

**AGENDA**  
**July 8, 2019**

**Regular Meeting**  
**Mayor and Borough Council**

**Borough of Chatham**  
**54 Fairmount Avenue**  
**Chatham, NJ 07928**

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**CALL MEETING**            The meeting will be called to order at 7:30 p.m.

**TO ORDER**

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**SALUTE TO FLAG**

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**MOMENT OF SILENCE**

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**STATEMENT OF**  
**ADEQUATE NOTICE**

Pursuant to the requirements of the Open Public Meetings Act, adequate notice of this meeting has been provided by including same in the Annual Notice, copies of which were posted on the official bulletin board on the main floor of Borough Hall, emailed to the Daily Record, the Star Ledger, the Chatham Courier, the Chatham Patch, and TAPinto Chatham and was filed with the Borough Clerk, all on January 17, 2019.

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**ROLL CALL**

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

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**RECUSALS**

Recusals or abstentions submitted for the record.

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**DISCUSSION ITEMS**

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## MEETING OPEN TO THE PUBLIC

### 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/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.

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### ORDINANCE FOR SECOND READING

Council President Collander asks Council Member Fife to proceed with Ordinance #19-12.

Council Member Fife reads Ordinance #19-12 entitled:

#### **ORDINANCE #19-12**

#### **AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 75 OF THE BOROUGH CODE TO REGULATE THE SALE OF ALCOHOLIC BEVERAGES**

Which Ordinance was introduced and passed on first reading at a regular Council meeting held on June 24, 2019.

Council President Collander asks the Acting Borough Clerk to give a summary of the legal notice.

The Borough Clerk states: A legal notice was published indicating that Ordinance #19-12 was introduced and passed on first reading at the June 24, 2019 meeting and indicated the second reading and public hearing would be held at 7:30 p.m. on July 8, 2019 for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Council President Collander: The meeting is now open for a public hearing on the Ordinance and any member of the public may be heard.

Council President Collander: Seeing no one else wishing to be heard, I will now close the public hearing.

Council Member Fife: 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.

Council President Collander asks the Acting Borough Clerk for a Roll Call Vote:

Name	Motion	Second	Yes	No	Abstain	Absent
Collander						
Fife						
Weber						
Kobylarz						

Dempsey						
Mathiasen						

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

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## **REPORTS COUNCIL COMMITTEES**

<b>Budget and Finance</b>	Council Member Thaddeus Kobylarz
<b>Long Range Traffic and Pedestrian Safety Planning</b>	Council President James J. Collander
<b>Public Safety and Emergency Services</b>	Council President James J. Collander
<b>Personnel</b>	Council Member Robert A. Weber, Sr.
<b>Public Works Planning/Community Services</b>	Council Member Victoria Fife
<b>Shared Service &amp; 3<sup>rd</sup> Party Agreements</b>	Council Member Jocelyn Mathiasen

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## **MAYOR'S REPORT**

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## **ADMINISTRATOR'S REPORT**

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## **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 #19-234 through Resolution #19-240 have been placed on the Consent Agenda.

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

## **RESOLUTION #19-**

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## **APPOINTMENTS**

### **RESOLUTION #19-234**

#### **RESOLUTION APPOINTING OWEN TRUPPO TO THE CHATHAM BOROUGH FARMERS' MARKET ADVISORY COMMITTEE**

**WHEREAS**, the Chatham Borough Farmers' Market depends on a volunteer force to assist with the set-up and operation of the Farmers' Market, as well as perform tasks as may be directed by the Farmers' Market Manager; and

**WHEREAS**, Resolution #19-22, adopted by the Borough Council on January 7, 2019, re-established the Chatham Borough Farmers' Market Advisory Committee; and

**WHEREAS**, Owen Truppo has expressed interest in being appointed to the Chatham Borough Farmers' Market Advisory Committee and has submitted a Volunteer Application to the Mayor and Borough Council for consideration.

**BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Chatham that Owen Truppo is hereby appointed to the Chatham Borough Farmers' Market Advisory Committee; and

**BE IT FURTHER RESOLVED** that the Acting Borough Clerk is authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution in accordance with N.J.S.A. 40A:9-9.2a and the Code of the Borough Chatham, Chapter 3, §3.3.

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## **FINANCE**

### **RESOLUTION #19-235**

#### **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 #19-236**

#### **RESOLUTION AUTHORIZING RELEASE OF CASH MAINTENANCE BOND FOR FILM PRODUCTION AT 62 HEDGES AVENUE**

**WHEREAS**, Alex Max, Producer, with Picture Farm LLC Film Company, submitted a cash maintenance bond in the amount of \$500.00 to the Borough of Chatham for a film production project at 62 Hedges Avenue; and

**WHEREAS**, the Borough's Director of Community Services has received a request from Alex Max seeking the Borough's release of the \$500.00 cash maintenance bond; and

**WHEREAS**, the Borough's Director of Community Services has reviewed the subject property and has determined that all conditions set forth in his application dated June 20, 2019 have been satisfactorily completed.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they hereby authorize the release of the cash maintenance bond in the amount of \$500.00 to Alex Max of Picture Farm LLC Company, LLC, 141 Flushing Avenue, Brooklyn, NY 11205; and

**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.

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**PERSONNEL**

**RESOLUTION #19-237**

**RESOLUTION APPOINTING ADDITIONAL SUMMER MEMORIAL PARK POOL STAFF FOR THE 2019 SEASON**

**WHEREAS**, the Chatham Borough Recreation Program has a need to hire additional summer pool staff for the 2019 season; and

**WHEREAS**, the Recreation Coordinator recommends hiring the following individuals pending completion of all paperwork requirements prior to any employment

Name	Hourly Pay Rate	Position
Eck, Nate	\$10.00	Substitute
Voight, Ava	\$10.00	Substitute
McKenna, Kyle	\$10.00	Substitute
Connolly, Michele	\$10.00	Substitute
Conklin, Ben	\$10.00	Substitute

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham that they concur with the recommendations of the Recreation Coordinator and hereby approve the hiring of the individuals referenced herein as summer pool staff for the 2019 season at the respective positions and rates of pay, contingent upon the Recreation Coordinator verifying that all paperwork requirements have been completed prior to employment; and

**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

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**OTHER**

**RESOLUTION #19-238**

**RESOLUTION DESIGNATING SV CHATHAM PO JV LLC AS THE REDEVELOPER FOR THE POST OFFICE PLAZA REDEVELOPMENT AREA (Block 121 Lots 10, 11, 12, 13, 17; Block 122 Lots 1,2, 13, 14, 15, 16, 17, 18) SUBJECT TO CONDITIONS**

**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 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 The KRE Group, Vertical Realty Capital and Stolar Capital, with an address of 225 Millburn, New Jersey, Suite 101, Millburn, New Jersey, has proposed that it be named the redeveloper for the Post Office Plaza Redevelopment Area subject to conditions given their site control and ability to develop consistent with the Redevelopment Plan; and

**WHEREAS**, SV Chatham PO JV LLC is an experienced developer of mixed-use commercial and residential developments; and

**WHEREAS**, SV Chatham PO JV LLC owns Block 121 and Lots 12 and 13; and

**WHEREAS**, the Council desires that the Redevelopment Area be redeveloped by the Redeveloper in accordance with the Redevelopment Plan; 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 ability to negotiate with developers to undertake redevelopment projects; and

**WHEREAS**, the Council requires that prospective redevelopers, including SV Chatham PO JV LLC, pay or reimburse the Borough all reasonable costs and fees incurred by the Borough associated with reviewing and evaluating the prospective redeveloper’s proposal, preparing and negotiating a Redevelopment Agreement, should a Redevelopment Agreement ultimately be executed, and all other expenses related to the matter, prior to either the execution of a Redevelopment Agreement or a determination by the Council that a Redevelopment Agreement cannot be executed, as applicable; and

**WHEREAS**, the Borough has prepared a form of Interim Cost and Designation Agreement whereby the redeveloper shall pay or reimburse the Borough all reasonable costs and fees incurred by the Borough associated with reviewing and evaluating the Proposal, preparing and negotiating a Redevelopment Agreement, should such an agreement be reached, and all other expenses related to this matter, prior to either the execution of a Redevelopment Agreement or a determination by the Council that a Redevelopment Agreement cannot be executed, as applicable; and

**WHEREAS**, the Council and the Redeveloper shall have a period of six (6) months until January 8, 2020 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:

1. SV Chatham PO JV LLC is hereby designated as the Redeveloper for the Post Office Plaza Redevelopment Area subject to conditions.

2. The Borough Council are hereby authorized to negotiate a Redevelopment Agreement with the Redeveloper.
3. The Borough Council President is hereby authorized to execute an Interim Cost and Designation Agreement between the Borough of Chatham and in the form attached hereto as Exhibit A or in a form substantially similar thereto.
4. Staff and consultants to the Borough are hereby authorized and directed 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 the date adopted (i.e. until January 8, 2020), after which time it shall be of no further force and affect.

#### **RESOLUTION #19-239**

#### **RESOLUTION TO APPOINT BOROUGH ADMINISTRATOR STEPHEN WILLIAMS ACTING CHIEF FINANCIAL OFFICER**

**WHEREAS**, the Mayor and Borough Council of the Borough of Chatham has accepted the resignation of Timothy B. Day as Borough Chief Financial Officer effective July 2, 2019; and

**WHEREAS**, it is necessary to appoint an acting Chief Financial Officer while a search by Borough officials is conducted for a successor Chief Financial Officer; and

**WHEREAS**, the Mayor and Borough Council desires to appoint Borough Administrator Stephen Williams as acting Chief Financial Officer until a successor Chief Financial Officer is appointed, unless such acting appointment is sooner terminated; and

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chatham does hereby appoint Borough Administrator Stephen Williams as acting Chief Financial Officer, effective as July 8, 2019 for a period of not more than twelve months unless sooner terminated.

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Chatham that as acting Chief Financial Officer Stephen Williams shall have the full powers of the Borough's Chief Financial Officer.

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Chatham that Borough Administrator Stephen Williams shall not receive any additional compensation for his service as acting Chief Financial Officer.

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

#### **RESOLUTION #19-240**

#### **RESOLUTION APPROVING THE SUBMISSION OF THE CHATHAM BOROUGH SHADE TREE COMMISSION'S 2018 ANNUAL ACCOMPLISHMENT REPORT TO THE STATE FORESTRY SERVICE'S COMMUNITY FORESTRY PROGRAM**

**WHEREAS,** the New Jersey Community Forestry Plan requires that an Annual Accomplishment Report must be submitted to the State Forestry Service's Community Forestry Program summarizing the accomplishments of the Shade Tree Commission for each year in order to achieve and maintain approved status under the Act to be eligible for Community Stewardship Incentive Program (CSIP) grant funding; and

**WHEREAS,** Shade Tree Commission has prepared its 2018 Annual Accomplishment Report and wishes to submit it to the State Forestry Service's Community Forestry Program to maintain its approved status under the Act.

**BE IT RESOLVED,** by the Mayor and Council of the Borough of Chatham that they hereby accept the Shade Tree Commission's 2018 Annual Accomplishment Report; and

**BE IT FURTHER RESOLVED,** by the Council that the Mayor is hereby authorized retroactively to July 3, 2019 to sign the Shade Tree Commission's 2018 Annual Accomplishment Report for submission to the State Forestry Service's Community Forestry Program; and

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

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#### **CONSENT AGENDA VOTE:**

Council President Collander asks Council Member \_\_\_\_\_ to proceed with the Resolutions listed on the Consent agenda. Resolutions #19-234 through #19-240.

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: \_\_\_\_\_.

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

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#### **RESOLUTION #19-241**

#### **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:

Contract Negotiations:

ECLC Contract Negotiations – Lum School improvements – Mr. 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 Borough Council will not return to public session after this closed session.

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#### **ADJOURNMENT**