sidewalks/curbs throughout the Borough of Chatham.

RESOLUTION 22-242

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM AWARDING ASPHALT PAVING SYSTEMS THROUGH THE CITY OF SUMMIT COOPERATIVE PRICING SYSTEM #192SCCPS MICRORESURFACING PROGRAM

WHEREAS, the Borough of Chatham, pursuant to N.J.S.A. 40A:11-11(5), may, by resolution and without advertising for bids, award contracts for the purchase of any goods or services and that were procured through cooperative purchasing agreements; and

WHEREAS, the Borough of Chatham desires to micro-surface various streets throughout the Borough through City of Summit Cooperative Pricing System #192SCCPS, which exceeds the prevailing bid threshold:

VENDOR: Asphalt Paving Systems
COST: Not to exceed \$52,950

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*, said funds to be encumbered from accounts C-04-55-922-301;

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Chatham, County of Morris, State of New Jersey authorizes the Mayor and the Borough Clerk to enter into a contract with Asphalt Paving Systems, not to exceed \$52,950 for micro-surfacing various streets in the Borough of Chatham.

RESOLUTION #22-243

RESOLUTION APPOINTING A TRAFFIC SAFETY OFFICER TO THE TRAFFIC AND PEDESTRIAN SAFETY ADVISORY COMMITTEE FOR CALENDAR YEAR 2022

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

WHEREAS, the Council of the Borough of Chatham has determined that it needs advice with respect to traffic and pedestrian safety matters; and

WHEREAS, there is currently a vacancy for the position of Traffic Safety Officer.

BE IT RESOLVED, that the Borough Council of the Borough of Chatham does hereby appoint Brian Maher, CBPD, to the position of Traffic Safety Officer on the Traffic and Pedestrian Safety Advisory Committee for the remainder of calendar year 2022.

RESOLUTION #22-244

RESOLUTION ACCEPTING THE RESIGNATION OF DAVID MOREL AS DPW SERVICEMAN FOR THE BOROUGH OF CHATHAM

WHEREAS, David Morel has tendered his resignation as Serviceman for the Borough of Chatham effective July 29, 2022; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby accept the resignation of David Morel for the Borough of Chatham, with the effective date July 29, 2022 and wish him well in his future endeavors; and

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

RESOLUTION #22-245

RESOLUTION APPROVING THE RENEWAL OF A LIQUOR LICENSE FOR THE 2022-2023 LICENSING TERM

WHEREAS, annual renewal applications have been filed by holders of liquor licenses in the Borough of Chatham for the 2022-2023 licensing term; and

WHEREAS, inspections were conducted at each of the licensee’s premises in accordance with N.J.S.A. 33:1-24 and the Borough of Chatham Board of Health regulations; and

WHEREAS, the Chatham Borough Police Department prepared an annual investigation report, which reported no items of concern; and

WHEREAS, the Borough Clerk reported no objections were filed, either written or in person, with respect to the renewal of any liquor license in the Borough; and

WHEREAS, the Borough Clerk confirmed that all liquor license renewal applications have been completed in all respects and all required fees have been paid, and that Tax Clearance Certificates have been issued by the New Jersey Division of Taxation for each of the following licensees.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they are hereby satisfied that all requirements have been met and approve the renewal of the following liquor licenses for the 2022-2023 licensing term:

PLENARY RETAIL DISTRIBUTION LICENSE:

1404-44-004-005 Srinidhi Liquors, LLC (inactive)

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Chatham that they are hereby satisfied that all requirements for the renewal of said liquor licenses have been met and approve the renewal of the herein referenced liquor licenses for the 2022-2023 licensing term; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to file a certified copy of this Resolution with the Director of the Division of Alcoholic Beverage Control with respect to each of the herein referenced liquor licenses and is further authorized to issue liquor licenses for the 2022-2023 licensing term on the form and certificate approved by the Alcoholic Beverage Control Commission in the State of New Jersey for each of the herein-referenced licenses.

RESOLUTION # 22-246

RESOLUTION AUTHORIZING THE MAYOR AND COUNCIL LIAISON TO THE MUNICIPAL ALLIANCE COMMITTEE OF THE CHATHAMS TO EXECUTE A MUNICIPAL ALLIANCE SUPPLEMENTAL GRANT APPLICATION FOR THE YEAR 2022

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents ways to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Borough of Chatham, in the County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem across all communities in our society and amongst people of all ages; and

WHEREAS, the Borough of Chatham further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough of Chatham and the Township of Chatham have combined efforts and established the Municipal Alliance Committee of the Chathams; and,

WHEREAS, the Municipal Alliance Committee of the Chathams would like to apply for supplemental funding to sponsor motivational speaker Sam Anthony and Marijuana Public Health Campaign; and

WHEREAS, the Morris County Board of County Commissioners supplemental funding program for calendar year 2022 will provide funding in the amount of \$4,000.00 for both programs; and

WHEREAS, the Borough of Chatham will contribute a 50% Cash Match towards the program for the total contribution of \$1000.00 for the year 2022; and

WHEREAS, a total of \$6,000.00 will be allotted to the Municipal Alliance Committee of the Chathams for its use towards the 2022 programs.

BE IT RESOLVED, by the Council of the Borough of Chatham that it hereby authorize the Mayor and the Council liaison to the Municipal Alliance Committee of the Chathams to execute the Municipal Alliance Supplemental Funding Application to fund the Motivational Speaker and the Marijuana Public Health Campaign for the year 2022; and

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

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CONSENT AGENDA VOTE

Council President Treloar moved to adopt the resolutions placed the Consent Agenda by consent of the Council, seconded by Council Member Truilo. All in favor via voice vote.

ORDINANCES FOR FIRST READING

Council Member Koronkiewicz introduced Ordinance #22-08 by title:

ORDINANCE NO. 22-08

AN ORDINANCE OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF A PORTION OF RAYMOND STREET EAST OF PIHLMAN PLACE

Council Member Koronkiewicz read the following statement:

WHEREAS, the above Ordinance was introduced and read by title at this Council meeting held on August 8, 2022.

BE IT RESOLVED, that at the Council meeting to be held on September 12, 2022, at 7:30 p.m. prevailing time, at Borough Hall and online, the Chatham Borough Council will further consider this Ordinance for a second reading, public hearing, and final passage; and

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

Council Member Koronkiewicz moved Ordinance #22-08 for adoption on First Reading seconded by Council Member Resto.

Roll call:

In favor: Council President Treloar and Council Members: Dempsey, Mathiasen, Koronkiewicz, Resto, Truilo

Against: none

Abstain: none

Absent:

EXECUTIVE SESSION

Council Member Truilo read Resolution #22-247.

RESOLUTION #22-247

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, ongoing or anticipated contract negotiation, including attorney-client privilege regarding Solid Waste services – Steve Kleinman and Karen Fornaro
- Pending Affordable Housing Litigation and Attorney Client privileged advice regarding Affordable Housing – Steve Kleinman and Jon Drill

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 Mayor and Borough Council will not return to public session after Closed Session.

Council Member Truilo moved to adopt Resolution #22-247, second by Council Member Resto. All in favor.

ADJOURNMENT

Mayor Kobylarz announced that the meeting was adjourned at 8:47 PM. The Mayor and Council will not return to the public meeting when the closed session is done.

Respectfully submitted by:

Vanessa L. Nienhouse,
Borough Clerk