

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

**November 25, 2019 MINUTES**

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, November 25, 2019 at 7:30 p.m. in the Council Chambers in Borough Hall, located at 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 the Open Public Meetings Act, adequate notice of this meeting has been provided by including same in the Annual Notice, copies of which were posted on the official bulletin board on the main floor of Borough Hall, emailed to the Daily Record, the Star Ledger, the Chatham Courier, the Chatham Patch, and TAPinto Chatham and was filed with the Borough Clerk, all on January 17, 2019

**ROLL CALL**

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

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

**Absent:**

Council Member Jocelyn Mathiasen

Mayor Harris requested Council Member Kobylarz to read his Mayoral “National Day of Thanksgiving” Proclamation:

## **PROCLAMATION DECLARING NOVEMBER 28, 2019 AS “NATIONAL DAY OF THANKSGIVING”**

**WHEREAS**, in 1621, in Plymouth, on Massachusetts Bay, the Pilgrims established the custom of gathering together each year to express their gratitude for the preservation of their community and for the bountiful harvest over the previous year that their labors brought forth in the new land. Joining with their neighbors, they feasted together and celebrated in a common offering of thanks; and

**WHEREAS**, in 1789, when President George Washington marked our nation’s first Thanksgiving celebration, he prayed to our Creator for peace, union, and plenty. And in 1863, when our country was torn apart by civil war, President Abraham Lincoln reaffirmed this great national tradition by establishing its regular observance, and reminding us that we are one nation “which could bend but would not break”; and

**WHEREAS**, in the years since, Thanksgiving Day has come to be part of the fabric that unites Americans everywhere with their past, each other, and the magnificent cultural sweep of our great nation; and

**WHEREAS**, today Americans gather with family and friends on Thanksgiving Day to recount the joys and blessings in their lives. On this day, Americans all across this great land express hope and give thanks for the productivity of their labors, the fertility of their harvests, the health and happiness of their loved ones, the strength of their liberties, and the safety of their land; and

**WHEREAS**, this noble and majestic holiday has become perhaps the most American of traditions, a day upon which residents and citizens of all walks express their gratitude for the blessings of family, community, and country; and

**WHEREAS**, on this Thanksgiving Day, thousands of American servicemen and women will sit down for a celebratory meal far from their families and home. We honor the service and sacrifice of these brave patriots as they work to protect the liberties, blessings, and way of life of all who hail from these sacred shores; and

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham, that Thursday, November 28, 2019, shall be declared a “National Day of Thanksgiving”. On this day, let us reflect upon the many blessings that we enjoy. Let us be mindful of the tremendous virtue in lifting up our friends, neighbors, and loved ones throughout the year. Finally, let us resolve to engage in daily acts of kindness and compassion, acts that will help bind us as a special community in this, the great state of New Jersey.

Council Member Kobylarz motioned to approve the Resolution, seconded by Council Member Fife. All were in favor.

### **RECUSALS**

Mayor Harris asked if there are any recusals or abstentions to be submitted for the record with respect to any items listed on the agenda.

There were none.

### **DISCUSSION ITEMS**

Mayor Harris stated that there were no discussion items on the agenda. However, he provided the schedule of each redevelopment project starting from its preliminary stage to current and when they were discussed in public. Mayor Harris stated that the Post Office Plaza contract will be extended. He further stated that it is premature to discuss financials of the project at its current stage. However, the River Road

redevelopment project is moving according to plan. The Borough of Chatham is not obligated to enter into any agreement with either developers. Additionally, the redevelopment project(s) can be cancelled at any time, stated Mayor Harris. Mayor Harris encouraged residents to get involved.

Mayor Harris proceeded with opening the meeting for public comment.

## **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. Mayor Harris further reminded the audience that the Public Comment is not a question and answer session.

### **John Eyre – 27 Fairview Avenue, Chatham Borough:**

Mr. Eyre voiced concern about the number of residential units that were not mentioned during the presentation of the Joint Special Meeting held on November 14, 2019. He further expressed concerns with the architectural manipulations to make the building height appear less tall than in actuality. He anticipates greater congestion to the downtown area due to the Post Office Redevelopment. He also voiced concerns about a 30-year tax abatement.

### **John Drew – 32 Inwood Road, Chatham Borough:**

Mr. Drew stated that the projects plan is too massive, and the Borough should focus on improving the parking within the area. He recommends the Borough to consider a bond to purchase the areas designated for the Post Office Plaza project and to build a public parking lot instead.

### **Tom Belding – 7 Milton Avenue, Chatham Borough:**

Mr. Belding distributed a letter to the Mayor and Council which he read to the public. He asked the Council to provide the ratable reports once available. He also cautioned the Council on the redevelopment structure and the financial impact on property taxes.

### **Fran Drew – 32 Inwood Road, Chatham Borough:**

Ms. Drew advised the Council to examine the parking guide. She stated that parking is not sufficient and recommended more parking surrounded by vegetation.

### **Monty Montague- 45 Dellwood Avenue, Chatham Borough:**

Mr. Montague stated that there were no mock-ups of the building at the Joint Special Meeting held on November 14, 2019. He further stated that the plans provided appeared cluttered and the presentation was not informative and difficult to follow. He further stated that no one knows what the building looks like. Although floor plans were provided, there were no elevation plans.

### **Stewart Carr- 3 Crestwood Drive, Chatham Township:**

Mr. Carr inquired whether the contract with the developers can include an open disclosure transaction agreement for the first two years, specifically focusing on contracts that will have a major impact in the financial area (such as rental agreements). He also asked about the recusal of members of the Governing

Body with respect to the redevelopment projects. Mr. Carr requested a referendum to be held with respect to the redevelopment projects.

**Philip Kron- 127 River Edge Rd, Chatham Township:**

Mr. Kron stated that a 5-story building will overwhelm the area and requested the Council to rethink the project. He further inquired as to why the Post Office Plaza was assigned as a redevelopment site. He questioned what was broken and how does a redevelopment benefit the Borough. Lastly, he stated that parking will be an issue.

**Catherine Eyre- 27 Fairview Avenue, Chatham Borough:**

Mrs. Eyre voiced concern on the potential traffic impact due to the redevelopment. She further expressed concerns about the number of school aged children to reside at the proposed development project(s) and the financial cost to taxpayers.

**Joyce Martinsen- 64 N. Hillside Avenue, Chatham Borough:** Ms. Martinsen asked if the MYCHATHAM Committee has voiced any concern regarding the projects and asked if applications are being accepted for the committee. She voiced her discontent for the development projects and stated that residents are not aware of the projects.

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

Mr. Carr inquired about the impact of 36 affordable units and its relations to the Post Office Plaza Redevelopment Project.

Mr. Williams stated that the information Mr. Carr inquired about is available on the Borough's website.

**Tricia Finley – 35 Woodland Rd, Chatham Borough:**

Ms. Finley stated she is discontent with not having a Q&A session with the Council.

**Maureen Olson – 124 Center Avenue, Chatham Borough:**

Ms. Olson stated that senior citizens need shopping areas close by; also, the Post Office Plaza project should be considered for senior housing.

**John Drew – 32 Inwood Rd, Chatham Borough:**

Mr. Drew stated that the River Road redevelopment project area is not a walkable area; and a residential project does not fit within an industrial area.

**Jean M. Mattle– 25 Garden Avenue, Chatham Borough:**

Mr. Mattle questioned the need for affordable housing and inquired about the number of units for the Post Office Plaza and River Road projects. She voiced concerns about a 30-year PILOT.

**Tom Belding – 7 Milton Avenue, Chatham Borough:**

Mr. Belding stated to the Mayor and Council that residents' questions should be answered. He requested they do so.

**Bill Heap- 108 Hillside Avenue, Chatham Borough:**

Mr. Heap came forward and stated that Christmas trees are currently on sale and asked everyone to support the sale. Mr. Heap stated that prices for certain trees increased due to a shortage.

With no one else wishing to make a comment, the public comment was closed.

Mayor Harris stated that the rationale behind allowing residents to comment first and to answer the questions at the end of public comments is to allow the public to comment without taking time away from other residents who also wish to voice their concerns. A dialogue will only prolong the process.

Mayor Harris stated that the Council has not been secretive with the project's information and all presentations and meetings are available on the Borough's website. He further stated that the redevelopment projects are intended to assist residents wanting to downsize within the Borough, to increase ratables, and to assist the Borough with financial challenges.

Mayor Harris stated that the Borough would not negotiate any projects if the Borough would not benefit from the outcome. With regards to traffic concerns, the Council has been working with the Department of Transportation to mitigate the traffic from Route 24 onto local streets.

Mayor Harris introduced Mr. Bob Goldsmith to answer Mr. Carr's question concerning a referendum on redevelopment projects. Mr. Goldsmith stated that a redevelopment matter cannot be the subject of a referendum.

Council President Collander stated that the State of New Jersey is a high taxed state. However, it is our responsibility to provide the services at the lowest possible cost averaging increases in taxes and maintaining the average increases through the development of properties.

Mayor Harris stated that the Council representatives will meet with the Board of Education next month to discuss matters with regard to the redevelopment projects.

Seeing no one else wishing to comment, Mayor Harris closed the meeting to the public and proceeded with the second reading of Ordinance # 19-16.

### **ORDINANCE FOR SECOND READING**

Mayor Harris asked Council Member Weber to proceed with Ordinance #19-16.

Council Member Weber offered the following Ordinance and moved its adoption:

### **ORDINANCE #19-16**

#### **AN ORDINANCE TO AMEND THE SALARIES AND WAGES FOR CERTAIN MUNICIPAL POSITIONS OF THE BOROUGH OF CHATHAM FOR THE YEAR 2020**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on November 11, 2019.

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

Tamar Lawful stated the following: A legal notice was published indicating that Ordinance #19-16 was introduced and passed on first reading at the November 11, 2019 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on November 25, 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 meeting for a public hearing on Ordinance #19-16 and any member of the public

who wish to be heard.

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

Council Member Weber offered the Ordinance #19-16 and moved its adoption by reading the following:

**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 Collander seconds 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		X			
Kobylarz			X			
Dempsey			X			
Mathiasen						X

Mayor Harris declared Ordinance #19-16 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.

## REPORTS

### BOARD & COMMISSION MEMBERS & LIAISON REPORTS

**Shade Tree Commission** - Council President Collander had nothing to report.

**Affordable Housing Advisory Committee** - Council President Collander had nothing to report.

**Traffic & Pedestrian Safety Advisory Committee** – Council President Collander had nothing to report.

**Farmers’ Market Advisory Committee** - Council Member Fife reported that the Farmers’ Market last day for the season was November 23, 2019; and thanked the staff and the Farmers’ Market Committee.

**Historic Riverside Trail Advisory Committee** – Council Member Fife had nothing to report.

**Mayor’s Wellness Advisory Committee** - Council Member Fife had nothing to report.

**MyChathamNJ Advisory Committee** - Council Member Fife reported that the leaf session will end on December 2, 2019. Council Member Fife thanked the D.P.W. for the assisting with the Christmas lights and wreaths around town. Council Member Fife further reported that the holiday tree lighting will take place on December 7, 2019 at 5:00 pm.

**Municipal Pool Advisory Committee** - Council Member Fife had nothing to report.

**Project Community Pride** - Council Member Fife had nothing to report.

**Public Arts Council Advisory Committee** - Council Member Fife had nothing to report.

**Senior Center of the Chathams** - Council Member Fife had nothing to report.

**Board of Health** - Council Member Weber had nothing to report.

**Joint Recreation Advisory Committee** - Council Member Weber had nothing to report

**9/11 Memorial Advisory Committee** - Council Member Weber had nothing new to report.

**Personnel Committee**- Council Member Weber reported that the Personnel Committee met during the week to discuss salaries for Borough employees for the year 2020 and the process for hiring a new CFO.

**Madison-Chatham Joint Meeting** - Council Member Weber had nothing to report.

**Undergrounding Advisory Committee** - Council Member Kobylarz had nothing to report.

**Planning Board** - Council Member Kobylarz had nothing to report.

**Joint Municipal Court** - Council Member Kobylarz had nothing to report.

**Joint Community Gardens Advisory Committee** - Council Member Kobylarz had nothing to report.

**Historic Preservation Commission** - Council Member Dempsey had nothing to report.

**Board of Education** - Council Member Dempsey had nothing to report.

**Municipal Alliance of the Chathams** - Council Member Dempsey had nothing to report.

**Open Space & Historic Preservation Trust Advisory Committee** - Council Member Dempsey had nothing to report.

**Environmental Commission** - Council Member Mathiasen was absent. There was nothing to report.

**Communications & Technology Advisory Committee** – Council Member Mathiasen was absent; however, Mayor Harris reported that Resolution # 19-330 for shared services will be presented at tonight’s meeting, which will allow residents to have online access to register and pay fees.

## **MAYOR’S REPORT**

Mayor Harris reported that the Council has been working with the Department of Transportation to create a way to mitigate traffic on local streets due to Route 24 and will meet with the DOT to review the available options for the Borough.

## **ADMINISTRATOR’S REPORT**

Mr. Williams reported that the Borough of Chatham Police Department was awarded a Department of Transportation Drive Sober grant for \$5,500.00. Mr. Williams further reported that residents should

contact M.U.A. for recycling that is missed. The contractor for N. Passaic Avenue repainted the traffic lines. Jeff Davis was thanked for refurbishing the train donated by Stanley Congregational Church.

Mayor Harris proceeded with the Consent Agenda.

## **CONSENT AGENDA**

Mayor Harris stated that 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 #19-330 through Resolution #19-335 have been placed on the Consent Agenda.

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

There were none.

## **APPOINTMENTS**

### **RESOLUTION #19-330**

### **RESOLUTION AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE BOROUGH OF MADISON TO UTILIZE SDL LICENSES**

**WHEREAS**, the Borough Madison and the Borough of Chatham are parties to a Shared Services Agreement pursuant to the provisions of the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1 et seq.*, which permits a local unit of the State to enter into an agreement with any other local unit to provide or receive any service that each local unit participating in the agreement is empowered to render within its own jurisdiction; and

**WHEREAS**, the Borough of Madison adopted Resolution R35-2018 authorizing the Agreement;

**WHEREAS**, the Borough of Chatham adopted Resolution # 18-350 authorizing the Agreement;

**WHEREAS**, the Borough of Chatham is in need of utilizing the Borough of Madison's Spatial Data Logic, Inc. (SDL) licenses, wherein all the licenses shall be distributed to the Borough of Madison, and the Borough of Chatham via computer will have the capability to remote access SDL;

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham, that an agreement should be entered between both parties to give the Borough of Chatham remote access to SDL licenses; and

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

### **RESOLUTION #19-331**

### **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.

**FINANCE**

**RESOLUTION #19-332**

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

**WHEREAS**, the Tax Collector for the Borough of Chatham has advised that both the mortgage company and the property homeowner paid towards the property taxes for the herein referenced property resulting in an overpayment of property taxes; and

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

<b><u>BLOCK/LOT</u></b>	<b><u>OWNERS/PROPERTY LOCATION</u></b>	<b><u>AMOUNT</u></b> <b><u>YEAR/QTR.</u></b>
107/22	Szabo, Gabor & Jody 67 Watchung Avenue	\$12,607.75 2019/ 1, 2 & 3 QTR. (Homeowners didn't realize mortgage company paid their taxes so they also paid.)
	<b>*Make check payable &amp; mail to:</b> Szabo, Gabor & Jody 67 Watchung Avenue Chatham, NJ 07928	

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

**RESOLUTION #19-333**

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

**WHEREAS**, the Tax Collector for the Borough of Chatham has advised that the property homeowner overpaid on its property taxes; and

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

<b><u>BLOCK/LOT</u></b>	<b><u>OWNERS/PROPERTY LOCATION</u></b>	<b><u>AMOUNT</u></b> <b><u>YEAR/QTR.</u></b>
63/6	Helms Associates 19 Center St	\$2,000.00 2019/ 4 <sup>th</sup> Qtr. (Homeowners paid two thousand over)
	<b>*Make check payable &amp; mail to:</b> Helms Associates 1318 Ocean Blvd. W. Holden Beach, NC 28462	

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

**RESOLUTION #19-334  
RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS**

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

**CURRENT FUND:**

From: 9-01-20-130-1	Financial Administration - S&W	35,000.00
To: 9-01-20-130-2	Financial Administration - OE	35,000.00
From: 9-01-21-180-1	Planning Board - S&W	8,500.00
9-01-21-185-1	Board of Adjustment - S&W	8,500.00
To: 9-01-25-266-1	Office of Fire Safety – S&W	17,000.00
From: 9-01-20-120-1	Borough Clerk - S&W	1,000.00
To: 9-01-25-252-1	Emergency Management - OE	1,000.00

**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.

**BOARDS, COMMISSIONS & COMMITTEES**

**RESOLUTION #19-335  
RESOLUTION APPOINTING MEMBERS TO THE ECONOMIC DEVELOPMENT ADVISORY  
COMMITTEE**

**WHEREAS**, the Council of the Borough of Chatham has created the Economic Development Advisory Committee to advise on ways to establish and preserve a flourishing economic and commercial sector in the Borough of Chatham; and

**WHEREAS**, the Mayor and Council of the Borough of Chatham desire to appoint additional members to the Economic Development Advisory Committee; and

**BE IT FURTHER RESOLVED**, that the following individuals are hereby appointed to the Economic Advisory Committee for calendar year 2019:

**Economic Development Advisory Committee**

Rose Chan Siow  
Bethany Gianusso  
Rozella Clyde  
Ronald Partizian  
Gregory Xikes

## CONSENT AGENDA VOTE:

Council President Collander motioned to approve Resolutions #19-330 through #19-335 placed on this evening's Consent Agenda by consent of the council; seconded by Council Member Weber. By an unanimous voice vote, the resolutions were approved.

Mayor Harris requested Council Member Dempsey to proceed with Resolution # 19-336.

Council Member Dempsey read Resolution # 19-336.

### **RESOLUTION #19-336**

### **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: River Road Redevelopment – Annie Hindenlang, Topology
2. Proposed Acquisition of Real Property: Mrs. Fife
3. Personnel Matters: 2020 Salaries – Mr. Weber and Mr. Williams

**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.

### **ADJOURNMENT**

Having no other business to be conducted in public session, Mayor Harris adjourned into Closed Session at 9:14 p.m.

Minutes Respectfully Submitted by:

Tamar Lawful  
Borough Clerk  
BOROUGH OF CHATHAM  
January 6, 2020