

**MEETING OF THE BOROUGH OF CHATHAM
MAYOR AND BOROUGH COUNCIL
MEETING MINUTES
OCTOBER 11, 2022**

CALL MEETING TO ORDER

Mayor Thaddeus J. Kobylarz called the Regular Meeting of the Borough of Chatham's Borough Council to order on Tuesday, October 11, 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 an 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 – Attended virtually
Council Member Karen Koronkiewicz – Joined at 9:17pm
Council Member Leonard Resto

Also present were:

Stephen W. Williams, Borough Administrator
Steven Kleinman, Borough Attorney
Vanessa Nienhouse, Borough Clerk

Absent:

Council Member Frank Truilo

PROCLAMATIONS

Council Member Resto read Resolution # 22-268, the proclamation in support of National Hispanic Heritage Month.

RESOLUTION #22-268

RESOLUTION IN SUPPORT OF NATIONAL HISPANIC HERITAGE MONTH

WHEREAS, in the 1960's, amid the growing awareness of the United States' multicultural identities during the civil rights movement, California Congressman George E. Brown, who represented the district comprised of East Los Angeles and the San Gabriel Valley, pushed to recognize the contributions of the Hispanic and Latinx community; and

WHEREAS, in 1968, President Lyndon B. Johnson issued the first annual Hispanic Heritage Week presidential proclamation, and in 1987, California Congressman Esteban E. Torres pushed to expand the observance to cover its current 31-day period from September 15th to October 15th; and

WHEREAS, the timing of Hispanic Heritage Month was chosen to coincide with the Independence Day celebrations of several Latin American nations; and

WHEREAS, American Hispanic and Latinx people have a long history in the United States from well before the nation was formally established. From early Spanish colonialism to civil and workers' rights laws and Supreme Court decisions. Notable events in U.S. Hispanic and Latinx history includes the following:

1. In 1565, Spanish explorer Pedro Menendez de Aviles landed at what became the settlement of St. Augustine, Florida, which was under Spanish rule for 256 years and is now the oldest continually inhabited American city.
2. In 1718, Spanish priest Father Antonio Olivares founded the Mission San Antonio de Valero, better known as The Alamo.
3. In 1917, President Woodrow Wilson signed the Jones-Shafroth Act, granting U.S. Citizenship to Puerto Ricans, which allowed 20,000 Puerto Rican Americans to be drafted to serve in the U.S. Army during World War I.
4. In 1947, the 9th Circuit Court of Appeals ruled on the first desegregation case in *Mendez v. Westminster School District*, prohibiting four California school districts from denying entrance to students because they were Mexican. The ruling set the precedent for the historic *Brown v. Board of Education* Supreme Court decision seven years later.
5. In 1966, Cesar Chavez, general director of the National Farm Workers' Association, together with Filipino-American farm labor organizer, Larry Itliong, led Latino and Filipino farm workers on labor strikes that successfully led to increased pay, health-care benefits, and safety protections from pesticides for grape farm workers.
6. In 2009, Supreme Court Justice Sonia Sotomayor, raised in the South Bronx and daughter of Puerto Rican parents, was sworn in as the first Hispanic Supreme Court justice and the third woman to serve on the court, and;

WHEREAS, Hispanic and Latinx leadership in the movements for equal rights, labor rights, and civil rights, has had a profound and lasting beneficial impact on American society.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Chatham joins in recognizing the annual celebration of National Hispanic Heritage Month and commemorates the contributions of Hispanic and Latinx Americans to America's founding and through the present day.

Council Member Resto moved to adopt Resolution #22-268, seconded by Council President Treloar. All present approved.

Council President Treloar read Resolution # 22-269 the proclamation in support of car theft penalty legislation.

RESOLUTION #22-269

RESOLUTION OF THE BOROUGH OF CHATHAM SUPPORTING LEGISLATION TO INCREASE PENALTIES FOR CAR THEFTS AND FOR LEADERS OF CAR THEFT TRAFFICKING NETWORKS

WHEREAS, car theft rings across the nation are not new, but current trends out pace national numbers in New Jersey and the use of juveniles to avoid imprisonment has increased more than twenty percent in recent years; and

WHEREAS, car thefts are disturbing and often used to commit additional crimes; and

WHEREAS, proposed legislation, (S-3006), by Senator Richard J. Codey and Senator Anthony Bucco, would increase the specific terms of imprisonment with minimum terms imposed; and

WHEREAS, the Courts would be allowed to consider aggravating circumstances including organized crime and encouragement of juveniles in such thefts for stiffer penalties and sentences.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Chatham, in the County of Morris, State of New Jersey, strongly supports corrective legislation in regards to Senate Bill No. 3006 to provide for stiffer penalties to address the car theft epidemic in New Jersey and protect the welfare of juveniles.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to State Senator Richard J. Codey, State Senator Anthony Bucco, State Senator John Bramnick, Assembly Woman Nancy Munoz, Assembly Woman Michele Matsikoudis, and to the New Jersey League of Municipalities.

Council President Treloar moved to adopt Resolution #22-268, seconded by Council Member Resto. All present approved.

Council Member Dempsey read Resolution #22-270, the proclamation in support of Breast Cancer Awareness Month.

RESOLUTION #22-270

RESOLUTION DESIGNATING THE MONTH OF OCTOBER AS NATIONAL BREAST CANCER AWARENESS MONTH IN THE BOROUGH OF CHATHAM

WHEREAS, breast cancer is a disease in which cells in the breast proliferate uncontrollably; and

WHEREAS, cancer is the second leading cause of death in the United States, exceeded only by heart disease, and the second leading cause of cancer related deaths among women, exceeded by lung cancer; and

WHEREAS, cancer accounts for one of every four deaths in the United States; and

WHEREAS, the National Breast Cancer Foundation reports that one in every eight women in the United States will be diagnosed with breast cancer in their lifetime; and

WHEREAS, each year in the United States, 255,00 cases of breast cancer are diagnosed in women and appropriately 2,300 in men, and over 42,000 women and at least 500 men die each year from this prevalent disease; and

WHEREAS, breast cancer does not discriminate against race nor one's socioeconomic status; and

WHEREAS, breast cancer has a high incident rate among Caucasian women, a higher mortality rate in Black women, and it is the leading cause of cancer-related death among Hispanic women; and

WHEREAS, breast cancer can become aggressive and attack various parts of the body; and

WHEREAS, metastatic breast cancer refers to the spread of cancer cells beyond the breast, through the bloodstream or the lymphatic system, and can spread to the bones, liver, lungs, brain, and other parts of the body; and

WHEREAS, the American Cancer Society estimates in 2022 that about 281,550 cases of new invasive breast cancer will be diagnosed in women and 2,650 cases in men; and

WHEREAS, early detection and regular screening mammograms, followed by timely treatment upon diagnosis, can significantly improve a patient's chance of survival; and

WHEREAS, mammography is widely acknowledged as the single most effective method of detecting breast changes that may be cancerous long before physical symptoms appear or are felt; and

WHEREAS, during National Breast Cancer Awareness Month, we honor the courage and strength of the millions of Americans who are battling this terrible disease and remember those whose lives have been affected by breast cancer.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Chatham hereby proclaim the month of October 2022, as National Breast Cancer Awareness Month; October 13, 2022, as Metastatic Breast Cancer Awareness Day; and October 16, 2022, as National Mammography Day; and

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urge all women and men in the community to learn about screening and mammography for their own protection and the protection of their loved ones against this disease.

Council Member Dempsey moved to adopt Resolution #22-270, seconded by Council President Treloar. All present approved.

Council Member Mathiasen read Resolution # 22-271, the proclamation in support of Diaper Awareness Month.

RESOLUTION #22-271

**RESOLUTION OF THE BOROUGH OF CHATHAM DESIGNATING THE MONTH OF OCTOBER AS
“DIAPER NEED AWARENESS MONTH” IN THE BOROUGH OF CHATHAM**

WHEREAS, "Diaper Need Awareness Month" brings attention to the insufficient supply of disposable diapers for babies and children in New Jersey; and

WHEREAS, The National Diaper Bank Network, a national nonprofit organization dedicated to ensuring that every baby in the United States can be clean, healthy and dry, reports that nearly 5 million children in the United States three years of age or younger suffer from diaper need; and

WHEREAS, access to a reliable supply of clean diapers is a necessity for the health and well-being of infants and toddlers, their families, child-care providers, and health care providers; and

WHEREAS, estimates show that disposable diapers cost as much as \$100 per child per month and can consume nearly 20% of a family's monthly income; and

WHEREAS, most infants or toddlers require an average of at least 50 diaper changes per week over three years; and

WHEREAS, one in every three families find it difficult to provide diapers for their children; and

WHEREAS, a supply of diapers is usually a requirement for infants and toddlers to attend and participate in child-care programs and early education programs; and

WHEREAS, according to The National Diaper Bank Network, infants and toddlers who participate in early education programs are three times more likely to go on to higher education; and

WHEREAS, when infants and toddlers cannot participate in child-care programs, it makes it difficult for parents and guardians to participate in the workforce, which has a negative impact on the economy and creates a cycle of greater need due to loss of pay; and

WHEREAS, infants and toddlers who are living in households with little or no access to diapers could spend a day or longer in one diaper, leading to significant potential health risks such as severe diaper rash and infections; and

WHEREAS, most public resources, such as food stamps, and the Women, Infants and Children Program, do not cover the cost of these necessary items; and

WHEREAS, families living in poverty often do not have access to personal washing machines, and most coin-operated laundromats, for sanitary reasons, do not allow customers to wash cloth diapers; and

WHEREAS, The National Diaper Bank Network is committed to working with community groups and raising awareness of the diaper gap in America by building the capacity of community-based diaper banks to serve families throughout this state; and

WHEREAS, there are more than 200 diaper banks recognized by The National Diaper Bank Network, distributing more than 64 million diapers annually; and

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WHEREAS, these diaper banks require community support and donations of diapers and dollars to allow them to continue to serve our communities.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham designates the month of October as "Diaper Need Awareness Month" in Chatham Borough.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Chatham recognize the efforts of The National Diaper Bank Network and all community organizations working to address the diaper gap in New Jersey.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Chatham encourage all residents of this town and this state to support community organizations and participate in diaper drives to help improve, enhance, and expand access to diapers for our community's children.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Chatham encourage our national representatives to pass the "End Diaper Need Act" to help eliminate diaper need among babies born to poverty or disadvantage.

Council Member Mathiasen moved to adopt Resolution #22-271, seconded by Council Member Resto. All present approved. Mayor Kobylarz presented the ceremonial copies to Girl Scout Troop 97790 representatives.

Council President Treloar read Resolution #22-272, the proclamation in support of Stuttering Awareness Day.

RESOLUTION #22-272

RESOLUTION CELEBRATING INTERNATIONAL STUTTERING AWARENESS DAY ON OCTOBER 22, 2022

WHEREAS, October 22, 1998, was designated as International Stuttering Awareness Day to celebrate people who stutter. Stuttering is a complex communication difficulty that affects more than 70 million people worldwide and more than 3 million people in the United States; and

WHEREAS, stuttering is primarily neurological and/or genetic in nature in which the flow of speech is interrupted by stuttering events such as repetitions, prolongations or interjections, stuttering IS NOT emotional or psychological and it is not caused by nervousness or anxiety; and

WHEREAS, stuttering research has shown that more boys stutter than girls, and that while 75% of children grow out of stuttering by the age of 5, 25% of people who stutter as children do not "grow out of it"; and

WHEREAS, people who stutter (PWS) are often teased and frequently experience shame, guilt, and fear of speaking, as well as encounter discrimination in employment and other areas because of stuttering misconceptions, myths, and stigmas; and

WHEREAS, research has shown that the more open a person is about their stuttering, the less severe the stuttering may be and while there is no cure, speech therapy and support groups have helped to foster ideas of acceptance, management, and a fantastic quality of life; and

WHEREAS, people who stutter are individuals that lead amazing lives, and are just as smart, funny, and extroverted as people who do not stutter.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Chatham do hereby recognize October 22nd, 2022, as International Stuttering Awareness Day and urge residents to become better educated about stuttering acceptance and to help decrease the stigmas of stuttering in the community.

Council President Treloar moved to adopt Resolution #22-272, seconded by Council Member Resto. All present approved.

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RECUSALS

There were no recusals or abstentions submitted for the record.

ADOPTION OF COUNCIL MEETING MINUTES

Council Member Resto read RESOLUTION R#22-273 TO ADOPT COUNCIL MEETING MINUTES OF APRIL 25, 2022

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:

April 25, 2022.

Council Member Resto moved to adopt Resolution #22-273, seconded by Council President Treloar. All present approved.

MAYOR'S REPORT I

Mayor Kobylarz reported on the following:

- Coronavirus numbers
- Library update
- Post Office Plaza

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.

Freddie Bicknese – 137 North Hillside – Concerned with crime in town. Made political statements.

Bridget McMenamin – Center Street – Concerned with the next round of Affordable Housing. Made political statements.

Bob Penn - 165 North Passaic Ave. -Commented on the car thefts in town and statewide and the consequences for those involved in the crime.

Mayor Kobylarz asked Police Chief Gibbons to comment on what the police are doing to keep residents safe to which he responded.

ORDINANCES FOR SECOND READING

Council Member Dempsey read Ordinance #22-09 by title for second reading.:

ORDINANCE #22-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 48 OF THE BOROUGH CODE REGARDING THE PERMISSIBLE HOURS OF WORK OF SPECIAL LAW ENFORCEMENT OFFICERS (SLEOS) ALONG WITH THE NUMBER OF AUTHORIZED CLASS III SLEOS

Borough Clerk Vanessa L. Nienhouse read the following statement:

A legal notice was published indicating that Ordinance #22-09 was introduced and passed on first reading at the September 11, 2022 meeting and indicated the second reading and public hearing would be held at 7:30 pm on October 11, 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 public hearing on the Ordinance. Seeing no one, Mayor Kobylarz closed the public hearing.

Council Member Dempsey moved to adopt Ordinance #22-09 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, Resto

Against: none

Abstain: none

Absent: Council Members: Koronkiewicz and Truilo

ORDINANCE #22-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 48 OF THE BOROUGH CODE REGARDING THE PERMISSIBLE HOURS OF WORK OF SPECIAL LAW ENFORCEMENT OFFICERS (SLEOS) ALONG WITH THE NUMBER OF AUTHORIZED CLASS III SLEOS

WHEREAS, the Mayor and Council of the Borough of Chatham have determined to amend Chapter 48 of the Code of the Borough of Chatham, entitled "Police Department," to further establish and clarify the permissible hours of work for Special Law Enforcement Officers (SLEOs) in Section 48-8 and to increase the number of authorized Class III SLEOs; and

WHEREAS, the Mayor and Council find and declare that such action will benefit the public's health, safety and welfare.

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

Section 1:

Chapter 48, Section 8 of the Code of the Borough of Chatham is hereby amended in Sections D and F as follows (additions by underline, deletions by ~~strikethrough~~):

§48-8 Special Police Officers.

The Mayor with the consent and approval of Borough Council may appoint special law enforcement officers pursuant to P.L. 1985 c. 439 (N.J.S.A. 40A:14-146.8 et seq.) and in accordance with the following provisions:

A. through C. *[NO CHANGES]*

D. Number. No more than six persons shall be designated as Class One special law enforcement officers. The number of persons designated as Class Two special law enforcement officers shall not exceed 25% of the total number of regular police officers. No more than ~~one person~~ five persons shall be designated as a Class Three special law enforcement ~~officer~~ officers.

E. *[NO CHANGES]*

F. Hours of work. No special law enforcement officer may work more than 20 hours per week, except as provided as follows:

(1) Without limitations as to hours during periods of emergency.

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- (2) A special law enforcement officer may be assigned for not more than 20 hours per week to provide public safety and law enforcement services to a public entity, in addition to not more than 20 hours per week performing the duties pursuant to this chapter.
- (3) For hours to be determined by the Chief of Police while assigned to public safety duties for a private entity, pursuant to N.J.S.A. 40A:14-146.14(b).
- (4) The Borough may designate one special law enforcement officer to whom the limitations on hours employed as set forth elsewhere in this Section shall not be applicable, pursuant to N.J.S.A. 40A:14-146-16(c).
- (5) A Class Three special law enforcement officer may work without limitation, pursuant to N.J.S.A. 40A:14-146.16(a)(5).

Section 2:

All other provisions of Chapter 48 of the Borough Code shall remain unchanged.

Section 3:

Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 4:

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5:

Codification. This Ordinance shall be a part of the Code of the Borough of Chatham as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Borough Clerk and the Borough Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Borough of Chatham in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Section 6:

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

..... ORDINANCE #22-10

Borough Attorney Kleinman stated there were minor changes which needed to be corrected prior to the adoption of this Ordinance. He suggested a resolution to amend the changes to the ordinance.

The changes were:

Section 1- December 13, 2022 should read December 13, 2021

Section 5- Section A, part of Lot 10 should be added to the B-4 community business district.

Council Member Resto made a motion to approve the changes as read by Attorney Kleinman, seconded by Council President Treloar.

Roll call:

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

Against: none

Abstain: none

Absent: Council Members: Koronkiewicz and Truilo

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Council President Treloar read Ordinance #22-10 by title:

ORDINANCE #22-10

ORDINANCE ADOPTING AN AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE POST OFFICE PLAZA REDEVELOPMENT AREA BLOCK 121, LOTS 10 AND 17, BOROUGH OF CHATHAM, NEW JERSEY

Borough Clerk Nienhouse read the following statement: A legal notice was published indicating that Ordinance #22-10 was introduced and passed on first reading at the September 11, 2022 meeting and indicated the second reading and public hearing would be held at 7:30 pm on October 11, 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 the public hearing on the Ordinance. Seeing no one, Mayor Kobylarz closed the public hearing.

Council President Treloar moved to adopt Ordinance #22-10 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 to adopt.

Roll call:

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

Against: none

Abstain: none

Absent: Council Members: Koronkiewicz and Truilo

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ORDINANCE #22-10

**ORDINANCE ADOPTING AN AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE POST OFFICE PLAZA REDEVELOPMENT AREA
BLOCK 121, LOTS 10 AND 17,
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 September 12, 2022; and

WHEREAS, by Ordinance 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 on 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 have 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

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WHEREAS, the Planner has 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 Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq., sets forth the procedures for adopting a Redevelopment Plan; and

WHEREAS, Pursuant to N.J.S.A. 40A:12A-7e, upon introduction of this Ordinance with the Restated Plan, the Council will refer this Ordinance and the Restated Plan to the Planning Board of the Borough of Chatham (the “Board”) for a report as to which provisions of the Restated Plan, if any, may be inconsistent with the Master Plan of the Borough of Chatham and other recommendations the Board may have; and

WHEREAS, assuming that the Board considers this Ordinance and the Restated Plan at a public meeting held on September 12, 2022 and that the Board has issues its report to the Council prior to October 11, 2022, the Council will schedule this Ordinance and the Restated Plan for a public hearing on adoption for October 11, 2022; and

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

SECTION 1

The Restated Post Office Plaza Redevelopment Plan prepared by the Planner, dated September 8, 2022 in substitution for and replacement of the Plan as amended December 13, 2021 is hereby adopted.

SECTION 2

The Borough of Chatham Zoning Map shall be amended to show Lots 10 and 17 in Block 121 as shown on the Tax Map as being subject to the Restated Post Office Plaza Redevelopment Plan dated September 8, 2022.

SECTION 3

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 4

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 5

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 a separate 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.

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ORDINANCE NO. 22-11

Borough Attorney Kleinman stated there were minor changes which needed to be corrected prior to the adoption of this Ordinance. He suggested a resolution to amend the changes to the ordinance.

The changes were:
Section 7- Lots 10 in Block 121, and Lot 1 in Block 122, corrected district.

Council Member Resto made a motion to approve the changes as read by Attorney Kleinman, seconded by Council President Treloar.

Roll call:

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

Against: none

Abstain: none

Absent: Council Members: Koronkiewicz and Truilo

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Council Member Mathiasen read Ordinance #22-11 by title:

ORDINANCE NO. 22-11

ORDINANCE 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 Nienhouse read the following statement: A legal notice was published indicating that Ordinance #22-11 was introduced and passed on first reading at the September 12, 2022 meeting and indicated the second reading and public hearing would be held at 7:30 pm on October 11, 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 public hearing on the Ordinance. Seeing no one, Mayor Kobylarz closed the public hearing.

Council Member Mathiasen moved to adopt Ordinance #22-11 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, Resto

Against: none

Abstain: none

Absent: Council Members: Koronkiewicz and Truilo

ORDINANCE #22-11

ORDINANCE 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 September 12, 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 have 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 has 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, pursuant to N.J.A.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 September 21, 2022 and issues a report prior to October 11, 2022, the Council has scheduled this Ordinance for a public hearing on adoption for October 11, 2022; and

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

SECTION 1

Lots 11, 12 and 13 in Block 121, 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, and Lot 1 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

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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 a separate 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 Member Mathiasen read Ordinance #22-12 by title:

ORDINANCE #22-12

BOND ORDINANCE TO AUTHORIZE THE MAKING OF A GRANT FOR THE DEVELOPMENT AND CONSTRUCTION OF AFFORDABLE HOUSING IN, BY AND FOR THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, TO APPROPRIATE THE SUM OF \$6,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Borough Clerk Nienhouse read the following statement: A legal notice was published indicating that Ordinance #22-12 was introduced and passed on first reading at the September 11, 2022 meeting and indicated the second reading and public hearing would be held at 7:30 pm on October 11, 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 the public hearing on the Ordinance.

Bob Weber – 99 Summit Ave. Concerned with the financing of the Post Office Plaza project.

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

Mayor Kobylarz gave a summary of the financing as did Borough Planner Kendra Lelie.

Council Member Mathiasen moved to adopt Ordinance #22-12 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, Resto

Against: none

Abstain: none

Absent: Council Members: Koronkiewicz and Truilo

ORDINANCE #22-12

BOND ORDINANCE TO AUTHORIZE THE MAKING OF A GRANT FOR THE DEVELOPMENT AND CONSTRUCTION OF AFFORDABLE HOUSING IN, BY AND FOR THE BOROUGH OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, TO APPROPRIATE THE SUM OF \$6,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Borough Council of the Borough of Chatham, in the County of Morris, New Jersey, as follows:

Section 1. The Borough of Chatham, in the County of Morris, New Jersey (the "Borough") is hereby authorized, pursuant to N.J.S.A. 52:27D-311, to make a grant to BCUW/Madeline Housing Partners, LLC, for the development and construction of affordable housing units on property fronting Bowers Lane (Block 121, a portion of Lot 10 on the Tax Assessment Map of the Borough) in, by and for the Borough. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$6,000,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 of this ordinance (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) the making of such improvement is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$6,000,000, and (4) \$300,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$5,700,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$100,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the sum of \$300,000 in the Borough of Chatham COAH Trust Fund is now available to serve as the down payment on said purpose. The sum of \$300,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$5,700,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$5,700,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of twenty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$5,700,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 12. The Borough intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

COUNCIL MEMBERS REPORTS

President Treloar – No report

Council Member Dempsey –The Board of Education is working on implementing full day kindergarten made possible by the drop in incoming students. The schools are still in need of paraprofessionals and substitute teachers. The Joint Recreation Advisory Committee is looking at improvements needed to recreation facilities. The Historic Preservation Commission is looking for flag award nominations.

Council Member Mathiasen – Asked for diaper donations and informed the public on where and how to do so. Gave an update on the Environmental Commission. Explained the contract on tonight's agenda for Ciel Energy.

Council Member Koronkiewicz – joined the meeting at 9:17pm. Shade Tree is starting the fall tree planting.

Council Member Resto –Board of Health will hold a rabies clinic on November 13 at the Fire House. Senior Citizen Advisory Committee is working with Avenues in Motion to increase the frequency of rail transit between Summit and Morristown and the 873 bus which runs on Main Street to be every fifteen minutes instead of the now ninety minute interval. Senior Center is holding a paper shred event at the Middle School on October 22nd from 9am to noon. The same day the boy scouts are holding a car wash behind the Chatham Methodist Church. Updated the public on the food distribution in town and asked for donations.

MAYOR'S REPORT II – Nothing further to report.

ADMINISTRATOR'S REPORT

Curb and sidewalk program has been completed for 2022. Milling has been done throughout town in preparation for resurfacing. He gave details on some of the consent agenda items

CONSENT AGENDA

The following items were considered to be routine by the Chatham Borough Council and were enacted by one motion. There was no separate discussion of these items.

Resolutions #22-274 through Resolution #22-297 were placed on the Consent Agenda.

FINANCE

RESOLUTION #22-274 BILLS LIST

RESOLUTION #22-275 AUTHORIZING REFUND FOR PROPERTY TAX OVERPAYMENT RESOLUTION
#22-276 AMENDING 2022 BUDGET INSERTION OF SPECIAL ITEM OF REVENUE

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RESOLUTION #22-277 AMENDING 2022 BUDGET INSERTION OF SPECIAL ITEM OF REVENUE
RESOLUTION #22-278 AUTHORIZE REFUNDING REDEMPTION TAX SALE CERTIFICATE #2018-2 38
ESSEX RD.

BOARDS, COMMISSIONS, AND COMMITTEES

RESOLUTION #22-286 APPOINTMENT OF JUSTIN STRICKLAND TO THE HISTORIC PRESERVATION
COMMISSION
RESOLUTION #22-287 APPOINTMENTS OF CHRIS TARNOK AND JOSEPH BARRETTE TO THE
ZONING BOARD

LAW AND PUBLIC SAFETY

RESOLUTION #22-288 APPOINTMENT OF JUNIOR FIREFIGHTER ANNEMARIE LORD
RESOLUTION #22-289 APPOINTMENT OF JOSE TORRES AS PROBATIONARY MEMBER OF THE CHATHAM FIRE
DEPARTMENT
RESOLUTION #22-290 APPOINTMENT OF GABRIELLA SCANNELL AS PROBATIONARY MEMBER
OF THE CHATHAM FIRE DEPARTMENT

PERSONNEL

RESOLUTION #22-291 APPROVAL TO HIRE DPW SEASONAL HELP
RESOLUTION #22-292 APPROVAL TO HIRE FULL TIME DPW EMPLOYEE

OTHER

RESOLUTION #22-293 APPROVAL OF THE HALLOWEEN COMMUNITY PARADE
RESOLUTION #22-294 GRANTING RETROACTIVE APPROVAL FOR THE SUNSHINE STRIDERS FUN RUN
RESOLUTION #22-295 APPROVAL OF THE LAFAYETTE MINI MARATHON
RESOLUTION #22-297 APPROVING A SOCIAL AFFAIRS PERMIT APPLICATION- CHATHAM HS
BOOSTER CLUB
RESOLUTION #22-296 APPROVING A SOCIAL AFFAIRS PERMIT APPLICATION - CHATHAM
EMERGENCY SQUAD
RESOLUTION #22-297 APPROVING A SOCIAL AFFAIRS PERMIT APPLICATION- CHATHAM HS
BOOSTER CLUB

CONSENT AGENDA VOTE

Council President Treloar motioned to approve the consent agenda, seconded by Council Member Resto.
All in favor.

EXECUTIVE SESSION RESOLUTION TO ADJOURN INTO CLOSED SESSION

Council Member Resto reads Resolution #22-298.

RESOLUTION #22-298

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:

- Contract negotiations – redevelopment

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 will not return to public session after Closed Session.

Council Member Resto moved to adopt Resolution #22-298, seconded by Council President Treloar. All were in favor.

ADJOURNMENT

Mayor Kobylarz announced that the meeting was adjourned at 9:30 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