

AGENDA
June 22, 2020
Special Meeting Time: 6:00 p.m.

Regular Meeting
Mayor and Borough Council

Borough of Chatham
54 Fairmount Avenue
Chatham, NJ 07928

**CALL MEETING
TO ORDER**

The meeting will be called to order at 6:00 p.m.

SALUTE TO FLAG

MOMENT OF SILENCE

**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 08, 2020.

Pursuant to the requirements of R.S. 10:4-10, adequate notice of the change in time of tonight's virtual meeting was provided to the press on June 15, 2020, a copy of which was posted on the Borough website, including the front and side entrance of Borough Hall.

ROLL CALL

Mayor Thaddeus J. Kobylarz
Council President Jocelyn Mathiasen
Council Member Robert A. Weber, Sr.
Council Member Carolyn Dempsey
Council Member Karen Koronkiewicz
Council Member Irene Treloar
Council Member Leonard Resto
Stephen W. Williams, Borough Administrator
Tamar Lawful, Borough Clerk
James L. Lott, Jr., Borough Attorney

RECUSALS

Recusals or abstentions submitted for the record.

DISCUSSION ITEMS

1. Chatham Borough Policing – Chief Gibbons
 2. Municipal Pool – Mr. Williams
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MAYOR’S REPORT I

MEETING OPEN TO THE PUBLIC

Residents wishing to make public comments may dial 929-205-6099 (Meeting ID: 889-5135-2793 #) or obtain online access of the meeting using the following URL:

<https://us02web.zoom.us/j/88951352793?pwd=TG9wdkFRNVdOamMzRGthc0ZYQ2VaZz09>

The Mayor and Council meeting will be televised as usual.

NOTICE OF PUBLIC COMMENT TIME LIMIT

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 or are not matters scheduled for Public Hearing tonight. In light of the emergency, discussions and actions by the Chatham Borough Mayor and Council related to discretionary municipal actions and/or other non-emergent matters including redevelopment planning will be deferred until further notice. Accordingly, I would respectfully request that the public try to limit its comments to matters primarily related to the COVID-19 response and/or the continued operations of the Borough government during the emergency. While the Chatham Borough Mayor and Council welcome public participation and comment on any topic, 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.

ORDINANCE FOR SECOND READING

Mayor Kobylarz asks Council Member Weber to proceed with Ordinance #20-08.

Council Member Weber reads Ordinance # 20-08 entitled:

ORDINANCE # 20-08

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING THE GRANT OF A SANITARY SEWER EASEMENT AND AUTHORIZING AN EASEMENT AGREEMENT

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on June 8, 2020.

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

The Borough Clerk states: A legal notice was published indicating that Ordinance #20-08 was introduced and passed on first reading at the June 8, 2020 meeting and indicated the second reading and

public hearing would be held at 6:00 p.m. on June 22, 2020 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: The meeting is now open for a public hearing on the Ordinance and any member of the public may be heard.

Mayor Kobylarz: Seeing no one else wishing to be heard, I will now close the public hearing.

Council Member Weber: I offer the following Ordinance and move 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 Member _____seconds the motion.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Weber, Sr.						
Dempsey						
Mathiasen						
Koronkiewicz						
Treloar						
Resto						

Mayor Kobylarz: I declare this Ordinance adopted and finally passed and request the Borough Clerk to publish the proper notice of adoption of this Ordinance in the official newspapers and to permanently record the Ordinance.

RESOLUTIONS

NON-ROUTINE/NON-CONSENT

Mayor Kobylarz asks Council President Mathiasen to proceed with Resolution # 20-183.

Council President Mathiasen explains the purpose of Resolution # 20-183.

RESOLUTION # 20-183

[Requires Roll Call vote]

AMENDMENT TO THE 2020 MUNICIPAL BUDGET

WHEREAS, the local municipal budget for the year 2020 was introduced on April 27, 2020; and

WHEREAS, the public hearing on said budget was held as advertised on May 26, 2020; and

WHEREAS, it is desired by the Borough Council of the Borough of Chatham to amend the introduced budget.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Chatham that the following amendments to the introduced 2020 Municipal Budget be made as follow:

ANTICIPATED SURPLUS	AMOUNTED AMENDED FROM	AMOUNT AMENDED TO
10. Dedicated Revenues from Solid Waste Utility Operating Surplus Anticipated	\$115,000.00	145,359.00

Total Operating Surplus Anticipated	\$115,000.00	\$145,359.00
Total Solid Waste Revenues	\$793,000.00	\$823,359.00

SOLID WASTE UTILITY	AMOUNT AMENDED FROM	AMOUNT AMENDED TO
11. Appropriations for Solid Waste Utility Deferred Charges:		
Emergency Authorization - 2018	\$0.00	\$30,359.00
Total Solid Waste Utility Appropriations	\$793,000.00	\$823,359.00

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed with the Director of the Division of Local Government Services for certification of the local municipal budget as so amended.

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provisions of N.J.S.A. 40A:4-9, be published in the Chatham Courier and the Daily Record in the July 2, 2020 edition and that said publication shall contain notice of public hearing on said amendment to held at Borough Hall on July 13, 2020, at 6:00 p.m.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Weber, Sr.						
Dempsey						
Mathiasen						
Koronkiewicz						
Treloar						
Resto						

Mayor Kobylarz asks Council Member Weber to proceed with Resolution # 20-184.

Council Member Weber explains the purpose of Resolution # 20-184.

RESOLUTION # 20-184

[Requires Roll Call vote]

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 was set 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 was also set to expire on December 26, 2019; and

WHEREAS, both the Redeveloper designation and Interim Cost Agreement were further extended from December 26, 2019 to June 24, 2020 by Resolution # 19-354 adopted on December 19, 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 the 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 June 26, 2020 through December 26, 2020, after which time it shall be of no further force and effect unless the Redeveloper shall have entered into a Redevelopment Agreement with the Borough of Chatham.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Weber, Sr.						
Dempsey						
Mathiasen						
Koronkiewicz						

Treloar						
Resto						

Mayor Kobylarz asks Council Member Resto to proceed with Resolution # 20-185.

Council Member Resto explains the purpose of Resolution # 20-185.

RESOLUTION # 20-185

[Requires Roll Call vote]

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 was set to expire on January 8, 2020; and

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

WHEREAS, both the Redeveloper designation and Interim Cost Agreement were further extended from January 8, 2020 to July 8, 2020 by Resolution # 19-355 adopted on December 19, 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 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, 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.

BE IT FURTHER RESOLVED that this Resolution shall be effective for a period of six (6) months from July 8, 2020 through January 8, 2021, after which time it shall be of no further force and effect unless the Redeveloper shall have entered into a Redevelopment Agreement with the Borough of Chatham.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Weber, Sr.						
Dempsey						
Mathiasen						
Koronkiewicz						
Treloar						
Resto						

MAYOR'S REPORT II

ADMINISTRATOR'S REPORT

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 #20-186 through Resolution #20-188 have been placed on the Consent Agenda.

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

RESOLUTION #20-

FINANCE

RESOLUTION #20-186

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 #20-187

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:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>YEAR/QTR.</u>
130/8.01	Jacqueline Parish 40 Meadowbrook Road	\$1,694.17	2020/ 3 rd Qtr. (Homeowner and mortgage company double paid)

***Make check payable & mail to:**

Corelogic Tax Services
Attn: Refunds Department
P.O. Box 9202
Coppell, TX 75019-9978

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.

PERSONNEL

RESOLUTION #20-188

RESOLUTION ACCEPTING THE RESIGNATIONS OF MULTIPLE FIREFIGHTERS OF THE BOROUGH OF CHATHAM FIRE DEPARTMENT

WHEREAS, four (4) firefighters tendered their resignations as firefighters from the Borough of Chatham Fire Department.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby accept the resignations of the following firefighters from the Borough of Chatham Fire Department, effective immediately:

**Alex Chin
Brendt de St. Paer
Tim Caggiano
Travis Prost**

BE IT RESOLVED, that the Mayor and Council thank all four (4) firefighters for their services to this community and wish them well in their 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.

CONSENT AGENDA VOTE:

Mayor Kobylarz asks Council Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions #20-186 through #20-188.

Council Member _____: I would like to make a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Council.

Seconded by Council Member:_____.

ADD-ON RESOLUTION[S]

ADJOURNMENT

RESOLUTION #20-189

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 - Dr. Robert Powell

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.