

**MEETING OF THE BOROUGH OF CHATHAM
MAYOR AND BOROUGH COUNCIL
MEETING MINUTES
NOVEMBER 14, 2022**

CALL MEETING TO ORDER

Mayor Thaddeus J. Kobylarz called the Regular Meeting of the Borough of Chatham's Borough Council to order on Monday, November 14, 2022, at 7:30 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

Borough Clerk Nienhouse read the following statement:

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 January 4, 2022.

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

Council Member Jocelyn Mathiasen

Council Member Karen Koronkiewicz (arrived at 7:35pm)

Council Member Leonard Resto

Council Member Frank Truilo

Also present were:

Stephen W. Williams, Borough Administrator

Steven Kleinman, Borough Attorney

Vanessa Nienhouse, Borough Clerk

Brian Gibbons, Police Chief

EXECUTIVE SESSION

Council Member Truilo read Resolution #22-308.

RESOLUTION #22-308

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 N.J.S.A. 10:4-6:

- Solid Waste Contract

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 #22-308, second by Council Member Resto. All present were in favor.

The meeting adjourned at 7:37 pm and Mayor Kobylarz announced the Mayor and Council will return to the public portion of the meeting at 8:00 pm

The meeting was reconvened at 8:02 pm.

STATEMENT OF ADEQUATE NOTICE

Borough Clerk Nienhouse was asked to read the following statement:

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 January 4, 2022.

ROLL CALL

Present:

Mayor Thaddeus J. Kobylarz
Council President Irene Treloar
Council Member Carolyn Dempsey
Council Member Jocelyn Mathiasen
Council Member Karen Koronkiewicz
Council Member Leonard Resto
Council Member Frank Truilo
Stephen W. Williams, Borough Administrator
Steven Kleinman, Borough Attorney
Vanessa Nienhouse, Borough Clerk

PROCLAMATIONS

Council Member Resto read the proclamation in support of Small Business Saturday.

RESOLUTION #22-309

RESOLUTION CELEBRATING SATURDAY, NOVEMBER 26, 2022, AS SMALL BUSINESS SATURDAY®

WHEREAS, small businesses are the cornerstone of our free enterprise system and since the birth of our country have represented opportunity, independence, and the fulfillment of dreams for generations of Americans; and

WHEREAS, small business owners who work long hours, juggle family and business responsibilities and serve as community volunteers, are integral to our country's prosperity and to the vibrancy of our community; and

WHEREAS, small businesses create more than two-thirds of the net new jobs and generate close to half of the private gross domestic product; and

WHEREAS, 99 percent of United States consumers believe it is important to support the local small businesses they value in their community and agree that locally owned independent businesses contribute positively through providing jobs and paying taxes; and

WHEREAS, the Borough of Chatham enthusiastically supports our local businesses and recognizes the important contributions they make in creating jobs, boosting our local economy and preserving our neighborhoods; and

WHEREAS, advocacy groups and public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby celebrate Saturday, November 26, 2022, as Small Business Saturday® and encourage all Borough residents to support our community's small businesses and merchants on Small Business Saturday® and throughout the year.

Council Member Resto moved to adopt Resolution #22-309, seconded by Council Member Truilo. All present were in favor.

Council Member Resto read the proclamation in support of Veteran's Day.

RESOLUTION #22-310

VETERANS DAY PROCLAMATION

WHEREAS, America's Veterans have served on the battlefield, at home, and around the world for over 240 years; and

WHEREAS, Veterans Day was once known as Armistice Day, proclaimed by President Woodrow Wilson in 1919 to remind Americans of the tragedies of war; and

WHEREAS, in 1938 Congress passed a bill that each November 11th shall be, “a day dedicated to the cause of world peace and hereafter celebrated and known as ‘Armistice Day’”; and

WHEREAS, in 1954 Congress changed the name to Veterans Day in order to honor American Veterans of all wars; and

WHEREAS, on the heels of Election Day, Veterans Day brings our republic’s core values into perspective: sacrifice, duty, and self-determination; and

WHEREAS, Military service is a shining example of honor, patriotism, and distinguished service to this cherished nation; and

WHEREAS, this service brings out quintessentially American instincts that seeks strength in our common creed, forges unity from our great diversity, and maintains fidelity to our fundamental principles; and

WHEREAS, Veterans and their families sacrifice a great deal of comfort for our continued safety and security; and

WHEREAS, this service takes a tremendous toll on those who return from war, where the Veteran population is 50% more likely to attempt suicide than the general population and almost 4% of Veterans experience homelessness; and

WHEREAS, we owe Veterans our gratitude, respect, and freedom for all that they do and endure, at home and abroad.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Chatham hereby give our thanks, gratitude, and respect to the Veterans of America in celebration of November 11th as Veteran’s Day.

Council Member Resto moved to adopt Resolution #22-310, seconded by Council Member Koronkiewicz. All present were in favor.

RECUSALS

There were no recusals or abstentions submitted for the record.

ADOPTION OF COUNCIL MEETING MINUTES

Council Member Resto read Resolution #22-311.

RESOLUTION #22-311

RESOLUTION TO ADOPT COUNCIL MEETING MINUTES

BE IT RESOLVED, by the Council of the Borough of Chatham that the minutes from the following meetings are approved as prepared and shall be filed as a permanent record in the Borough Clerk’s office:

- July 11, 2022
- September 12, 2022

Council Member Resto moved to adopt Resolution #22-311, seconded by Council Member Truilo. All present were in favor.

DISCUSSION ITEMS

- Girl Scout Gold Award Project - Miranda Salinger presented her project of collecting pajamas for homeless children called “Wrapped up in Love”
- Chatham Borough Home Energy Audit Program - Scott Fischer, CEO Ciel Power LLC- explained their services, home energy audits, which are available to Borough residents.
- Solid Waste Contract Options – Council Member Mathiasen presented the options which the Governing Body discussed in closed session.

Mayor Kobylarz opened the meeting for comments from the Governing Body.

MAYOR'S REPORT I

Mayor Kobylarz reported on the following:

- Coronavirus numbers
- Library update

- Post Office Plaza compliance hearing
- Thanked the Governing Body and congratulated the re-elected council members.

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.

Yana Doyle, 8 Rose Terrace- Spoke in support of eliminating the green plastic bags and commented on bulk pickup.

Rozella Clyde, 33 Carmine St.- Spoke in support of eliminating the green plastic bags and in favor of the automated service.

Allison Slater, 171 Weston Ave. - Spoke in support of eliminating the green plastic bags and voiced her support for the automated service.

Tim Anderson, 52 Hedges Ave. - Requested that residents be charged differently based on the size of the garbage can they will be using.

Val Clark, 21 Fern Ave. – Concerned about bins being left out and that residents will not recycle if the town changes from the green bag system. Not in favor of changing to the automated system.

Jack Drew, 32 Inwood Rd. – Concerned that if the town does away with the green bags residents will no longer recycle and is not in favor of the automated system.

Fran Drew, 32 Inwood Rd.- Would like additional parking in post office plaza instead of affordable housing. Presented the governing body with her idea.

Susan Robertson, 45 Highland Ave. – Spoke in favor of the automated service and getting rid of the green bags as well as promoting recycling in the Borough.

Tim Zagonas, 8 Second St. – Voiced his concern about large trucks passing through the Borough along Second Street and South Passaic Ave. and feels signs are needed to restrict them.

Joseph Treloar, 89 Elmwood Ave. - Feels if the automated service is implemented properly this could be beneficial to this town as well decrease the carbon footprint in town.

Alex Friel, 41 Hedges Ave. – Presented the Governing Body with a petition with 170 signatures requested a crosswalk on Hedges Ave at the walking cutthrough intersection to Roosevelt Ave.

Ben Lampert, 48 Fairmount Ave. – in support of new garbage service with the automated system.

Bob Penn, 165 North Passaic Ave. – Congratulated the two council members on their reelection. Thanked Chief Gibbons for his professionalism and service.

Mayor Kobylarz closed the public portion of the meeting.

RESOLUTIONS NON-ROUTINE NON-CONSENT

Mayor Kobylarz invited members of the Governing Body for any comments on this resolution. Council Members voiced their opinions. Mayor Kobylarz asked the Clerk to poll the Council asking for members vote for either automated or green bags, which would determine which resolution to be introduced and voted upon.

For Automated System: Council President Treloar, Council Members: Dempsey, Mathiasen, Koronkiewicz, Truilo

For Green Bags: Council Member Resto

Mayor Kobylarz stated the resolution to be approved will be the automated service contract. Council Member Mathiasen introduced Resolution # 22-312 by reading it by title.

RESOLUTION #22-312

RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO SUBURBAN DISPOSAL, INC. FOR SOLID WASTE COLLECTION SERVICES

Council Member Mathiasen moved to adopt Resolution #22-312, seconded by Council Member Dempsey. Roll call:

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

Against: Council Member Resto

Abstain: none

Absent: none

RESOLUTION #22-312

RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO SUBURBAN DISPOSAL, INC. FOR SOLID WASTE COLLECTION SERVICES

WHEREAS, The Borough Purchasing Agent publicly opened bids on July 14, 2022, for Solid Waste Collection Services; and

WHEREAS, the bid for solid waste collection services included several bid options for a five (5) year contract:

- Base Bid: Rear Load Collection Services and continuation of green bag program
- Alternate Option One: Rear Load Collection Services and discontinuation of the green bag program and Borough assumes the tipping fees
- Automated Collection Services and discontinuation of the green bag program and Borough assumes the tipping fees

WHEREAS, one (1) bid was received from Suburban Disposal, Inc. and the bid options are as follows;

Suburban Disposal Bid:	Year 1	Year 2	Year 3	Year 4	Year 5
Base Bid: Rear Load & Continuation of Green Bag Program	\$592,000	\$615,000	\$640,000	\$678,000	\$726,000
Alternate Option One: Rear Load & Discontinue Green Bag Program & Borough Pays Tipping Fees	\$470,000	\$489,000	\$508,000	\$539,000	\$577,000
Alternate Option Two: Automated Collection & Discontinue Green Bag Program & Borough Pays Tipping Fees	\$422,000	\$439,000	\$457,000	\$484,000	\$518,000

And;

WHEREAS, the Borough estimates our current tipping fee to be approximately \$315,000 which was included as an evaluation factor when examining the various bid options; and

WHEREAS, after evaluating all cost factors, the Borough wishes to transition to Alternate Bid Option Two: Automated Collection Services; and

WHEREAS, Suburban Disposal, Inc. is the lowest responsive and responsible bidder and has been duly reviewed and analyzed by the Chatham Borough Attorney and the Qualified Purchasing Agent; and

WHEREAS, the bid received by Suburban Disposal, Inc. has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-1 et seq and N.J.A.C. 7:26H and the specifications as written; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from account number 2-07-55-502-233 and will be appropriated in future years' budgets.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Chatham, County of Morris, State of New Jersey, as follows:

1. The Borough Council hereby awards a contract to Suburban Disposal, Inc. of Fairfield, New Jersey in the following manner to allow transition time to the automated collection services option:
 - Effective April 1, 2023 through December 31, 2023: Base Bid Option – Rear Load Collection, two times per week, continuation of green bag program and contractor assumes all tipping fees to be paid in monthly installments of \$49,333.33
 - Effective January 1, 2024 – December 31, 2024: Alternate Bid Option Two – Automated Collection one time per week, discontinue green bag program, Borough assumes all tipping fees and Borough provides all residents with trash bin to be paid in monthly installments \$36,583.33
 - Effective January 1, 2025 – December 31, 2025: Alternate Bid Option Two – Automated Collection one time per week, discontinue green bag program, Borough assumes all tipping fees and Borough provides all residents with trash bin to be paid in monthly installments \$38,083.33
 - Effective January 1, 2026 – December 31, 2026: Alternate Bid Option Two – Automated Collection one time per week, discontinue green bag program, Borough assumes all tipping fees and Borough provides all residents with trash bin to be paid in monthly installments \$40,333.33
 - Effective January 1, 2027 – March 31, 2028: Alternate Bid Option Two – Automated Collection one time per week, discontinue green bag program, Borough assumes all tipping fees and Borough provides all residents with trash bin to be paid in monthly installments \$43,166.66
2. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with Suburban Disposal, Inc. in accordance with its bid for Solid Waste Collection Services.
3. This resolution and contract shall be available for public inspection in the office of the Borough Clerk.

Council Member Koronkiewicz introduced Resolution #22-313 by reading it by title.

RESOLUTION #22-313

RESOLUTION OF INTENT TO BOND TO APPROPRIATE FUNDS OR BOND IN THE EVENT OF A FUNDING SHORTFALL FOR THE BCUW 15-UNIT 100% AFFORDABLE FAMILY RENTAL HOUSING PROJECT

Council Member Koronkiewicz moved to adopt Resolution #22-313, seconded by Council Member Resto.

Roll call:

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

Against: none

Abstain: none

Absent: none

RESOLUTION #22-313

RESOLUTION OF INTENT TO BOND TO APPROPRIATE FUNDS OR BOND IN THE EVENT OF A FUNDING SHORTFALL FOR THE BCUW 15-UNIT 100% AFFORDABLE FAMILY RENTAL HOUSING PROJECT

WHEREAS, the Borough of Chatham (the “Borough”) has proposed a municipally sponsored 15-unit 100% affordable family rental housing project (the “Project”) to be constructed and operated by BCUW / Madeline Housing Partners LLC (“BCUW”) on Borough-owned land, Lot 10 in Block 121, in the southeast corner along Bowers Lane as a mechanism for the redevelopment of Post Office Plaza redevelopment area and has entered into a Redevelopment Agreement with BCUW dated September 16, 2022 (the “Redevelopment Agreement”) for that purpose; and,

WHEREAS, section 4.2 of the Redevelopment Agreement provides that BCUW will seek funding for the Project from various sources and, to the extent there is a shortfall in such funding, the Borough shall provide funding, first from its Affordable Housing Trust Fund, and second from other Borough sources of funds; and,

WHEREAS, by adoption of Ordinance #22-12 on October 11, 2022, the Borough appropriated the sum of \$6,000,000 and authorized the issuance of bonds to finance the costs of construction of the Project to the extent of a shortfall in funding; and,

WHEREAS, the Borough is currently seeking court approval in its pending declaratory judgment action titled I/M/O the Borough of Chatham Mount Laurel Compliance, Docket No. MRS-L-1906-15, for the approval of the BCUW Project as part of its affordable housing plan as a substitute mechanism pursuant to a June 14, 2021 First Amendment (the “First Amendment”) to the November 7, 2016 Settlement Agreement it entered into with Fair Share Housing Center

("FSHC") to replace 15 units of affordable housing that would have been generated by an inclusionary development in the Post Office Plaza redevelopment area, and FSHC has objected to the court approving the BCUW Project on a number of grounds, with one of the grounds being its concern regarding the timing of the construction of the Project in the event that a funding shortfall in excess of \$6,000,000 is experienced; and,

WHEREAS, the Borough has come up with a solution to that objection which is to adopt a Resolution of Intent to Bond for any such additional shortfall, using the form of Resolution of Intent to Bond developed by the Council on Affordable Housing ("COAH") in 2008 (during the third-housing round), and which would also include a "trigger" date for the Borough to request note financing authorized by Ordinance #22-12 tied to the Project financing dates contained in the Preliminary Development Project Timeline which is attached to and incorporated into the Redevelopment Agreement as Exhibit B-3, with the goal being to ensure that the Project is constructed with certificate(s) of occupancy granted by March, 2025 and no later than June 30, 2025, just prior to the end of the third-round of affordable housing; and,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Chatham, Morris County, State of New Jersey, that the Governing Body does hereby agree to appropriate funds and authorize debt to fund any shortfall over the \$6,000,000 already authorized for the construction of the Project that may arise whether due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED that, upon notification that inadequate funding exists for the construction of the Project, the Borough of Chatham agrees to appropriate funds and authorize debt to fund any shortfall over the \$6,000,000 already authorized for the construction of the Project within 90 days of such notification; and

BE IT FURTHER RESOLVED that the Borough of Chatham may repay debt through future collections of development fees, as such funds become available; and

BE IT FURTHER RESOLVED that the Borough of Chatham will request note financing authorized by Ordinance #22-12 no later than January, 2024 if BCUW's funding sources have not provided the amount of money BCUW needs to construct the Project as January, 2024 is the outside date for BCUW to obtain funding from sources other than the Borough and construction is slated to commence in March, 2024 and to be completed with certificate(s) of occupancy obtained by March, 2025, with the fourth-round of affordable housing to begin in July, 2025.

ORDINANCES FOR SECOND READING

Council Member Koronkiewicz read Ordinance #22-13 by title:

ORDINANCE #22-13

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 79, ENTITLED "ANIMAL AND RABIES CONTROL" OF SECTION 16 THEREOF ENTITLED "FEES"

Borough Clerk Vanessa L. Nienhouse read the following notice: A legal notice was published indicating that Ordinance #22-13 was introduced and passed on first reading at the October 24, 2022 meeting and indicated the second reading and public hearing would be held at 7:30 pm on November 14, 2022, 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 opened the meeting for a public hearing on the Ordinance.
Mayor Kobylarz closed the public hearing when no one wished to be heard.

Council Member Koronkiewicz moved to adopt Ordinance #22-13 and read the following statement:

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 Truilo seconded the motion.

Roll call:

In favor: Council President Treloar and Council Members: Dempsey, Mathiasen, Koronkiewicz, Resto, Truilo
Against: none
Abstain: none
Absent: none

ORDINANCE #22-13

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 79, ENTITLED "ANIMAL AND RABIES CONTROL" OF SECTION 16 THEREOF ENTITLED "FEES"

WHEREAS, Chapter 79, entitled "Animal and Rabies Control", of the Borough Code regulates the enforcement and fees charged pursuant to the Borough's General Legislative Code in the Borough of Chatham; and

WHEREAS, it has been recommended that Chapter 79 entitled "Animal and Rabies Control" be amended and supplemented in Section 16 entitled "Fees".

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of Chatham Borough, in the County of Morris, State of New Jersey, as follows:

Section 1.

Chapter 79 of the Code of the Borough of Chatham, Section 16 thereof, entitled "Fees" is hereby amended as follows:

"The following fees shall be paid to the Borough of Chatham for compliance of this chapter:

B. Late charge for dog or cat license and registration tag, effective February 1: \$10.00

Section 2.

All other provisions of Chapter 79 not amended or replaced herein remain in full force and effect.

Section 3.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 4.

All Ordinances or parts of Ordinances of Chatham Borough inconsistent herewith are repealed to the extent of such inconsistency.

Section 5.

This law shall take effect immediately upon final passage, approval and publication as required by law.

Council Member Mathiasen read Ordinance #22-14 by title:

ORDINANCE #22-14

ORDINANCE TO AMEND ORDINANCE 22-11 REINSTATNG PRIOR ZONING FOR PORTIONS OF THE POST OFFICE PLAZA REDEVELOPMENT AREA, AS AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OF THE BOROUGH OF CHATHAM, NEW JERSEY

Borough Clerk Vanessa L. Nienhouse read the following notice:

A legal notice was published indicating that Ordinance #22-14 was introduced and passed on first reading at the October 24, 2022 meeting and indicated the second reading and public hearing would be held at 7:30 pm on November 14, 2022, 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 opened the meeting for a public hearing on the Ordinance.

Mayor Kobylarz closed the public hearing when no one wished to be heard.

Council Member Mathiasen moved to adopt Ordinance #22-14 and read the following statement:

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 Resto seconded the motion.

Roll call:

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

Against: none
Abstain: none
Absent: none

ORDINANCE #22-14

ORDINANCE TO AMEND ORDINANCE 22-11 REINSTATNG PRIOR ZONING FOR PORTIONS OF THE POST OFFICE PLAZA REDEVELOPMENT AREA, AS AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OF THE BOROUGH OF CHATHAM, NEW JERSEY

WHEREAS, this Ordinance was introduced and read by title at a meeting of the Council for the Borough of Chatham (the “Council”) held on October 24, 2022; and

WHEREAS, by Ordinance No. 19-10 adopted April 22, 2019, the Mayor and Council adopted the Post Office Plaza Redevelopment Plan (the “Plan”); and

WHEREAS, by Ordinance 21-22 adopted December 13, 2021, the Plan was amended; and

WHEREAS, by Resolution 22-169 adopted by the Mayor and Council May 2, 2022, the Mayor and Council determined that the affordable housing requirement for the Post Office Plaza Redevelopment Area would be achieved by a 15-unit residential structure to be located on Lot 10 in Block 121, in the Southeast corner along Bowers Lane; and

WHEREAS, the Mayor and Council directed the Borough’s Affordable Housing Planning consultant, Kendra A. Lelie of TM Associates (the “Planner”) to prepare an amendment to the redevelopment plan to restate the redevelopment plan to solely address the affordable housing structure; and

WHEREAS, the Planner prepared a Restated Redevelopment Plan dated September 8, 2022, (the “Restated Plan”), which shall extend only to Lots 10 and 17 in Block 121 as shown on the Tax Assessment Map of the Borough of Chatham (the “Tax Map”); and

WHEREAS, the Mayor and Council desire to confirm that the Zoning for the balance of the Post Office Plaza Redevelopment Area, not affected by the Restated Plan, shall revert to the zoning in place prior to the adoption of Ordinance 19-10; and

WHEREAS, by Ordinance 22-11 adopted October 11, 2022, the Mayor and Council confirmed the reversion of prior zoning; and

WHEREAS, Ordinance 22-11 contains an error in Section 1 in the identification of Lot 10 (part of) in Block 121 and the identification of Lot 1 in Block 122, and Section 2, in the identification of Lot 1 in Block 122, and a typographic error in Section 7 which errors shall be corrected by the adoption this Ordinance; and

WHEREAS, pursuant to N.J.S.A. 40:55D-26, the Council will refer this Ordinance to the Planning Board of the Borough of Chatham (the “Board”) for a report as to which provision of this Ordinance, of any, may be inconsistent with the Master Plan of the Borough of Chatham, and any other recommendations the Board may have; and

WHEREAS, assuming that the Board considers this Ordinance at a public meeting held on November 2, 2022 and issues a report prior to November 14, 2022, the Council has scheduled this Ordinance for a public hearing for adoption for November 14, 2022; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Chatham as follows:

SECTION 1

Lots 10 (part of), 11, 12 and 13 in Block 121 and Lot 1 in Block 122, as shown on the Tax Map are restored to and shall hereafter be located in the B-4 Community Business District as set forth in Section 165-19 of the Borough Ordinances.

SECTION 2

Lots 13, 14 and 15, 16, 17 and 18 in Block 122 as shown on the Tax Map are restored to and shall hereafter be located in the AFD-4 Affordable Housing District as set forth in Sections 165-39-45 of the Borough Ordinances.

SECTION 3

Lot 2 in Block 122, as shown on the Tax Map are restored to and shall hereafter be located in the B-3 General Business District as set forth in Section 165-18 of the Borough Ordinances.

SECTION 4

Borough of Chatham, Zoning Map shall be amended to show the revisions as set forth in Sections 1, 2, and 3 of this Ordinance.

SECTION 5

If any Sections, Subsections, paragraphs, sentence or any part of this Ordinance is judged unconstitutional or invalid, such judgment shall not effect, impair or invalidate the remainder of this Ordinance.

SECTION 6

All Ordinances or parts of Ordinances that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent that such inconsistencies.

SECTION 7

This Ordinance shall take effect after: (1) final passage and publication as prescribed by law; (2) filing with the Morris County Planning Board; and (3) entry of an amended judgment of compliance and repose in the pending affordable housing declaratory judgment action titled I/M/O Chatham Borough Compliance with Third Round Mount Laurel Affordable Housing Obligations, Docket No. MRS-L1906-15, which amended judgment shall recognize the elimination of the following lots from the Post Office Plaza Redevelopment Plan, which lots will have their prior zoning designations restored pursuant to this ordinance: (a) Lots 10 (part of), 11, 12 and 13 in Block 121, and Lot 1 in Block 122 as shown on the Tax Map, which will be restored to and be located in the B-4 Community Business District as set forth in Section 165-19 of the Borough Ordinances; (b) Lots 13, 14 and 15, 16, 17 and 18 in Block 122, as shown on the Tax Map, which will be restored to and be located in the AFD-4 Affordable Housing District as set forth in Sections 165-39-45 of the Borough Ordinances and (c) Lot 2 in Block 122, as shown on the Tax Map, which will be restored to and be located in in the B-3 General Business District as set forth in Section 165-18 of the Borough Ordinances.

COUNCIL MEMBERS REPORTS

President Treloar – No report

Council Member Dempsey – No report

Council Member Mathiasen – September 24th there will be a sustainability fair at the upcoming Farmers Market.

Council Member Koronkiewicz – Thanked the residents for voting.

Council Member Resto – Food Distribution advisory board is looking for donations to help offset the price of the produce that is being given to residents. He also reported that the Board of Health rabies clinic had 24 pets vaccinated and was a success.

Council Member Truilo – No report

MAYOR'S REPORT II

Nothing further to report.

ADMINISTRATOR'S REPORT

The Historic Preservation meeting scheduled for November 15th has been cancelled. The Police Department is utilizing a sign board on Main Street and have installed traffic stanchions throughout town urging motorists to stop for pedestrians.

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.

Resolutions #22-314 through #22-322 are on the Consent Agenda.

FINANCE

RESOLUTION #22-314 BILLS LIST

RESOLUTION #22-315 BUDGET TRANSFERS NOVEMBER 2022

RESOLUTION #22-316 AUTHORIZING REFUND FOR PROPERTY TAX OVERPAYMENT

CONTRACTS

RESOLUTION #22-317 AWARD ISLAND TECH SERVICES, STATE CONTRACT

RESOLUTION #22-318 AWARD OF BID WOODLAND ROAD PRESERVATION PROJECT

TOTAL	\$188,500
WATER UTILITY:	
FROM:	AMOUNT
Water Salary & Wages	\$27,500
TOTAL:	\$27,500
TO:	
Water Operating Expenses	\$27,500
TOTAL:	\$27,500

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Chatham, (not less than two thirds of all members thereof affirmatively concurring) that in accordance with provision N.J.S.A. 40A:4-58, part of the surplus in the accounts heretofore mentioned be and the same is hereby transferred to the accounts mentioned as being insufficient and directs the Chief Financial Officer to execute this transfer transaction.

RESOLUTION #22-316

RESOLUTION AUTHORIZING REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised that a duplicate payment was made by both the property owner and the mortgage service company resulting in an overpayment of property taxes; and

WHEREAS, the Tax Collector has further advised that a refund for the duplicate 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>
124=23.02	Niu, Liyun Zuo & Yan, Rowena 1 Colonial Way Chatham, NJ 07928	\$5,052.59	2022/3 rd Qtr.

both homeowner & mortgage co paid

***Please make check payable and mail to above homeowners**

NOW, THEREFORE 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 duplicate overpayment of property taxes as herein referenced.

RESOLUTION #22-317

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM AWARDING ISLAND TECH SERVICES THROUGH THE STATE CONTRACT# 17-FLEET-00744 FOR THE PURCHASE OF IN CAR CAMERAS

WHEREAS, the Borough of Chatham, pursuant to N.J.S.A. 40A:11-11(5), may, by resolution and without advertising for bids, award contracts for the purchase of any goods or services and that were procured through cooperative purchasing agreements, including State Contracts; and

WHEREAS, the Borough of Chatham wishes to purchase in-car cameras for the Police Department vehicles through State Contract #17-Fleet-00744, which exceeds the prevailing bid threshold:

VENDOR:	Island Tech Services, Somerville, New Jersey
COST:	Not to Exceed \$64,999

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*, said funds to be encumbered from accounts C-04-55-916-604 and C-04-55-922-103; and

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Chatham, County of Morris, State of New Jersey authorizes the Mayor and the Borough Clerk to enter into a contract with Island Tech Services of Somerville, New Jersey, not to exceed \$64,999 for the purchase of in car cameras for the Police Department vehicles.

RESOLUTION #22-318**RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO TOP LINE CONSTRUCTION FOR THE WOODLAND ROAD PRESERVATION PROJECT**

WHEREAS, the Borough of Chatham advertised for the receipt of sealed competitive bids to be received on November 3, 2022, at 10:00 a.m. for the Woodland Road Preservation Project as per the bid specifications; and

WHEREAS, four (4) bids were received, the names and base bids are as follows;

Name	Location	Bid Base Amount
Top Line Construction	22 Fifth St. Somerville, NJ	\$290,075.14
AJM Contractors	300 Kuller Rd. Clifton, NJ	\$298,234.00
KM Construction Corp.	14 Cordier St. Irvington, NJ	\$310,291.35
DLS Contracting, LLC	36 Montesano Rd.	\$348,224.00

and;

WHEREAS, the Local Public Contracts Law requires that competitive bidding contracts be awarded to the lowest, responsible, and responsive bidder; and

WHEREAS, Top Line Construction located in Somerville, New Jersey is the lowest responsive and responsible bidder submitting a base bid in the amount of \$290,075.14 and has been duly reviewed and analyzed by the Chatham Borough Attorney and the Qualified Purchasing Agent; and

WHEREAS, the bid received by Top Line Construction has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-4.1 et seq. and the specifications as written; and

WHEREAS, the Borough Engineer has found the bid submission to be in proper form and is in compliance with the bid specifications, as written, and in accordance with the provisions of N.J.S.A. 40A:11-23.1 and N.J.S.A. 40A:11-23.2 and recommends that an award of the contract should be made to Top Line Construction., 22 Fifth Street, Somerville, NJ 08876 in the amount of \$290,075.14 and

WHEREAS, the Borough Clerk has found the bid submission to be in compliance with the affirmative action laws and regulations of the State of New Jersey (N.J.S.A. 10:5-31 et seq and N.J.A.C. 17:27.) and with the Americans with Disabilities Act of 1990 (42 U.S.C. S121 01 et seq.); and

WHEREAS, the Chief Financial Officer has certified that the maximum dollar amount of the contract shall not exceed \$290,075.14 and that funds are currently available for the purpose of awarding this contract from the following Capital Fund Accounts C-04-55-922-001 and C-04-55-922-503.

BE IT RESOLVED, by the Council of the Borough of Chatham that they hereby authorize the Mayor and Borough Clerk to execute the contract with Top Line Construction, in the amount of \$290,075.14, in accordance with its bid for the Woodland Road Preservation Project; and

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

RESOLUTION #22-319**RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LICENSE AGREEMENT WITH NEW JERSEY TRANSIT CORPORATION FOR A PARCEL OF LAND LOCATED IN THE BOROUGH OF CHATHAM ALONG THE MORRISTOWN RAIL LINE, M.P. 23.00, ADJACENT TO 102 SUMMIT AVENUE (RECYCLING CENTER)**

WHEREAS, New Jersey Transit Corporation ("NJ Transit") owns a rectangular parcel of land in the Borough of Chatham (the "Borough") that is approximately 7,525 square feet along the Morristown Line, M.P. 23.00, adjacent to 102 Summit Avenue, which the Borough uses as a recycling center (the "License Area"); and

WHEREAS, the Borough desires to renew its lease with NJ Transit for the Licensed Area with a lease term of five years effective July 1, 2022 through June 30, 2027, in accordance with the terms and conditions of the renewed license agreement; and

WHEREAS, the Chief Financial Officer has confirmed that sufficient funds are available in Solid Waste Utility Fund Account #7-07-55-502-201 for the lease payment and that sufficient funds will be included in future Budget year submissions for Borough Council approval.

BE IT RESOLVED, by the Council of the Borough of Chatham that the Mayor is hereby authorized to sign the renewed lease agreement between the New Jersey Transit Corporation for the herein referenced property with a lease term of five years effective July 1, 2017 through June 30, 2022, in accordance with the terms and conditions of the renewed license agreement.

WHEREAS, NJ TRANSIT and Licensee originally entered into a License Agreement (hereinafter "License") on June 12, 2012, for a rectangular parcel of land containing approximately 7,525 square feet, along the Morristown Line, M.P. 23.00, adjacent to 102 Summit Avenue, located in the Borough of Chatham, County of Morris, State of New Jersey (hereinafter, the "License Area"); and

WHEREAS, NJ TRANSIT and the Borough of Chatham entered into the First License Amendment on February 12, 2018 which, inter alia, extended the Term of the License to June 30, 2022 and increased the size of the License Area to approximately 18,525 square feet which is comprised of Area A, 7,525sq. ft. & Area B, 11,000 sq. ft.; and

WHEREAS, the Term of the License expired on June 30, 2022; and

WHEREAS, NJ TRANSIT and the Borough of Chatham have agreed to extend the License for an additional five year (5) term with a revised Expiration Date of June 30, 2027; and

WHEREAS, NJ TRANSIT and the Borough of Chatham have agreed to amend the License to provide for revised Annual Fee in the amount of \$526.00 per year, with annual increases in the amount of two and one-half percent (2.5%), to be payable by Licensee, in addition to all other forms of Fee and/or Additional Fee as provided by the License; and

WHEREAS, NJ TRANSIT and the Borough of Chatham have agreed to such amendment of the License subject to the terms and conditions of this Amendment.

NOW, THEREFORE BE IT RESOLVED, in consideration of the mutual covenants, terms and conditions set forth in the attached amendment.

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

RESOLUTION # 22-320

RESOLUTION APPROVING THE 12th ANNUAL THANKSGIVING "TROT THE MANOR TURKEY TROT" 1-MILE FUN RUN AND 5K RUN ON NOVEMBER 24, 2022

WHEREAS, Karen Heflin is seeking permission to hold their 12th Annual Thanksgiving "Trot the Manor Turkey Trot" 1-mile Fun Run and 5K Run on Thursday, November 24, 2022 from 8:00 a.m. to 12:00 p.m. and has filed a Facilities Use Permit Application with the Borough; and

WHEREAS, the course for the Fun Run will be a 1-mile loop to include Rowan Road, Kimball Street, Coleman Avenue, and Jackson Avenue; and

WHEREAS, the course for the 5K Run will include Rowan Road, Clark Street, Dunbar Street, Vincent Street, West Coleman Avenue, East Coleman Avenue, Coleman Avenue, Kimball Street and Jackson Avenue; and

WHEREAS, the event will not require the closure of any roads; and

WHEREAS, the Mayor and Borough Council wish to authorize this event for the benefit of our local First Responders and local charities.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that permission is hereby granted to Karen Heflin to hold the 12th Annual Thanksgiving "Trot the Manor Turkey Trot" 1-mile Fun Run and 5K Run on Thursday, November 24, 2022, from 8:00 a.m. to 12:00 p.m. as herein referenced, contingent upon receipt of proof of insurance coverage as set forth in the Facilities Use Permit Application; and

BE IT FURTHER RESOLVED, that the Chatham Borough Police Department shall monitor certain portions of Rowan Road, Clark Street, Dunbar Street, Vincent Street, West Coleman Avenue, East Coleman Avenue, Coleman Avenue, Kimball Street and Jackson Avenue during the event to ensure the safety of the public; 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.

RESOLUTION #22-321

APPROVING THE CHATHAM EDUCATION FOUNDATION (CEF) WALK-THROUGH WINTER WONDERLAND ON SUNDAY DECEMBER 11, 2022

WHEREAS, Bethany Gianusso is seeking permission on behalf of the Chatham Education Foundation to hold a Walk-Through Winter Wonderland on Sunday, December 11th, 2022, from 5:00 p.m. to 8:00 p.m. (rain date December 17, 2022 from 5:00pm to 8:00 pm) and has filed a Facilities Use Permit Application with the Borough; and

WHEREAS, the festivities will be a 3-block area to include Rowan Road, Kimball Street, Coleman Avenue, Jackson Ave, Burgess Street, and a portion of Van Doren Avenue; and

WHEREAS, the event will require closure of the above mentioned roads; and

WHEREAS, the Mayor and Borough Council wish to authorize this event for the benefit of our local residents and community organizations.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that permission is hereby granted to Bethany Gianusso to hold the Walk-Through Winter Wonderland on Sunday, December 11th, 2022, from 5:00 p.m. to 8:00 p.m. as herein referenced, contingent upon receipt of proof of insurance coverage as set forth in the Facilities Use Permit Application; and

BE IT FURTHER RESOLVED that the Chatham Borough Police Department shall monitor certain portions of Rowan Road, Coleman Avenue, Kimball Street, Jackson Avenue, and a portion of Van Doren Avenue during the event to ensure the safety of the public; 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.

RESOLUTION #22-322

RESOLUTION AUTHORIZING THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2022 OF EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EMERGENCY MANAGEMENT AGENCY ASSISTANCE

WHEREAS, the Borough of Chatham Office of Emergency Management has been awarded State Homeland Security Grant Program Subgrant AFN #97.042, Subgrant Award #FY22-EMPG-EMAA-1404 from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The subgrant, consisting of a \$10,000.00 federal award is for the purpose of enhancing the Borough's ability to prevent, protect against, respond to, and recover from acts of terrorism, natural disasters, and other catastrophic events and emergencies; and

WHEREAS, the Borough of Chatham will use these funds to enhance its Emergency Management Program and that the funds will be used for Emergency Management purposes; and

WHEREAS, the award period is from July 1, 2022, to June 30, 2023; and

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and

WHEREAS, the Borough of Chatham Office of Emergency Management, designated by the New Jersey State Police Office of Emergency Management, has submitted an application for a Subgrant Award that has been required by the said New Jersey State Office of Emergency Management.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Chatham, in the County of Morris, State of New Jersey:

1. That the Mayor and Council of the Borough of Chatham do accept the award of the FY22 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000.00 of federal funds from the New Jersey State Police, Office of Emergency Management.
2. That the Chief Financial Officer and the Emergency Management Coordinator are authorized to sign the appropriate subgrant award documents.

3. That copies of this resolutions shall be forwarded to the New Jersey State Police Office of Emergency Management, the Borough Business Administrator, the Borough Chief Financial Officer, and the County Division of Emergency Management and Office of the Treasury.

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EXECUTIVE SESSION

Council Member Truilo read Resolution #22-323.

RESOLUTION #22-323

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 N.J.S.A. 10:4-6:

- **Personnel Matters - Police Department**

Status report on the Chatham DJ litigation and compliance hearing and status of the POP / BC UW project where attorney client legal advice will be rendered and confidentiality is required for the attorney to exercise his ethical duties as a lawyer – 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 moves to adopt Resolution #22-323, seconded by Council Member Koronkiewicz.

ADJOURNMENT

Mayor Kobylarz announced that the meeting was adjourned into closed session 10:38 PM. The Mayor and Council will not return to the public meeting when the closed session is done.

Respectfully submitted by:

Vanessa L. Nienhouse,
Borough Clerk