

**SPECIAL MEETING OF THE MAYOR AND BOROUGH COUNCIL
BOROUGH OF CHATHAM MEETING MINUTES
JUNE 22, 2022**

CALL MEETING TO ORDER

Mayor Thaddeus J. Kobylarz called the Special Meeting of the Borough of Chatham's Borough Council to order on Wednesday, June 22, 2022, at 5:00 P.M. in the Council Chambers in Borough Hall, 54 Fairmount Avenue.

SALUTE TO FLAG AND MOMENT OF SILENCE

Mayor Kobylarz led those attending in the Pledge of Allegiance and asked for a moment of silence to honor those who have given their lives for our country, the healthcare professionals working during the pandemic, and the victims of Covid-19.

STATEMENT OF ADEQUATE NOTICE

Pursuant to the requirements of the Open Public Meetings Act, adequate notice of this meeting has been provided by including same in email to the Daily Record, the Chatham Courier, the Chatham Patch, and TAPinto Chatham, posted copies on the official bulletin board on the main floor of Borough Hall and was filed with the Borough Clerk, all on June 16, 2022. This notice was also sent to the Star Ledger.

ROLL CALL

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

- Mayor Thaddeus J. Kobylarz
- Council President Irene Treloar
- Council Member Carolyn Dempsey - virtually
- Council Member Jocelyn Mathiasen - virtually
- Council Member Karen Koronkiewicz - virtually
- Council Member Leonard Resto
- Council Member Frank Truilo- virtually

Also present were:

- Stephen W. Williams, Borough Administrator / Acting Borough Clerk
- Steven Kleinman, Borough Attorney
- Jonathan Drill, Affordable Housing Special Counsel

EXECUTIVE SESSION

Mayor Kobylarz asked Council Member Truilo to proceed with Resolution #22-205.
Council Member Truilo read Resolution #22-205:

RESOLUTION #22-205

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:

- Pending Affordable Housing Litigation and Attorney Client privileged advice regarding Affordable Housing – Jon Drill

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.

Council Member Truilo moved to adopt Resolution #22-205, seconded by Council Member Resto.

RETURN TO OPEN SESSION

Mayor Kobylarz called the meeting back in session at 5:40pm and asked the Acting Borough Clerk to reread the statement of adequate notice.

ROLL CALL

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

Mayor Thaddeus J. Kobylarz
Council President Irene Treloar
Council Member Carolyn Dempsey - virtually
Council Member Jocelyn Mathiasen - virtually
Council Member Karen Koronkiewicz - virtually
Council Member Leonard Resto
Council Member Frank Truilo- virtually

Also present were:

Stephen W. Williams, Borough Administrator / Acting Borough Clerk
Steven Kleinman, Borough Attorney
Jonathan Drill, Affordable Housing Special Counsel

RECUSALS

There were no recusals or abstentions submitted for the record.

NON-ROUTINE NON-CONSENT ITEM

Mayor Kobylarz asked Council President Treloar to proceed with Resolution #22-206.

Borough Attorney Kleinman stated there were changes agreed in closed session and that Special Counsel Drill is finalizing the resolution. Attorney Kleiman explained the changes which were made and read the following portion of the resolution:

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Resolution 22-204, which selected Nouvelle LLC of Cliffside Park, New Jersey as the redeveloper for the 15-unit single building residential affordable housing project on Borough-owned land, Lot 10 in Block 121, in the southeast corner along Bowers Lane, is hereby rescinded.
2. Bergen County United Way, of 6 Forest Avenue, Suite 220, Paramus, NJ 07652 is hereby designated as the substitute redeveloper for the 15-unit single building residential affordable housing project on Borough-owned land, Lot 10 in Block 121, in the southeast corner along Bowers Lane.
3. The Borough Council authorizes the Mayor, Borough Administrator, Borough Attorney, and the Borough's appointed legal and planning professionals to immediately prepare and execute a Redevelopment Agreement with BC UW with respect to the 15-unit single building residential affordable housing project on Borough-owned land, Lot 10 in Block 121, in the southeast corner along Bowers Lane, and to take any and all required ancillary actions necessary to do so.
4. The Redevelopment Agreement authorized by this Resolution shall be subject to approval by the Fair Share Housing Center ("FSHC") of BC UW and FSHC's approval of BC UW's proposed 15-unit 100% affordable housing project as a substitute mechanism for the inclusionary development that is referenced in the First Amendment to the Settlement Agreement in MRS-L-1906-15 but which is not required by the First Amendment to the Settlement Agreement.
5. A certified copy of this Resolution shall be provided to Nouvelle LLC, BC UW, the Borough's Redevelopment Counsel, and the Borough's Affordable Housing Counsel.

Council President Treloar moved to adopt Resolution #22-206 as revised, seconded by Council Member Resto.

Roll call:

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

Against: none

Abstain: none

RESOLUTION #22-206

RESOLUTION RESCINDING THE DESIGNATION OF NOUVELLE LLC AS REDEVELOPER OF THE POST OFFICE PLAZA SITE; DESIGNATING BERGEN COUNTY UNITED WAY (“BCUW”) AS THE REDEVELOPER FOR THE POST OFFICE PLAZA SITE, AND AUTHORIZING THE MAYOR TO EXECUTE A REDEVELOPMENT AGREEMENT WITH BCUW FOR THE PROJECT AT THE POST OFFICE PLAZA SITE

WHEREAS, pursuant to Resolution #17-288, the Chatham Borough Council authorized the Planning Board to determine whether certain property within the Borough commonly known as the “Post Office Plaza” constituted an area in need of redevelopment pursuant to the Redevelopment and Housing Law, N.J.S.A. 40A:12-1, et seq.; and,

WHEREAS, pursuant to Resolution #18-102, and following receipt of a Redevelopment Investigation Report and the Planning Board’s recommendation, the Borough Council designated the properties comprising Post Office Plaza as a non-condemnation redevelopment area, pursuant to N.J.S.A. 40A:12-5 and N.J.S.A. 40A:12-6; and,

WHEREAS, the Post Office Plaza redevelopment area comprises Block 121, Lots 10, 11, 12, 13 and 17; and Block 122, Lots 1, 2 and 13-18 on the Borough’s Tax Map; and,

WHEREAS, thereafter, a redevelopment plan was prepared for Post Office Plaza and the Borough Council reviewed potential options for the redevelopment of Post Office Plaza in accordance with the redevelopment plan; and,

WHEREAS, the Borough Council held two “town hall” meetings to allow the public to learn about the potential options available for the redevelopment of Post Office Plaza and to comment on same, and carefully considered all of the comments it received on the topic; and,

WHEREAS, given the time sensitivity of the matter and its implication for on-going litigation involving the Borough’s ongoing affordable housing “Mount Laurel” compliance under docket number MRS-L-1906-15, the Borough Council determined at its special meeting on May 2, 2022 to adopt Resolution 22-169, which determined that that the construction of a 15-unit single building residential affordable housing project on Borough-owned land, Lot 10 in Block 121, in the southeast corner along Bowers Lane was the appropriate mechanism for the redevelopment of Post Office Plaza; and,

WHEREAS, Resolution 22-169 further authorized the Mayor, Borough Administrator, Borough Attorney, and the Borough’s appointed legal and planning professionals to immediately prepare a redevelopment agreement with the entity responsible for constructing the 15-unit single building residential affordable housing project and to take any and all required ancillary actions to ensure that such an agreement was completed and executed by June 1, 2022; and,

WHEREAS, following the Borough Council’s authorization in Resolution 22-169, at its special meeting on May 31, 2022, the Borough Council determined to adopt Resolution 22-204, which selected Nouvelle LLC of Cliffside Park, New Jersey as the redeveloper for the 15-unit single building residential affordable housing project on Borough-owned land, Lot 10 in Block 121, in the southeast corner along Bowers Lane, subject to conditions given their ability to develop consistent with the Redevelopment Plan; and,

WHEREAS, later developments have resulted in a determination by the Borough's professionals that Nouvelle LLC should no longer serve as the entity responsible for constructing the 15-unit single building residential affordable housing project and that Bergen County United Way ("BCUW") should do so instead; and,

WHEREAS, BCUW is an experienced redeveloper of affordable housing residential developments and the Council, exercising its duly authorized powers under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., desires that the project be developed by BCUW in accordance with Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

6. Resolution 22-204, which selected Nouvelle LLC of Cliffside Park, New Jersey as the redeveloper for the 15-unit single building residential affordable housing project on Borough-owned land, Lot 10 in Block 121, in the southeast corner along Bowers Lane, is hereby rescinded.
7. Bergen County United Way, of 6 Forest Avenue, Suite 220, Paramus, NJ 07652 is hereby designated as the substitute redeveloper for the 15-unit single building residential affordable housing project on Borough-owned land, Lot 10 in Block 121, in the southeast corner along Bowers Lane.
8. The Borough Council authorizes the Mayor, Borough Administrator, Borough Attorney, and the Borough's appointed legal and planning professionals to immediately prepare and execute a Redevelopment Agreement with BCUW with respect to the 15-unit single building residential affordable housing project on Borough-owned land, Lot 10 in Block 121, in the southeast corner along Bowers Lane, and to take any and all required ancillary actions necessary to do so.
9. The Redevelopment Agreement authorized by this Resolution shall be subject to approval by the Fair Share Housing Center ("FSHC") of BCUW and FSHC's approval of BCUW's proposed 15-unit 100% affordable housing project as a substitute mechanism for the inclusionary development that is referenced in the First Amendment to the Settlement Agreement in MRS-L-1906-15 but which is not required by the First Amendment to the Settlement Agreement.
10. A certified copy of this Resolution shall be provided to Nouvelle LLC, BCUW, the Borough's Redevelopment Counsel, and the Borough's Affordable Housing Counsel.

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MEETING OPEN TO THE PUBLIC

Mayor Kobylarz read the following statement:

Hearing of citizens during the Public Comment section of the Agenda is an opportunity for any member of the public to be heard about issues which are/are not topics scheduled for Public Hearing tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to a reasonable length of time.

Bob Weber- 99 Summit Ave - Voiced his concern about residents not knowing about tonight's Special Meeting and felt there is a lack of transparency. He also asked why the Borough was making the change in developers.

Attorney Kleinman responded.

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

ADJOURNMENT

Council Member Resto moved to adjourn, seconded by Council President Treloar. By a unanimous voice vote, the meeting was adjourned at 5:59 P.M.

Respectfully submitted by:

Stephen W. Williams, Acting Borough Clerk.