

**SPECIAL MEETING OF THE  
MAYOR AND BOROUGH COUNCIL**

**December 19, 2019 MINUTES**

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, December 19, 2019 at 7:31 p.m. in the Council Chambers in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

**SALUTE TO FLAG**

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

**MOMENT OF SILENCE**

Mayor Harris asked for a moment of silence for those who have given their lives for our country.

**STATEMENT OF ADEQUATE NOTICE**

Tamar Lawful, Borough Clerk, read the following statement of adequate notice:

Pursuant to the requirements of R.S. 10:4-10, adequate notice of this Special Meeting had been provided to the Press on December 12, 2019, a copy of which was posted on the Municipal Bulletin Board on the main floor of Borough Hall.

The purpose of this Special Meeting is to conduct a public hearing on the adoption of Bond Ordinance #19-17, Revaluation of Real Property Ordinance #19-18, resolution permitting the Borough's attorney to negotiate the terms of the donation of Stanley Congregational Church and resolutions to extend the developer designation agreement for the Post Office Plaza Redevelopment Project and the River Road Redevelopment Project. Formal action will be taken at the Special Mayor and Council Meeting.

**ROLL CALL**

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

Mayor Bruce A. Harris  
Council President James J. Collander  
Council Member Victoria Fife  
Council Member Robert A. Weber, Sr.  
Council Member Thaddeus J. Kobylarz  
Council Member Carolyn Dempsey  
Council Member Jocelyn Mathiasen  
Stephen W. Williams, Borough Administrator  
Tamar Lawful, Borough Clerk  
James L. Lott, Jr., Borough Attorney

Mayor Harris proceeded by reading Resolution #19-349.

**RESOLUTION (COMMENDATORY) (when honoree is present)**

**RESOLUTION #19-349**

**RESOLUTION RECOGNIZING COUNCIL MEMBER VICTORIA FIFE FOR HER EXEMPLARY SERVICE TO CHATHAM BOROUGH**

**WHEREAS**, on November 2, 2010, Victoria Fife was elected by the voters of the Borough of Chatham to serve a 3-year term on the Borough Council; she was re-elected to a second 3-year term by the voters on November 5, 2013; and re-elected for a third 3-year term on November 8, 2016; and

**WHEREAS**, during her nine years in elected office, Council Member Victoria “Vicki” Fife continually sought to improve the quality of life for Borough residents and expertly demonstrated foresight, leadership, and fiscal responsibility in policy decisions and operations of Borough government; and

**WHEREAS**, during her tenure on the Borough Council, Vicki devoted innumerable hours on the Public Works Planning and Community Services Committees to ensure the beautification of the Borough throughout; she further worked enthusiastically with the Historic Riverside Trail Advisory Committee to finalize the historic aspect of the trail, and to equip the area with benches and kiosks which provide history and information about the Borough; and

**WHEREAS**, she helped to improve the standards of the Borough public parks to ensure their proper upkeep and petitioned the Council to create a barrier whereby residents can have their pets enjoy open space; and

**WHEREAS**, she resurrected the white lights tradition during the holidays and continued the celebration of the Borough’s heritage through the Fishawack festival; and

**WHEREAS**, through her professional expertise and as a former member of the Planning Board she instituted the re-examination of the Master Plan to change the M District from an industrial zone to a mixed-use zone consisting of residential and commercial properties; and

**WHEREAS**, as an elected official over the past nine years, Council Member Fife further served in the role as Council liaison to the Farmers’ Market Advisory Committee, Historic Riverside Trail Advisory Committee, Mayor’s Wellness Advisory Committee, MyChathamNJ Advisory Committee, Municipal Pool Advisory Committee, Project Community Pride, Public Arts Council Advisory Committee, Senior Center of the Chathams and she recently established the Senior Citizens Advisory Committee; and

**WHEREAS**, Vicki carried out her duties as an elected official and as a citizen of Chatham Borough with enthusiasm and in a conscientious, thoughtful and caring manner, and always dedicated herself to advancing the spirit of volunteerism that has helped make Chatham Borough the town we love; and

**WHEREAS**, Vicki will always be remembered for her kindness, camaraderie and fairness when dealing with residents, businesses, and the Borough’s workforce.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby recognize and commend Vicki on her leadership, dedication and enthusiasm for our community as demonstrated throughout her tenure on the Borough Council; and

**BE IT FURTHER RESOLVED**, by the Mayor and Council, on behalf of the entire Chatham Borough community, that they hereby extend their grateful appreciation to Vicki Fife for her nine remarkable years of service on the Chatham Borough Council and commend her for all she has achieved during her tenure on the Borough Council. We wish her and her family happiness and good health in the years to come. Vicki, you will be missed!

Council President Kobylarz made a motion to approve Resolution #19-349, seconded by Council President Collander. By a unanimous voice vote, Resolution #19-349 was approved.

Mayor Harris proceeded by reading Resolution #19-350.

## **RESOLUTION #19-350**

### **RESOLUTION RECOGNIZING COUNCIL MEMBER JAMES COLLANDER FOR HIS EXEMPLARY SERVICE TO CHATHAM BOROUGH**

**WHEREAS**, on November 2, 2004, James Collander was elected by the voters of the Borough of Chatham to serve a 3-year term on the Borough Council; he was further re-elected to a second 3-year term on November 6, 2007; and re-elected to serve a third 3-year term on November 2, 2010; and re-elected to serve a fourth 3-year term on November 8, 2013; and re-elected to serve a fifth 3-year term on November 1, 2016; and

**WHEREAS**, during his fifteen years in elected office, Council Member James “Jim” Collander continually sought to improve the quality of life for all Borough residents and expertly demonstrated foresight, leadership, and fiscal responsibility in all policy decisions and operations of Borough government; and

**WHEREAS**, during his tenure on the Borough Council, Jim devoted innumerable hours chairing the Long-Range Traffic and Pedestrian Safety Planning Committee and the Public Safety and Emergency Services Committee; and

**WHEREAS**, with great enthusiasm he made the streets of the Borough safer for residents; and with great effort, he worked to mitigate traffic congestion concerns and enforced safety measures through the implementation of speed radars; and

**WHEREAS**, Jim utilized his professional financial background to improve the Borough’s fiscal budget; and served as a member of the Personnel Committee; and

**WHEREAS**, as an elected official over the past fifteen years, Council Member Collander further served in the role as Council Liaison to the Joint Court, Shade Tree Commission, the Joint Recreation Advisory Committee and the Board of Health; and

**WHEREAS**, Jim carried out his duties as an elected official and as a citizen of Chatham Borough with enthusiasm and in a conscientious, thoughtful and caring manner, and always dedicated himself to advancing the spirit of volunteerism that has helped make Chatham Borough the town we love; and

**WHEREAS**, Jim will always be remembered for his kindness, camaraderie and fairness when dealing with residents, businesses, and the Borough’s workforce; and

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby recognize and commend Jim on his leadership, dedication and enthusiasm for our community as demonstrated throughout his tenure on the Borough Council; and

**BE IT FURTHER RESOLVED**, by the Mayor and Council, on behalf of the entire Chatham Borough community, that they hereby extend their grateful appreciation to Jim Collander for his fifteen remarkable years of service on the Chatham Borough Council and commend him for all he has achieved during his tenure on the Borough Council. We wish him and his family happiness and good health in the years to come. Jim, you will be missed!

Council President Collander gave a brief speech stating that he has lived in the Borough for 47 years and enjoyed serving on the Governing Body and is humbled by it. He is further grateful for the residents who elected him and allowed him to serve the community. He acknowledged the 24 Mayors elected since 1824, and acknowledged the countless volunteers, especially volunteers of emergency services who devoted countless hours to improve the lives of the residents. He gave recognition to the prior business administrator, Robert Falzarano and the current administrator, Stephen Williams for doing an outstanding job and thanked the departing members of the governing body (Mayor Harris and Council Member Fife) for the time they served. Council President Collander wished the new council all the best in continuing to carry out their duties as Council Members.

Council President Weber made a motion to approve Resolution #19-350, seconded by Council Member Kobylarz. By a unanimous voice vote, Resolution #19-350 was approved.

Mayor Harris requested Council President Collander to proceed with Resolution #19-351.

Council President Collander proceeded to read Resolution #19-351.

**RESOLUTION #19-351**

**RESOLUTION RECOGNIZING MAYOR BRUCE A. HARRIS FOR HIS EXEMPLARY SERVICE TO CHATHAM BOROUGH**

**WHEREAS**, on November 8, 2011, Mayor Bruce A. Harris was elected by the voters of the Borough of Chatham to serve a 4-year term as the Mayor of the Borough; and was re-elected for a second 4-year term by the voters of the Borough on November 3, 2015; and

**WHEREAS**, during his sixteen years in elected office, Mayor Bruce A. Harris continually sought to improve the quality of life for Borough residents and expertly demonstrated foresight, leadership, and fiscal responsibility in policy decisions and operations of Borough government; and

**WHEREAS**, during his tenure on the Governing Body and a member of the Planning Board, Mayor Harris devoted innumerable hours to re-examine the Master Plan and to change the M District from an industrial zone to a mixed use zone consisting of residential and commercial properties, which has revitalized the area and strengthened the Borough's financial future; and

**WHEREAS**, he worked tirelessly to develop a long-range strategic financial plan which guided the Borough's budget, financial planning and sustained its AAA bond rating; and

**WHEREAS**, Mayor Harris enthusiastically worked to settle the Borough's affordable housing obligations and initiated redevelopment studies that could lead to the redevelopment of the downtown area and on River Road, therefore, enhancing the Borough of Chatham; and

**WHEREAS**, as an elected official over the past sixteen years, Mayor Harris further actively participated in all meetings of the Joint Meeting; and

**WHEREAS**, as a member of the Communication and Technology Committee he strived to make the Borough more technologically friendly and updated and to make municipal government more open; and

**WHEREAS**, he dedicated numerous hours to the Environmental Commission and worked with the Green Team to achieve Silver Level Certification in 2012, 2015 and 2018 in the Sustainable Jersey Certification Program which helped the Borough obtain grants; and

**WHEREAS**, Mayor Harris carried out his duties as an elected official and as a citizen of Chatham Borough with enthusiasm and in a conscientious, thoughtful and caring manner, and always dedicated himself to advancing the spirit of volunteerism that has helped make Chatham Borough the town we love; and

**WHEREAS**, Mayor Harris will always be remembered for his kindness, camaraderie and fairness when dealing with residents, businesses, and the Borough's workforce.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that they hereby recognize and commend Mayor Harris on his leadership, dedication and enthusiasm for our community as demonstrated throughout his tenure as an elected Mayor and Council Member; and

**BE IT FURTHER RESOLVED**, by the Council, on behalf of the entire Chatham Borough community, that they hereby extend their grateful appreciation to Mayor Bruce A. Harris for his eight remarkable years of service as Mayor and eight years as a Member of the Borough Council and his many years as a volunteer on the Environmental Commission and further commend him for all he has achieved

during his tenure in borough government. We wish him and his husband, Marc more happiness and good health in the years to come. Bruce, you will be missed!

Mayor Harris gave a brief speech stating that after investing sixteen years, he is leaving the Governing Body with mixed feelings. He stated that his family was always active within their community, and the spirit of volunteerism is a part of him. He acknowledged the volunteers of the Borough, to which the Governing Body accomplishments would not be possible. He further acknowledged the DPW, the Police Department, Fire Department and thanked all employees and volunteers. He encouraged residents to participate, be informed and be respectful to one another.

Council Member Kobylarz expressed his admiration to all volunteers, including the members of the Governing Body who devoted innumerable hours to their respectful duties. He acknowledged Council Member Fife for her nine (9) years of service, Council Member Collander for his fifteen (15) years of service and Mayor Harris for the aggregate of sixteen (16) years of service on the Governing Body. He further acknowledged the many areas in which members of the Governing Body are involved (budget, finance, personnel, shared services, Planning Board, public health, environmental, preservation history, to name a few).

Council Member Dempsey thanked the departing Governing Body members for welcoming newly elected officials and being the exemplary figures of public service. She further thanked each member for their services and stated their best attributes to which she admires and appreciates.

Council President Collander made a motion to approve Resolution #19-351, seconded by Council Member Kobylarz. By a unanimous voice vote, resolution #19-351 was approved.

Mayor Harris proceeded to Resolution #19-338.

#### **RESOLUTION #19-352**

#### **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:

November 11, 2019

November 14, 2019 (Special Joint Meeting)

And,

**BE IT FURTHER RESOLVED**, by the Council of the Borough of Chatham that the Minutes from the following Closed Session meeting(s) are approved as prepared and shall be filed as a permanent record in the Borough Clerk's office:

November 11, 2019

Council President Kobylarz made a motion to approve Resolution #19-352, seconded by Council Member Weber. By a unanimous voice vote, Resolution #19-352 was approved.

#### **RECUSALS**

Mayor Harris asked if there are any recusals or abstentions to be submitted for the record.

Mayor Harris and Council Member Fife recused themselves from the Post Office Plaza Redevelopment discussion during closed session.

## DISCUSSION ITEM

**Redevelopment Update** – Mayor Harris presented the following updated schedule of both the River Road Redevelopment Project and the Post Office Plaza Redevelopment Project:

### Redevelopment Projects as of December 19,2019

	<b>River Road</b>	<b>Post Office Plaza</b>
Preliminary Investigation	October 2018	April 2017/ January 2018
Designation of Redevelopment	November 2018	May 2017/ February 2018
Redevelopment Plan	June 2019	April 2019
Interim Cost Agreement	June 2019	October 2019
Design	September 2019	November 2019- March 2020
Fiscal Impact	November 2019- January 2020	January 2020-April 2020
Traffic Analysis	November 2019- January 2020	February 2020
Developer Agreement	February/ April 2020	April 2020
Financial Agreement	March/ April 2020	April/ May 2020
Planning Board Site Plan Review	June/ July 2020	July 2020

Council Member Mathiasen stated that information was circulated on Facebook and in the media discussing the execution of the Post Office Plaza Redevelopment Project Agreement. She clarified that the information circulated is inaccurate and encouraged residents to contact Borough Hall for answers to any questions.

## MEETING OPEN TO THE PUBLIC

### NOTICE OF PUBLIC COMMENT TIME LIMIT

Mayor Harris 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 N. Passaic Avenue:**

Mr. Dean thanked the departing Governing Body members for their years of service.

#### **Brigid McMenamin – 133 Center Avenue:**

Ms. McMenamin voiced her opposition to extending the redevelopment agreement and urged the Council to vote against it. McMenamin read a petition in opposition to the designation of the Post Office Plaza Redevelopment Project.

#### **Tom Belding – 7 Milton Avenue:**

Mr. Belding thanked the departing Governing Body members for their many years of volunteerism. He also cautioned the Council not to get involved contractually with the Post Office Plaza developers. He further stated that the 2% cap will no longer be 2%.

Mayor Harris explained that there are two (2) separate 2% caps, one for taxes and the other for the budget.

#### **Fran Drew- 32 Inwood Road:**

Ms. Drew came forward and stated that the residents have always been in opposition to the Post Office Plaza redevelopment project. She further stated that the project does not meet the needs of the residents.

The Borough needs more parking. She urged the council to vote against Resolution #19-355, Resolution Extending Designation of SV Chatham PO JV, LLC as the Post Office Plaza Redeveloper.

**Rozella Clyde – 33 Carmine Street:**

Ms. Clyde thanked the departing Governing Body and wished them well. She expressed appreciation for the redevelopment project schedule/timeline as reflected above and the areas that were highlighted which showed the dates of what to be expected. She voiced her opposition to extending the designation agreement for another six months based upon the information provided. She further stated that Topology, who represents the Borough, seems to be in favor of the developer. She further expressed appreciation for the Borough Hall meeting to be scheduled in mid-January and recommends conducting two separate meetings for each redevelopment project.

**Jack Drew – 32 Inwood Road:**

Mr. Drew stated that problems can be solved without the Borough relinquishing control. He stated that the current problem that exists is parking. He recommends building a parking garage and invest \$4 million in open space parking by purchasing the Post Office.

Mayor Harris stated that the information collected about Millburn's parking garage showed the municipality may have spent \$8.5 million for their parking garage. Additionally, their annual debt service could be \$1.1 million.

**Joseph Marts – 14 Coleman Avenue:**

Mr. Mart acknowledged the departing Governing Body members. He stated that communication is important. He further stated that he wants to ensure the community remains mobilized and for everyone to be allowed the opportunity to have an input, with no surprises.

**Qi Shi Lam – 27 North Passaic Avenue:**

Ms. Lam stated that she lives near the Emergency Squad. She voiced her frustration on the heavy traffic on Passaic Avenue and Main Street and attributes the traffic to her children being tardy for school.

**Philip Kron – 127 Riveredge Drive:**

Mr. Kron expressed support for the acquisition of Stanley Congregational Church. However, he expressed opposition to the Post Office Plaza redevelopment project, stating that the building is too massive and will eliminate open parking. He further stated that the development proposal is incongruous with the Borough of Chatham and the developers will be benefiting financially at the expense of residents.

**David Lloyd- 24 Cedar Avenue, Madison NJ:**

Mr. Lloyd stated that he owns a local business at 229 Main Street, in the Borough of Chatham. He voiced his opposition for the redevelopment projects, also stating that the wall proposed for the Post Office Plaza redevelopment project "will destroy the historic district".

**Stewart Carr – 3 Crestwood Drive, Chatham, NJ:**

Mr. Carr stated that he is responsible for disseminating the information that was released to the public and apologized if the information conveyed was incorrect. He stated that the Borough should provide options. Mayor Harris informed Mr. Carr that the Interim Cost Agreement allows the redevelopers to pay all cost associated with the redevelopment project and to reimburse the Borough for the cost of Topology. The agreement will last until the execution of an agreement. Council Member Mathiasen stated that if the agreement expires, the Borough will maintain its status quo. The extension of the agreement permits time to do additional studies and to not be committed to any particular outcome.

**Marcy Wecker – 103 Hillside Avenue:**

Ms. Wecker stated that residents did not have much input with the process and their voices are not being heard. She recommended sending out a survey to all residents and requested a Borough Hall meeting be held about the redevelopment projects.

**Amy Ball - 205 Washington Avenue:**

Ms. Ball inquired about the consequences should the council vote against extending the designation of the redevelopment agreement.

Mr. Williams responded that the fees [for Topology] will revert to the Borough.

**Valerie Clark – 21 Fern Avenue:**

Ms. Clark voiced her support for the River Road Redevelopment Project, stating that it is improving the area. However, she recommended only 5 units on the 2<sup>nd</sup> floor of a building with regards to the Post Office Plaza redevelopment project. She urged the Governing Body to walk away from the Post Office Plaza developers.

**Irene Schaefer - 272 Fairmount Avenue:**

Ms. Shaker stated that the Dunkin Donuts was a big issue when proposed. She is surprised that a massive development as the Post Office Plaza is being considered.

**Brigid McMenamin – 133 Center Avenue:**

Ms. McMenamin stated the parking garage proposed for Post Office Plaza is enclosed, below grade, with no windows. She recommended the Council to vote against the Post Office Plaza redevelopment project.

**Jack Drew – 32 Inwood Road:**

Mr. Drew inquired whether the Planning Board created a zone that permits parking. He also recommended the Borough to negotiate with the owner(s) of the Post Office Plaza building and advised the Governing Body to forget about a redevelopment project through a developer.

**Michael Dean – 181 N. Passaic Avenue:**

Mr. Dean inquired whether the residents will be stuck paying the fees if the agreement isn't signed.

**Jesse Tepedino - 124 N. Passaic Avenue:**

Mr. Tepedino stated that there were no proposals that matched the RFP, for a Borough-wide revaluation. He recommends reissuing the RFP.

**Thomas K. Belding, 7 Milton Avenue:**

Mr. Belding inquired whether the two resolutions extending the designations are linked?

Mayor Harris explained they are not.

**Mary Royer - 229 Main Street (Co-Owner of business):**

According to Ms. Royer, with regards to the Post Office Plaza Redevelopment Project, that area is the only access point into the parking lot. She stated that everyone uses the Post Office Plaza parking lot. If the parking lot is sold, she fears the developer will take access away from the public. She fears that her business and the public will lose rights to the property. She urged the Council to not go forward.

Mayor Harris stated that property access to Main Street will be preserved. Ms. Royer inquired about the wall being proposed by the developer. Mayor Harris explained that the wall is a design concept.

**Individual Unknown (Inaudible) – Address Unknown (not stated)**

The developer conducted a traffic study to which he believes to be a conflict of interest.

Mayor Harris explained that the traffic study is paid by the developer but reviewed by the Borough's independent expert.

**Stewart Carr – 3 Crestwood Drive, Chatham, NJ:**

Mr. Carr stated that the fundamental issue is the number of units (230) and questioned whether the development being proposed for Post Office Plaza is wanted. He further questioned the implication of the redevelopment agreement and the point in which the Borough can walk away.



**Rozella Clyde – 32 Carmine Street:**

Ms. Clyde requested the Council to extend the contract for only one month to allow residents to obtain additional information and to decide whether a six months extension is needed.

**Bill Heap - 108 Hillside Avenue:**

Mr. Heap came forward and stated that the Planning Board meetings typically has more members present than members of the audience. He further stated that the Court enforced COAH to which municipalities must adhere to. He votes for the project because there are no other reasonable and politically acceptable choice.

**Brigid McMenamin – 133 Center Avenue:**

Ms. McMenamin stated that she is looking for a sensible development with plenty of information in order to make a decision.

**Joyce Martinsen – 64 Hillside Avenue:**

Ms. Martinsen stated that 230 units for the Post Office Plaza redevelopment project will benefit the developer more than the Borough. In voicing her opposition to engage in a contract with the developers, she requested the Governing Body to reconsider.

**James McMahon – 81 Orchard Road:**

Mr. McMahon inquired whether the Governing Body considered leasing the land to maintain control of the property.

**ORDINANCE FOR SECOND READING**

Mayor Harris asked Council Member Weber to proceed with Bond Ordinance #19-17.

Council Member Weber read Bond Ordinance #19-17 entitled:

**BOND ORDINANCE # 19-17**

**BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$728,000 FOR THE FUNDING OF A PORTION OF THE COST OF THE IMPROVEMENT OF THE MADISON-CHATHAM JOINT MEETING'S MOLITOR WATER POLLUTION CONTROL FACILITY IN, BY AND FOR THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on December 9, 2019.

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

Tamar Lawful stated that a legal notice was published indicating that Ordinance #19-17 was introduced and passed on first reading at the December 9, 2019 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on December 19, 2019 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Harris opened the public hearing on the Ordinance and invited any member of the public to be heard.

Seeing no one wishing to be heard, Mayor Harris closed the public hearing.

Council Member Weber offered the Bond Ordinance #19-17 and moved its adoption:

**BE IT RESOLVED**, that this Ordinance as read by title on second reading, and after public

hearing at this meeting, be adopted and finally passed.

Council President Collander seconded the motion.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Collander		X	X			
Fife			X			
Weber	X		X			
Kobylarz			X			
Dempsey			X			
Mathiasen			X			

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

Mayor Harris asked Council Member Kobylarz to proceed with Ordinance #19-18.

Council Member Kobylarz read Ordinance #19-18 entitled:

#### **ORDINANCE # 19-18**

#### **AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION OF \$175,000.00 FOR THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY FOR THE USE OF OUR LOCAL ASSESSOR INCLUDING APPROVED TAX MAP UPDATES**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on December 9, 2019.

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

The Borough Clerk states: A legal notice was published indicating that Ordinance #19-18 was introduced and passed on first reading at the December 9, 2019 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on December 19, 2019 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Harris opened the public hearing on the Ordinance and invited any member of the public to be heard.

Seeing no one wishing to be heard, Mayor Harris closed the public hearing.

Council Member Kobylarz offered the Ordinance #19-18 and moved its adoption:

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

Council President Collander seconded the motion.

Mayor Harris asks the Borough Clerk for a Roll Call Vote:

Name	Motion	Second	Yes	No	Abstain	Absent
Collander		X	X			
Fife				X		
Weber			X			
Kobylarz	X		X			
Dempsey			X			
Mathiasen			X			

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

Mayor Harris proceeded with Resolution #19-353.

Mayor Harris read Resolution #19-353.

### **RESOLUTION #19-353**

#### **RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE BOROUGH ADMINISTRATOR AND ATTORNEY TO NEGOTIATE THE TERMS AND CONDITIONS OF STANLEY CONGREGATIONAL CHURCH'S OFFER TO DONATE STANLEY CHURCH TO THE BOROUGH**

**WHEREAS**, Stanley Congregational Church has offered to donate Stanley Church, located at 94 Fairmount Avenue, along with \$350,000.00 for the repair and maintenance of the Church building and property; and

**WHEREAS**, the Mayor and Borough Council wish to thank Stanley Congregational Church for their generous offer and authorize the Borough Administrator and Attorney to negotiate the terms and conditions of the donation with Stanley Congregational Church; and

**WHEREAS**, the Mayor and Borough Council will consider whether to accept or reject the donation by resolution at a future Council meeting date.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Chatham, in the County of Morris and the State of New Jersey, that the Borough hereby authorizes the Borough Administrator and Attorney to negotiate the terms and conditions of Stanley Congregational Church's offer to donate Stanley Church to the Borough.

**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.

Council Member Kobylarz made a motion to approve Resolution #19-353, seconded by Council Member Fife. By an unanimous voice vote, all were in favor.

### **RESOLUTIONS**

#### **REQUIRING A SEPARATE VOTE**

### **RESOLUTION #19-354**

#### **RESOLUTION EXTENDING DESIGNATION OF CHATHAM RIVER ROAD PARTNERS, LLC AS THE REDEVELOPER FOR THE RIVER ROAD NORTH REDEVELOPMENT AREA**

**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 at River Road and shown on the Borough’s Tax Map as Block 135, Lots 9, 10 and 11, as an area in need of redevelopment (the “Redevelopment Area”); and

**WHEREAS**, the Council adopted a Redevelopment Plan by Ordinance No. 19-11, adopted on June 10, 2019 for the Redevelopment Area (the “Redevelopment Plan”) which sets forth, inter alia, the plan for the redevelopment of the Redevelopment Area; and

**WHEREAS**, Chatham River Road Partners, LLC (the “Redeveloper”), an affiliate of BNE Real Estate Group of Livingston, New Jersey, was designated as the redeveloper for the Redevelopment Area by Resolution 2019-229 on June 24, 2019; and

**WHEREAS**, the designation of Redeveloper is to expire on December 26, 2019; and

**WHEREAS**, the developer and the Borough of Chatham entered into an Interim Cost Agreement on June 26, 2019 which is to expire on December 26, 2019; and

**WHEREAS**, the Council continues to desire that the Redevelopment Area be redeveloped by the Redeveloper in accordance with the Redevelopment Plan; and

**WHEREAS**, the Council desires that the designation of Redeveloper and the Interim Cost Agreement be extended for an additional six (6) months; and

**WHEREAS**, the Council is authorized to exercise all powers under the LRHL, pursuant to *N.J.S.A. 40A:12A-8*, including but not limited to ability to negotiate with developers to undertake redevelopment projects; and

**WHEREAS**, the Council and the Redeveloper shall have an additional period of six months to agree on a specific development proposal and enter into a Redevelopment Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Council for the Borough of Chatham as follows: (i) the designation of Chatham River Road Partners, LLC as the Redeveloper of the Redevelopment Area shall continue; (ii) the Mayor and Borough Council’s authorization to negotiate a Redevelopment Agreement with the Redeveloper shall continue; and (iii) authorizes the extension of the Interim Cost Agreement; and (iv) staff and consultants to the Borough are hereby authorized and directed to continue to take all other administrative actions to implement this Resolution as may be necessary and appropriate to accomplish its goals and intent; and

**BE IT FURTHER RESOLVED** that this Resolution shall be effective for a period of six months from December 26, 2019 through June 26, 2020, after which time it shall be of no further force and affect unless the Redeveloper shall have entered into a Redevelopment Agreement with the Borough of Chatham.

Council Member Fife made a motion to approve Resolution #19-354, seconded by Council Member Weber.

Mayor Harris asks the Borough Clerk for a Roll Call Vote:

Name	Motion	Second	Yes	No	Abstain	Absent
Collander			X			
Fife	X		X			
Weber		X	X			
Kobylarz			X			

Dempsey			X			
Mathiasen			X			

## **RESOLUTION # 19-355**

### **RESOLUTION EXTENDING DESIGNATION OF SV CHATHAM PO JV, LLC AS THE REDEVELOPER FOR THE POST OFFICE PLAZA REDEVELOPMENT AREA**

**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 South Passaic Avenue 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**, SV Chatham PO JV, LLC, the Redeveloper, an affiliate of KRE Group, Vertical Realty Capital and Stolar Capital Group, with an address of 225 Millburn Avenue, Millburn, New Jersey, was designated as redeveloper for the Redevelopment Area by Resolution 2019-238 on July 8, 2019; and

**WHEREAS**, the designation of Redeveloper is to expire on January 8, 2020; and

**WHEREAS**, the Council continues to desire that the Redevelopment Area be redeveloped by the Redeveloper in accordance with the Redevelopment Plan; and

**WHEREAS**, the developer and the Borough of Chatham entered into an Interim Cost Agreement on October 3, 2019, which is to expire on January 8, 2020; and

**WHEREAS**, the Council desires that the designation of Redeveloper and the Interim Cost Agreement be extended for an additional six (6) months; and

**WHEREAS**, the Council is authorized to exercise all powers under the LRHL, pursuant to *N.J.S.A. 40A:12A-8*, including but not limited to the ability to negotiate with redevelopers to undertake redevelopment projects; and

**WHEREAS**, the Council and the Redeveloper shall have an additional period of six (6) months to agree on a specific development proposal and enter into a Redevelopment Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Council for the Borough of Chatham as follows: (i) the designation of SV Chatham PO JV, LLC as the Redeveloper of the Redevelopment Area shall continue; (ii) the Mayor subsequent to the January 2020 reorganization meeting and Borough Council are authorized to negotiate a Redevelopment Agreement with Redeveloper; (iii) authorizes the extension of the Interim Cost Agreement and (iv) Staff and consultants to the Borough are hereby authorized and directed to take all other administrative actions to implement this Resolution as may be necessary and appropriate to accomplish its goals and intent.

**BE IT FURTHER RESOLVED** that this Resolution shall be effective for a period of six (6) months from January 8, 2020 through July 8, 2020, after which time it shall be of no further force and affect unless the Redeveloper shall have entered into a Redevelopment Agreement with the Borough of Chatham.

Council Member Kobylarz made a motion to approve Resolution #19-354 seconded by Council President Collander.

Mayor Harris asks the Borough Clerk for a Roll Call Vote:

Name	Motion	Second	Yes	No	Abstain	Absent
Collander		X	X			
Fife					X	
Weber			X			
Kobylarz	X			X		
Dempsey			X			
Mathiasen			X			

Mayor Harris proceeded with he Consent Agenda.

### 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 #19-356 through Resolution #19-358 have been placed on the Consent Agenda.

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

There were none.

### CONTRACTS

#### RESOLUTION #19-356

#### RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO MELGAR CLEANING SERVICES, IN THE AMOUNT NOT TO EXCEED \$24,000.00

**WHEREAS**, the Director of Public Works solicited competitive quotes from the following three (3) qualified contractors for janitorial services for Borough Hall and the Firehouse for the calendar year 2020:

1. Carson 1994 Corp., *DBA* Jan-Pro Northern New Jersey, Madison, NJ
2. Melgar Cleaning Services, Florham Park, NJ

And,

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., provides that the contracting agent shall award the contract after soliciting at least two competitive quotations, if practicable, for those contracts that in the aggregate are less than the bid threshold of \$40,000.00, but exceed 15 percent of the bid threshold (\$6,000.00); and

**WHEREAS**, the following quotation was received:

<u>VENDOR</u>	<u>ANNUAL CONTRACT AMOUNT</u>
Melgar Cleaning Services, Florham Park, NJ	\$24,000.00

And,

**WHEREAS**, the Director of Public Works has confirmed that Jan-Pro Norther New Jersey submitted a bid exceeding the bid threshold in the amount of \$41,340.00 to the Borough; and

**WHEREAS**, the value of this contract is less than the bid threshold of \$40,000.00 and therefore may be awarded by soliciting competitive quotes without advertising for bids; and

**WHEREAS**, the Director of Public Works recommends that the contract be awarded to Melgar Cleaning Services, 2601 Sun Valley Way, Florham Park, NJ 07932, in the amount of \$24,000.00; and

**WHEREAS**, Stephen Williams, Acting Chief Financial Officer, has certified that funds will be available pending the adoption of the 2020 budget in Current Fund Account # 0-01-26-310-240 for the award of this contract, and that this certification is contingent upon, and will be subject to, appropriations in the 2020 Municipal Budget.

**BE IT RESOLVED**, by the Council of the Borough of Chatham that it concurs with the recommendation of the Director of Public Works and hereby authorizes the Mayor to execute a janitorial cleaning contract with Melgar Cleaning Services in accordance with the specifications upon which quotations were received and accepted, in the amount of \$24,000.00; 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.

## **FINANCE**

### **RESOLUTION #19-357**

#### **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 #19-358**

#### **RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS**

**BE IT RESOLVED** that the following transfer of 2019 Funds be made:

#### **CURRENT FUND:**

From: 9-01-20-100-2	Administration – OE	10,200.00
To: 9-01-20-100-1	Administration – S&W	10,200.00
From: 9-01-20-105-1	Human Resources - S&W	4,500.00
9-01-20-115-1	Community Services - S&W	2,000.00
To: 9-01-20-120-1	Borough Clerk - S&W	6,500.00
From: 9-01-20-115-1	Community Services - S&W	500.00
To: 9-01-25-252-1	Unemployment Insurance - OE	500.00
From: 9-01-20-155-2	Legal Services – OE	5,000.00
To: 9-01-20-150-2	Tax Assessment - OE	5,000.00
From: 9-01-25-266-1	Office of Fire Safety – S&W	2,000.00
To: 9-01-25-245-2	Parking Administration – OE	2,000.00

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that it hereby authorize the Chief Financial Officer to transfer funds as herein referenced.

### **CONSENT AGENDA VOTE:**

Council Member Fife made a motion to approve Resolutions #19-356 through #19-358 on the Consent Agenda, seconded by Council President Collander. By a unanimous voice vote, the resolutions were approved.

### **ADD-ON RESOLUTION[S]**

There were none.

Mayor Harris asked Council Member Mathiasen to proceed with Resolution #19-359.

Council Member Mathiasen read Resolution #19-359.

### **RESOLUTION #19-359**

### **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. Contract Negotiations: Redevelopment – Mr. Kobylarz and Mrs. Dempsey

**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 Mathiasen made a motion to approve Resolution # 19-359, seconded by Council Member Fife. By a unanimous voice vote, Resolution #19-359 was approved.

### **ADJOURNMENT**

Having no other business to be conducted in public session, Mayor Harris adjourned into Closed Session at 9:50 p.m.

Respectfully Submitted:

Tamar Lawful, RMC

Borough Clerk

BOROUGH OF CHATHAM

January 6, 2020