

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

## **August 17, 2020 MINUTES**

Mayor Thaddeus J. Kobylarz called the Regular Council Meeting of the Borough of Chatham to order on Monday, August 17, 2020 at 6:03 p.m. in the Council Chambers in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

*Note: The start time of this meeting was moved from 7:30 p.m. to 6:00 p.m. to accommodate the emergency measures in place due to the coronavirus pandemic.*

### **SALUTE TO FLAG**

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

### **MOMENT OF SILENCE**

Mayor Kobylarz asked for a moment of silence for those who have given their lives for our country. He also gave recognition to those protecting our lives during the current health pandemic caused by coronavirus, COVID-19. Finally, he acknowledged the passing of all nine (9) Chatham Borough residents who died during the current coronavirus pandemic.

### **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 special meeting has been provided to the Daily Record, the Star Ledger, the Chatham Courier, the Chatham Patch, and Tapinto Chatham by e-mail on August 12, 2020 and a copy of which was posted on the Borough website, and the front and side entrances of Borough Hall.

### **ROLL CALL**

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

Also, in attendance – Vince DeNave, Borough Engineer (*Attended Virtually*)

Mayor Kobylarz asked Council President Mathiasen to proceed with Resolution #20-213.

Council President Mathiasen read Resolution # 20-213.

### **RESOLUTION #20-213**

### **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. Attorney Client Privilege: Local Redevelopment and Housing Law – Mayor Kobylarz, Mr. Vince DeNave and Borough Attorney, Mr. James Lott

**BE IT FURTHER RESOLVED**, the matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Borough of Chatham, provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege. The Mayor and Borough Council may reconvene into Public Session and formally vote on the matter discussed in Closed Session. Formal action may be taken at this meeting.

Council President Mathiasen made a motion to approve Resolution #20-213, seconded by Council Member Resto. With a unanimous voice vote, Resolution # 20-213 was approved.

---

The Mayor and Council reconvened into Public Session at 6:45 p.m. A roll call was taken, and all members were present.

## **RECUSALS**

There were no recusals.

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

The following resolutions listed by title were added to the agenda:

### **RESOLUTION #20-214**

**RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE BOROUGH OF CHATHAM TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN REAL PROPERTIES KNOWN AS LOTS 1, 2, 3, 4, 5, 6, 7 AND 8 IN BLOCK 135, LOTS 1, 2, 3, 4, AND 5 IN BLOCK 136, LOTS 1, 2, 3, 4, 5 IN BLOCK 137, LOTS 1, 2, 3, 4, 5, 6 AND 7 IN BLOCK 138, LOTS 1, 2, 3, 4, 5, 6 AND 7 IN BLOCK 139, LOTS 1, 2, 3, 4, 5, 6, 7.01, 8, 9, 10, 13, 14, 15 AND 16 IN BLOCK 140 AS SHOWN ON THE BOROUGH OF CHATHAM TAX MAP, QUALIFY AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.**

### **RESOLUTION #20-215**

**RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING A NON-FAIR AND OPEN CONTRACT WITH DMR ARCHITECTS TO PREPARE A REHABILITATION REPORT IN CONNECTION WITH THE DESIGNATION OF CERTAIN REAL PROPERTIES AS AN AREA IN NEED OF REHABILITATION IN ACCORDANCE WITH N.J.S.A. 40A:12A-1 ET SEQ.**

## **DISCUSSION**

### Local Redevelopment and Housing Law:

The Governing Body discussed authorizing the Planning Board to conduct a preliminary investigation of certain areas on Watchung Avenue and River Road as areas in need of redevelopment (non-condemnation). Ultimately, the Borough would like to examine the area while preserving the historical context while creating an economically vibrant area. With the professional advice of multiple planners, there was broad consensus to examine certain areas of River Road and Watchung Avenue. The Council

will direct the Planning Board to conduct a preliminary investigation to ensure the area meets the statutory criteria of an area in need of redevelopment.

Council President Mathiasen stated that the Council's interest in examining the River Road area is to ensure the area develops in a way that would be of maximum benefit to the Borough. Council President Mathiasen supports the approach being taken by the Governing Body.

Council Member Weber stated that he spoke to Professional Planner, Francis Reiner from DMK Architects and is satisfied with the planner's professional expertise to guide the Borough as it embarks on pursuing examination of certain areas of River Road and Watchung Avenue. We need a vision for the area and there is a consensus that the area needs to be a part of a larger vision to appeal to new businesses. The resolutions proposed tonight authorizes a study to be conducted of certain designated areas. The goal is to improve and modernize the area.

Council Member Dempsey expressed gratitude to the professionals, and to the Borough Administrator, Stephen Williams. She feels confident with the direction being taken and thanked everyone for their input and time.

Council Member Koronkiewicz stated that the approach is a great plan to move towards a smart development of that section of the Borough.

Council Member Treloar supports the approach and feels confident it will improve the visual appeal of River Road.

Council Member Resto supports the approach and ensures the vision of the proposed area will be cohesive to the surroundings and restructured to attract potentially high-tech businesses.

Borough Attorney Mr. Lott had no comment.

Borough Engineer Mr. DeNave had no comment.

## **MEETING OPEN TO THE PUBLIC**

*Residents wishing to make public comments may dial 929-205-6099 (Meeting ID: 861- 0941- 4074) or obtain online access of the meeting using the following URL: <https://us02web.zoom.us/j/86109414074>.*

## **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. 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.

## **Edward Barmakian (Editor, Tapinto Chatham) – 19 Cherry Lane**

Mr. Barmakian requested additional information concerning the preliminary study by NJ Transit of a potential rail station in the River Road area. Mayor Kobylarz explained that the action being taken tonight is not related to NJ Transit.

## **NON-ROUTINE/NON-CONSENT RESOLUTIONS**

Mayor Kobylarz asked Council Member Weber to proceed with Resolution # 20-214.

Council Member Weber read Resolution # 20-214 by title.

## RESOLUTION #20-214

**RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE BOROUGH OF CHATHAM TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN REAL PROPERTIES KNOWN AS LOTS 1, 2, 3, 4, 5, 6, 7 AND 8 IN BLOCK 135, LOTS 1, 2, 3, 4, AND 5 IN BLOCK 136, LOTS 1, 2, 3, 4, 5 IN BLOCK 137, LOTS 1, 2, 3, 4, 5, 6 AND 7 IN BLOCK 138, LOTS 1, 2, 3, 4, 5, 6 AND 7 IN BLOCK 139, LOTS 1, 2, 3, 4, 5, 6, 7.01, 8, 9, 10, 13, 14, 15 AND 16 IN BLOCK 140 AS SHOWN ON THE BOROUGH OF CHATHAM TAX MAP, QUALIFY AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment; and

**WHEREAS**, the Mayor and Borough Council of the Borough of Chatham (the “Mayor and Borough Council”) wish to explore whether certain real properties bordered by the railroad to the east and the Passaic River to the west and specifically identified as

Block 135	Lots 1, 2, 3, 4, 5, 6, 7 and 8
Block 136	Lots 1, 2, 3, 4 and 5
Block 137	Lots 1, 2, 3, 4 and 5
Block 138	Lots 1, 2, 3, 4, 5, 6 and 7
Block 139	Lots 1, 2, 3, 4, 5, 6 and 7
Block 140	Lots 1, 2, 3, 4, 5, 6, 7.01, 8, 9, 10, 13, 14, 15 and 16

on the official tax map of the Borough of Chatham (collectively, the “Study Area”), may be an appropriate area for consideration for the program of redevelopment; and

**WHEREAS**, the Redevelopment Law sets forth a specific procedure for establishing an area in need of redevelopment; and

**WHEREAS**, the Redevelopment Law empowers the Mayor and Borough Council to authorize and direct the Planning Board of the Borough of Chatham (the “Planning Board”) to conduct a preliminary investigation in accordance with N.J.S.A. 40A:12A-6 to determine whether an area meets the criteria of a redevelopment area pursuant to the Redevelopment Law; and

**WHEREAS**, the Mayor and Borough Council of the Borough of Chatham wish to authorize and direct the Planning Board to undertake a preliminary investigation to determine whether the Study Area, or any part thereof, qualifies as a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that the Planning Board is hereby authorized and directed to conduct a preliminary investigation in accordance with N.J.S.A. 40A:12A-6, including the holding of a public hearing, to determine whether the Study Area, or any part thereof, qualifies as a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law.

**BE IT FURTHER RESOLVED**, that, pursuant to the Redevelopment Law, any designation made by the Mayor and Borough Council with respect to the Study Area, or any part thereof, as an area in need

of redevelopment shall authorize the Borough to use all those powers provided by the Legislature for use in a redevelopment area, except the power of eminent domain.

**BE IT FURTHER RESOLVED**, that the Planning Board shall be permitted to retain the services of a professional planning firm with New Jersey licensed professionals to assist in conducting its investigation and issuing a report.

**BE IT FURTHER RESOLVED**, that the Planning Board shall submit its findings and recommendations to the Mayor and Council in the form of a Resolution with supporting documentation as to whether the Mayor and Borough Council should or should not designate all or part of the Study Area as a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law.

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution is to be forwarded to the Planning Board.

**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 Weber made a motion to approve Resolution # 20-214.

Council President Mathiasen seconded the motion.

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

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

Mayor Kobylarz asked Council President Mathiasen to proceed with Resolution # 20-215.

Council President Mathiasen read Resolution # 20-215 by title.

#### **RESOLUTION #20-215**

**RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING A NON-FAIR AND OPEN CONTRACT WITH DMR ARCHITECTS TO PREPARE A REHABILITATION REPORT IN CONNECTION WITH THE DESIGNATION OF CERTAIN REAL PROPERTIES AS AN AREA IN NEED OF REHABILITATION IN ACCORDANCE WITH N.J.S.A. 40A:12A-1 ET SEQ.**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation; and

**WHEREAS**, in accordance with the Redevelopment Law, the Mayor and Borough Council of the Borough of Chatham (the “Mayor and Borough Council”) desire to explore whether certain real properties, specifically

Block 134	Lots 1, 2, 3, 4, 5, 6, 7, 26, 27 and 28
Block 135	Lots 1, 2, 3, 4, 5, 6, 7, 8, 13 and 14
Block 136	Lots 1, 2, 3, 4 and 5
Block 137	Lots 1, 2, 3, 4 and 5
Block 138	Lots 1, 2, 3, 4, 5, 6 and 7
Block 139	Lots 1, 2, 3, 4, 5, 6 and 7
Block 140	Lots 1, 2, 3, 4, 5, 6, 7.01, 8, 9, 10, 11, 12, 12.01, 13, 14, 15 and 16

on the Official Tax Map of the Borough of Chatham (the “Study Area”) should be considered for designation as an area in need of rehabilitation pursuant to N.J.S.A. 40A:12A-14a; and

**WHEREAS**, the Mayor and Borough Council wish to authorize a non-fair and open professional services contract pursuant to N.J.S.A. 19:44A-20.5 with DMR Architects, Heights Plaza, 777 Terrace Avenue, Suite 607, Hasbrouck Heights, NJ, to prepare a written report (the “Rehabilitation Report”) analyzing whether the Study Area meets the criteria set forth in the Redevelopment Law, N.J.S.A. 40A:12A-14(a); and

**WHEREAS**, the Borough Engineer is hereby authorized and directed to assist and cooperate in the preparation of the Rehabilitation Report; and

**WHEREAS**, the annual contract amount shall not exceed \$10,000.00; and

**WHEREAS**, the Borough Chief Financial Officer has further certified that sufficient funds are available for the purpose of awarding the contract; and

**WHEREAS**, DMR Architects will submit to the Borough a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Borough in the one (1) year preceding the award of this contract and that the contract will prohibit DMR Architects from making any reportable contributions through the term of the contract.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that it hereby authorizes a non-fair and open professional services contract with DMR Architects to prepare a Rehabilitation Report analyzing whether the Study Area meets the criteria set forth in the Redevelopment Law, N.J.S.A. 40A:12A-14(a). The annual contact amount shall not exceed \$10,000.00.

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Clerk are hereby authorized and directed to execute said professional services contract in a form acceptable to the Borough Attorney.

**BE IT FURTHER RESOLVED**, the Borough Engineer is hereby authorized and directed to assist and cooperate in the preparation of the Rehabilitation Report.

**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 President Mathiasen made a motion to approve Resolution # 20-215.

Council Member Resto seconded the motion.

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

Name	Motion	Second	Yes	No	Abstain	Absent
Weber, Sr.			X			

Dempsey			X			
Mathiasen	X		X			
Koronkiewicz			X			
Treloar			X			
Resto		X	X			

## ADJOURNMENT

Having no other business to be conducted in public session, Council Member Resto motioned to adjourn the regular meeting, seconded by Council Member Treloar. With a unanimous voice vote, the motion was approved. The meeting adjourned at 7:09 p.m.

Respectfully Submitted on September 14, 2020 by:

Tamar Lawful, RMC  
Borough Clerk  
BOROUGH OF CHATHAM