

**SPECIAL MEETING OF THE
MAYOR AND BOROUGH COUNCIL
May 31, 2022 MINUTES**

CALL MEETING TO ORDER

Mayor Thaddeus J. Kobylarz called the Special Meeting of the Borough of Chatham's Borough Council to order on Tuesday, May 31, 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

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 May 24th, 2022.

ROLL CALL

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

Mayor Thaddeus J. Kobylarz

Council President Irene Treloar

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 / Acting Borough Clerk

Steven Kleinman, Borough Attorney

Kendra Lelie, Borough Planner

Absent: Council Member Carolyn Dempsey

RECUSALS

There were no recusals or abstentions submitted for the record.

RESOLUTIONS NON-ROUTINE NON-CONSENT

Mayor Kobylarz asked Council Member Truilo to proceed with Resolution #22-202.

Council Member Truilo stated the 2022 Third Round Housing Plan Element and Fair Share Plan Amendment was approved by the Planning Board at their last meeting. He proceeded to read Resolution #22-202:

RESOLUTION #22-202

RESOLUTION ENDORSING THE 2022 THIRD ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN AMENDMENT

WHEREAS, On March 10, 2015, the Supreme Court transferred responsibility to review and approve housing elements and fair share plans from the Council on Affordable Housing (COAH) to designated Mount Laurel trial judges within the Superior Court; and

WHEREAS, on July 6, 2015, the Borough submitted a Declaratory Judgment Action to the New Jersey Superior Court; and

WHEREAS, the Settlement Agreement with Fair Share Housing Center (FSHC) requires that the Borough of Chatham adopt an Amendment to the 2016 Housing Element and Fair Share Plan that is consistent with said First Amendment of the Settlement Agreement; and

WHEREAS, the Chatham Borough Planning Board adopted on May 26, 2022 an Amended Third Round Housing Plan Element and Fair Share Plan as being consistent with the goals and objectives of the Borough of Chatham Master Plan, as guiding the use of lands in the municipality in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, and as achieving access to affordable housing to meet present and prospective housing needs in accordance with N.J.S.A. 52:27D-310;

WHEREAS, COAH's Prior Round rules at N.J.A.C. 5:91-2.2(a), requires that the Borough Council endorse the Amendment Third Round Housing Element and Fair Share Plan adopted by the Planning Board.

NOW, THEREFORE, BE IT RESOLVED the Borough Mayor and Council of the Borough of Chatham, Morris County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Planning Board on May 26, 2022.

Council Member Truilo moved to adopt Resolution #22-202, seconded by Council Member Resto.

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

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

Against: none

Abstain: none

Absent: Council Member Dempsey

Mayor Kobylarz asked Council Member Koronkiewicz to proceed with Resolution #22-203.

Council Member Koronkiewicz read Resolution #22-203:

RESOLUTION #22-203

RESOLUTION ADOPTING THE BOROUGH'S 2022 SPENDING PLAN

WHEREAS, on May 26, 2022, the Chatham Borough's Planning Board adopted the 2022 Amendment to the Housing Element and Fair Share Plan that addresses the Borough's Rehabilitation Need, Prior Round and Third Round "fair share" obligations; and

WHEREAS, on May 31, 2022, the Borough Council held a properly-noticed public meeting to consider endorsing the 2022 Amendment to the Housing Element and Fair Share Plan adopted by the Planning Board on May 26, 2022 and, after consideration of any questions or concerns raised by members of the governing body or the public, the Borough Council determined that it is in the best interest of the Borough and the region's low- and moderate-income households to endorse said 2022 Amendment to the Housing Element and Fair Share Plan and to direct the Borough's professionals to file said Plan with the Court and to take any and all reasonable actions to secure a Judgment of Compliance and Repose approving said plan to protect the Borough from any Mount Laurel lawsuits; and

WHEREAS, the adopted and endorsed Plan includes a Spending Plan component, as required by the Council on Affordable Housing's Rules at N.J.A.C. 5:93-5.1(c), which projects anticipated revenues to the Borough's Affordable Housing Trust Fund, and describes anticipated expenditures of funds to address its fair share obligation as set forth in the Fair Share Plan; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of Chatham Borough in the County of Morris, and the State of New Jersey hereby adopts the Spending Plan component of the Housing Element and Fair Share Plan.

Council Member Koronkiewicz moved to adopt Resolution #22-203, seconded by Council President Treloar.

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

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

Against: none
Abstain: none
Absent: Council Member Dempsey

Mayor Kobylarz asked Council President Treloar to proceed with Resolution #22-204.
Council President Treloar read Resolution #22-204:

RESOLUTION #22-204

**SELECTING / DESIGNATING A REDEVELOPER FOR THE POST OFFICE PLAZA SITE AND
AUTHORIZING THE MAYOR TO EXECUTE A REDEVELOPMENT / AFFORDABLE HOUSING
AGREEMENT WITH THE SELECTED DEVELOPER OF THE PROJECT AT POST OFFICE PLAZA**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (“LRHL”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, in accordance with the LRHL, the Council for the Borough of Chatham (the “Council”) designated properties located along Bowers Lane and within the Post Office Plaza, shown on the Borough’s Tax Map as Block 121: Lots 10 through 13 and 17, Block 122: Lots 1, 2 and 12 through 18, as an area in need of redevelopment (the “Redevelopment Area”); and

WHEREAS, the Council adopted a Redevelopment Plan by Ordinance No. 19-10, adopted on April 22, 2019, for the Redevelopment Area (the “Redevelopment Plan”) which sets forth, inter alia, the plan for the redevelopment of the Redevelopment Area; and

WHEREAS, on May 2, 2022, the Council adopted Resolution No. 22-169 electing to proceed with a 15 family unit rental affordable housing project in a single structure with adjacent surface parking on a portion of the Redevelopment Area (the “Project”); and

WHEREAS, Nouvelle, LLC, the redeveloper of Cliffside Park, New Jersey has proposed that it be named the redeveloper for the Project on a portion of the redevelopment area located in Lot 10, Block 121 along Bowers Lane (the “Project Area”) subject to conditions given their ability to develop consistent with the Redevelopment Plan; and

WHEREAS, redeveloper is an experienced redeveloper of affordable residential developments; and

WHEREAS, the Council desires that the Project Area be redeveloped by the redeveloper with the Project in accordance with the Redevelopment Plan; and

WHEREAS, the Council is authorized to exercise all powers under the LRHL, etc.; and

WHEREAS, the Mayor and Council have determined to convey the Project Area to the Redeveloper for nominal consideration; and

WHEREAS, the Redeveloper and the Mayor and Council are negotiating a Redevelopment Agreement for the Project and the Project Area, the terms of which shall be acceptable to the Mayor and Council; and

WHEREAS, the form of the draft Redevelopment Agreement is attached hereto as Exhibit A (the “Redevelopment Agreement”); and

WHEREAS, the Mayor and Council desire to approve the Redevelopment Agreement; and

WHEREAS, the Mayor and Council desire to designate the Redeveloper as the Redeveloper of the Project within the Project Area.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, THAT:

1. Nouvelle, LLC, is hereby confirmed as the Redeveloper of the Project be located in the Project Area within the Redevelopment Area; and

2. The Redevelopment Agreement is hereby approved subject to such further modifications as the Mayor may determine and are necessary, with the advice of counsel, to complete the transaction; and

3. The Authorized Officers of the Borough are hereby further severally authorized and directed to (i) execute and deliver, and the Borough Clerk is hereby further authorized and directed to attest to such execution and to affix the corporate seal of the Borough to, any document, instrument or certificate deemed necessary, desirable or convenient by the Authorized Officers or the Borough Clerk, as applicable, in their respective sole discretion, after consulting with the Borough's Redevelopment Counsel, to be executed in connection with the execution and delivery of the Redevelopment Agreement and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable, or convenient in relation to the execution and delivery thereof.

Council President Treloar moved to adopt Resolution #22-204, seconded by Council Member Resto.

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

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

Against: none

Abstain: none

Absent: Council Member Dempsey

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.

Bob Weber- 99 Summit Ave - Voiced his concern about residents not knowing about tonight's Special Meeting and felt there is a lack of transparency.

Seeing no one else wishing to be heard, Mayor Kobylarz closed this public section.

ADJOURNMENT

Having no other business to conduct, Mayor Kobylarz asked Council Member Truilo to proceed with Adjournment. Council Member Truilo moved to adjourn, seconded by Council Member Resto. By a unanimous voice vote, the meeting was adjourned at 7:55 P.M.

Respectfully submitted by:

Stephen W. Williams, Acting Borough Clerk.