IN ORDER TO COMPLY WITH THE EXECUTIVE ORDERS SIGNED BY THE GOVERNOR, AND IN AN EFFORT TO FOLLOW BEST PRACTICES RECOMMENDED BY THE CDC, THE TOWNSHIP OF CHATHAM WILL LIMIT THE PUBLIC FROM PHYSICALLY ATTENDING THE TOWNSHIP COMMITTEE MEETING TO BE HELD ON AUGUST 13, 2020. PARTICIPATION FOR THIS MEETING WILL BE OFFERED ELECTONICALLY OR BY TELEPHONE FOR MEMBERS OF THE PUBLIC. THE MEETING WILL ALSO BE TELEVISED ON COMCAST 29 AND FIOS 26. TO VIRTUALLY ATTEND THIS MEETING, VISIT THE FOLLOWING WEBSITE OR ENTER THE FOLLOWING MEETING ID:

Please click the following to join the webinar: https://us02web.zoom.us/j/89218900661
Or in the Zoom app, enter Webinar ID: 892 1890 0661
Or iPhone one-tap :
US: +13126266799,,89218900661# or +19294362866,,89218900661#
Or Telephone, Dial: +1 929 436 2866 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799
Webinar ID: 892 1890 0661
International numbers available: https://us02web.zoom.us/u/kco5BpGKXJ

Meeting Called to Order at 4:30 PM

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on June 12, 2020; notice was posted on the bulletin board in the main hallway of the Municipal Building on June 12, 2020; and notice was filed with the Township Clerk on June 12, 2020.

Roll call
Approval of Agenda

Executive Session – Resolution 2020-P-19

1. Litigation - In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15

Return to Public Session at 5:30 PM

Flag Salute
Roll call

Special Recognition

1. Resolution 2020-188 Honoring the 100th Anniversary of the 19th Amendment

Reports:

Hearing of Citizens/Petitions Note: This is an opportunity for any member of the public to be heard about issues which are not topics scheduled for Public Hearings tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to five minutes Directions for public participation are listed above.

*In accordance with the Open Public Meetings Act, items to be discussed in Executive Session will be made public as soon as known.
Public Hearing/Final Adoption of Ordinances

1. Ordinance 2020-13 Amending Ordinance 2020-11

Introduction of Ordinances

1. Ordinance 2020-14 Bond Ordinance for Acquisition of 522 Southern Boulevard
2. Ordinance 2020-15 Authorizing the Acquisition by Purchase or Condemnation of Real Property Shown as Block 128, Lot 2 on the Township Tax Map and Commonly Known as 522 Southern Boulevard, Now Owned by Kronos Holding, LLC

Consent Agenda

1. Resolution 2020-180 Payment of Bills
2. Resolution 2020-181 Approving Meeting Minutes
3. Resolution 2020-182 Approving Executive Session Minutes
4. Resolution 2020-183 Refunding Overpayment of Taxes
5. Resolution 2020-184 Awarding Contract for 2020 Road Resurfacing Project
6. Resolution 2020-185 Amending Capital Budget
7. Resolution 2020-186 Renewal of Liquor Licenses

Resolutions

1. Resolution 2020-187 Waiving Subdivision Application Fee

Hearing of Citizens/Petitions Note: This is an opportunity for any member of the public to be heard about issues which are not topics scheduled for Public Hearings tonight. Directions for public participation are listed above.

Adjourn

*In accordance with the Open Public Meetings Act, items to be discussed in Executive Session will be made public as soon as known.*
ORDINANCE 2020-13

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING ORDINANCE 2020-11 CREATING A NEW “R-3AFFORDABLE HOUSING RESIDENCE DISTRICT (R-3 AH)” BY CLARIFYING THAT THE GROUP HOME LOT WILL BE CLEARED AND LEVELED TO ALLOW FOR THE CONSTRUCTION OF A GROUP HOME ON THE LOT

WHEREAS, on July 9, 2020, the Township Committee of the Township of Chatham adopted Ordinance 2020-11; and

WHEREAS, the purpose of this Ordinance is to amend Section 4 of Ordinance 2020-11 to clarify that the group home lot will be cleared and leveled to prepare it for the construction of a group home; and

WHEREAS, Section 4 of Ordinance 2020-11 is amended to delete the last sentence: “The lot is to be conveyed with a foundation pad ready for a ranch home, with utilities available in the street, a sidewalk which lot shall be conveyed to the group home developer or the Township of Chatham for $1”; and

WHEREAS, the deleted portion of Section 4 of Ordinance 2020-11 is replaced with: “The lot is to be conveyed cleared and leveled with a flat surface achieved by bulldozing and installing retaining walls to create the flat surface, including a driveway cut and a tracking pad, ready for the construction of a ranch style group home, with utilities, including sanitary sewer and water, available in the street, and a sidewalk, which lot shall be conveyed to the group home developer or the Township of Chatham for $1 at the Township’s option.”

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

Section 1. Section 4 of Ordinance 2020-11 adopted on July 9, 2020, the last sentence, is hereby amended to delete: “The lot is to be conveyed with a foundation pad ready for a ranch home, with utilities available in the street, a sidewalk which lot shall be conveyed to the group home developer or the Township of Chatham for $1” and replaced with: “The lot is to be conveyed cleared and leveled with a flat surface achieved by bulldozing and installing retaining walls to create the flat surface, including a driveway cut and a tracking pad, ready for the construction of a ranch style group home, with utilities, including sanitary sewer and water, in the street, and a sidewalk, which lot shall be conveyed to the group home developer or the Township of Chatham for $1 at the Township’s option”.

Section 2. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities. The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this Section 2 and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 3. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with the Municipal Land Use Law. As provided in N.J.S.A. 40:55D-26, the
ordinance shall be referred to the Planning Board for a Master Plan inconsistency determination and within thirty-five (35) days after referral, the Planning Board shall issue a report determining whether the Ordinance is inconsistent with the Township Master Plan.

Section 4. 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 5. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Introduced: July 9, 2020

Adopted:

Attest:

______________________________
Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk
ORDINANCE 2020-14

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY (BY PURCHASE OR EMINENT DOMAIN) FOR AFFORDABLE HOUSING PURPOSES IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF $4,000,000 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 Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, as follows:

Section 1. The Township of Chatham, in the County of Morris, State of New Jersey (the "Township") is hereby authorized to acquire real property (by purchase or eminent domain) in, by and for the Township for affordable housing purposes. Said improvement shall include real estate transaction expenses and all work, materials and appurtenances necessary and suitable therefor. The property to be acquired has a street address of 522 Southern Boulevard and is designated as Block 128, Lot 2 on the Tax Assessment Map of the Township. The Mayor, Township Administrator, Township Clerk and Township Attorney are hereby authorized to take all actions and execute all documents necessary in connection with the acquisition (by purchase or eminent domain) of the real property.

Section 2. The sum of $4,000,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (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) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township 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 $4,000,000, and (4) $200,000 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 $3,800,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of $315,000 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 aggregate sum of $200,000 (consisting of (A) $50,610 in the Township's Affordable Housing Trust Fund and (B) $149,390 in the Township's Capital Improvement Fund), is now available to serve as the down payment on said purpose. The sum of $200,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding $3,800,000 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 Township of an aggregate principal amount not exceeding $3,800,000 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 bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute 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 forty 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 Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by $3,800,000 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 Township Clerk and is available for public inspection.

Section 12. The Township intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township 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 Township 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 Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township 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.

Introduced: August 13, 2020

Adopted: ______________________________

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY

BY: ______________________________

Michael J. Kelly, Mayor

____________________________

Gregory J. LaConte, Clerk
ORDINANCE 2020-15

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION BY PURCHASE OR CONDEMNATION OF REAL PROPERTY SHOWN AS BLOCK 128, LOT 2 ON THE TOWNSHIP TAX MAP AND COMMONLY KNOWN AS 522 SOUTHERN BOULEVARD, NOW OWNED BY KRONOS HOLDING, LLC


WHEREAS, the New Jersey State Legislature, in response to the Mount Laurel Decisions, adopted the Fair Housing Act, N.J.S.A. 53:27D-301 et seq. to codify the obligation of municipalities to provide a realistic opportunity for housing for low and moderate income families; and

WHEREAS, the Township of Chatham recognizes its obligation under the State Constitution, as further set forth in the Mount Laurel Decisions and the Fair Housing Act, to provide a realistic opportunity for housing for low and moderate income individuals and families; and

WHEREAS, on July 6, 2015, the Township filed a declaratory judgment action, in accordance with Mount Laurel IV, seeking a declaration of its compliance with the Mount Laurel Decisions and the Fair Housing Act (“Action”); and

WHEREAS, the Fair Share Housing Center (“FSHC”) intervened in the Action and, with the assistance of a Court Appointed Special Master, reached a settlement with the Township which sets forth the manner in which the Township will ensure the opportunity for housing for low and moderate income families; and

WHEREAS, on December 13, 2018, the Township and FSHC entered into the December 13, 2018 Settlement Agreement which fixed the Township’s Third Round (1999 – 2025) Prospective Need, as adjusted through the December 13, 2018 Settlement Agreement, at 387 affordable housing units; and
WHEREAS, through a Vacant Land Analysis a municipality attempts to demonstrate that it does not have the land capacity to meet its affordable housing obligation and is used to calculate a municipality’s realistic development potential (“RDP”); and

WHEREAS, the December 13, 2018 Settlement Agreement fixed the Township’s RDP at 200 affordable units as calculated in the Vacant Land Analysis attached as Exhibit B to that Agreement; and

WHEREAS, the Township’s RDP was to be satisfied as follows:

<table>
<thead>
<tr>
<th>Compliance Mechanism</th>
<th>Units</th>
<th>Bonuses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Contribution Agreement (“RCA”) with the City of Newark</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Extension of expiring controls on affordable family, for-sale units at Vernon Grove Condominium</td>
<td>72</td>
<td></td>
</tr>
<tr>
<td>Family rental units created through inclusionary zoning with off-site family rental affordable units at the Skate Park</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>Affordable family rental units through the development of a 100% municipally sponsored development at a site or sites to be determined</td>
<td>74</td>
<td>26</td>
</tr>
<tr>
<td>Totals</td>
<td>178</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>228</td>
<td></td>
</tr>
</tbody>
</table>

;and

WHEREAS, the December 13, 2018 Settlement Agreement was amended on January 10, 2019 to correct a block and lot designation; and

WHEREAS, on February 22, 2019, there was a Fairness and Preliminary Compliance Hearing during which the December 13, 2018 Settlement Agreement, as amended on January 10, 2019, was approved by the Superior Court of New Jersey; and

WHEREAS, under the December 13, 2018 Settlement Agreement, the Township had until July 22, 2019 to identify a site or sites for the 100% municipally sponsored development for 74 affordable family rental units (“Development”); and

WHEREAS, the Township obtained extensions of the July 22, 2019 deadline to designate a site or sites for the 100% municipally sponsored development for 74 affordable family rental units during which the Township sought to identify municipally owned properties
for this development, including converting the Township owned Municipal Building at 58 Meyersville Road; and

WHEREAS, on January 10, 2020, the Township filed a Notice of Motion for Approval of Development Fee Ordinance and Related Spending Plan, Extension of Time for Compliance and Temporary Immunity, and Adjustment of Construction Start Date, including to extend the deadline to identify municipally owned property for the 100% municipally sponsored development for 74 affordable housing family rental units; and

WHEREAS, on January 24, 2020, the FSHC filed opposition to the Township’s Motion and a Cross-Motion seeking to terminate the Township of Chatham’s Immunity from Builder’s Remedy Suits and to Enforce Litigant’s Rights; and

WHEREAS, on February 7, 2020 the Township filed opposition to the FSHC Cross-Motion; and

WHEREAS, the Township and the FSHC participated in mediation with the Court Appointed Special Master to resolve the pending motions; and

WHEREAS, as a result of that mediation, the Township and the FSHC entered into the March 12, 2020 Amended Settlement Agreement; and

WHEREAS, the March 12, 2020 Amended Settlement Agreement reallocated the 74 units in the Development as follows:

<table>
<thead>
<tr>
<th>Compliance Mechanism</th>
<th>Units</th>
<th>Bonuses</th>
</tr>
</thead>
<tbody>
<tr>
<td>No fewer than 59 affordable two- and three-bedroom family rental units on River Road (Block 62, Lot 71) and, potentially, Block 62, Lot 74</td>
<td>59</td>
<td>26</td>
</tr>
<tr>
<td>Up to 15 group home bedrooms on a site or sites to be identified</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>74</td>
<td></td>
</tr>
</tbody>
</table>

WHEREAS, after proceedings before the Township Planning Board, the Township concluded that the River Road property was not appropriate for the Development and sought to amend the March 12, 2020 Amended Settlement Agreement; and

WHEREAS, after further review by the Township, FSHC and the Court Appointed Special Master, the Township concluded that because of the lack of sufficient unencumbered
vacant land owned by the Township, that the property shown as Block 128, Lot 2 on the
Township Tax Map and commonly known as 522 Southern Boulevard, now owned by Kronos
Holding, LLC ("Property") was an appropriate site for the Development; and

WHEREAS, the acquisition of the Property will increase the number of affordable
family rental units in the Township by at least 59 units because, without the Property, the
Township would be unable to meet its RDP; and

WHEREAS, on July 20, 2020, the Township Planning Board adopted the 2020 Housing
Element and Fair Share Plan which designated the Property for the Development; and

WHEREAS, on July 23, 2020, the Township endorsed the 2020 Housing Element and
Fair Share Plan which designated the Property for the Development; and

WHEREAS, on July 23, 2020, the Township and FSHC entered into the July 23, 2020
Amended Settlement Agreement designating the Property for the Development; and

WHEREAS, the Township Committee finds that the Property is necessary or useful for
the construction of low and moderate income housing because the Property is: (a) of a sufficient
size to accommodate at least 59 affordable family-rental two and three bedroom housing units,
(b) is located in the “downtown” area of the Township close to shopping, local services, parks
and public transportation; (c) offers a convenient location to the affordable unit residents; (d) is
serviced by sewer and water; (e) is compatible to adjacent land uses; (f) offers a more suitable
location for affordable housing than the Municipal Building or the River Road property all as
detailed in the “Site Suitability Analysis for Construction of Affordable Housing, 522 Southern
Boulevard, Chatham Township, N.J., July, 2020” prepared by Francis J. Banisch III, P.P.,
A.I.C.P. attached as Exhibit A to the July 23, 2020 Amended Settlement Agreement; and

WHEREAS, based upon the above factors, the Township hereby determines that the
Property is necessary or useful for the construction of low and moderate income housing and that
will result in an increase in affordable housing units in the Township; and

WHEREAS, in accordance with N.J.S.A. 40A:12-5(a)(1) “any municipality, by
ordinance, may provide for the acquisition of any real property, capital improvement, or personal
property: (1) by purchase, gift, devise, lease, exchange, or condemnation . . .”; and

WHEREAS, in accordance with N.J.S.A. 52:270D-325 “a municipality may purchase,
lease or acquire by gift or through purchase, lease or acquired by gift or through the exercise of
eminent domain, real property and any estate or interest therein, which the municipal governing
body determines necessary or useful for the construction or rehabilitation of low and moderate income housing or conversion to low and moderate income housing”; and

WHEREAS, an appraiser retained by the Township, Appraisal Consultants Corp., determined the value of the Property to be $3,685,000 as set forth in that “Appraisal for 522 Southern Boulevard, Chatham Township, NJ”, dated August 11, 2020; and

WHEREAS, the Township Committee wishes to authorize the Mayor and/or designee to negotiate for the acquisition of the Property in an amount not to exceed the appraised value for the Property, and if a negotiated purchase cannot be agreed upon, to initiate an eminent domain action to acquire title to the Property for the Development under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq, so long as all legal prerequisites for eminent domain are satisfied and to thereafter prosecute such eminent domain action to completion and to arrange for the Township to satisfy any judgment entered in such eminent domain proceedings.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

Section 1. The appraisal of the Property prepared by Appraisal Consultants Corp. on behalf of the Township is hereby accepted and approved in its entirety, including but not limited to the appraised value of $3,685,000.00.

Section 2. After the effective date of this Ordinance, the Township shall reserve the sum of $3,685,000.00 from Bond Ordinance 2020-14 titled “BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY (BY PURCHASE OR EMINENT DOMAIN) FOR AFFORDABLE HOUSING PURPOSES IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF $4,000,000 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” and the Chief Financial Officer has certified the availability of funds for the purposes set forth herein.

Section 3. The Mayor and/or designee are hereby authorized to negotiate for the acquisition by voluntary purchase and, if voluntary purchase cannot be effectuated, to carry out the condemnation of the Property in the amount not to exceed the appraised value of the Property for the purpose of providing for housing for low and moderate income individuals and families.

Section 4. The Mayor and/or designee are hereby authorized to execute any and all agreements and other legal documents necessary to accomplish the acquisition of the Property, including but not limited to a written offer for the purchase of the Property, land sale contract and deed for the conveyance of the Property and Verified Complaint, Declaration of Taking, and any other necessary documents for eminent domain proceedings for the Property in accordance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq.

Section 5. In conjunction with said acquisition, the Township hereby reserves and shall reserve any and all rights it had or may have to recover in any subsequent or pending action or by any administrative means, all costs of remediation and/or clean-up of contamination that have been incurred or may be incurred in the future by reason of conditions which were in existence as of or prior to the date of vesting of title and possession of the Property in the name of the Township.
Section 6. In conjunction with said acquisition, the Township hereby reserves and shall reserve the right to seek in its sole discretion, any and all available legal, administrative and equitable remedies to compel the record owners and/or responsible parties to remediate and/or clean up the Property in accordance with applicable state and federal statutory and regulatory provisions. The Township is not and shall not be liable for the clean-up and removal costs of any discharge which occurred or began prior to the Township’s ownership.

Section 7. The Mayor and Township Committee and such other officials, consultants, agents, employees and professionals of the Township as may be necessary and appropriate are hereby authorized and directed to take any and all actions necessary to effectuate the purposes of this Ordinance.

Section 8. The following documents referenced in this Ordinance are incorporated herein by reference:

a. December 13, 2018 Settlement Agreement between the Township of Chatham and the Fair Share Housing Center, Inc., with attached Exhibits;

b. January 10, 2019 Amended Settlement Agreement;

c. February 22, 2019 Order on Fairness and Preliminary Compliance Hearing, with attached Exhibits;

d. January 10, 2020 Township of Chatham Notice of Motion and supporting documents;

e. January 24, 2020 Fair Share Housing Center, Inc. Opposition to Motion and Cross-Motion and supporting documents;

f. February 7, 2020 Township Reply to Cross-Motion and supporting documents;

g. March 12, 2020 Amended Settlement Agreement, with attached Exhibits;

h. July 23, 2020 Amended Settlement Agreement, with attached Exhibits;

i. 2020 Housing Element and Fair Share Plan (“HE&FSP”) and supporting documents;

j. July 20, 2020 Planning Board Resolution adopting the 2020 HE&FSP and supporting documents;

k. July 23, 2020 Township Committee Resolution endorsing HE&FSP, and supporting documents;


m. July 23, 2020 Amended Settlement Agreement, with attached Exhibits, and


Section 9. All of the WHEREAS clauses are incorporated into this NOW, THEREFORE.

Section 10. A copy of the Ordinance and any agreements authorized herein shall be placed on file with the Township Clerk’s Office.

Section 11. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.
Section 12. This Ordinance shall take effect in accordance with the laws of the State of New Jersey after final passage and publication.

Introduced: August 13, 2020
Adopted: 
Attest: 

____________________________
Michael J. Kelly, Mayor

____________________________
Gregory J. LaConte, Clerk
RESOLUTION 2020-179

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, STATING THE REASONS FOR ENACTING ORDINANCE 2020-13

WHEREAS, the Township Committee of the Township of Chatham referred Ordinance 2020-13 to the Planning Board for statutory review pursuant to N.J.S.A. 40:55D-26; and

WHEREAS, Ordinance 2020-13 amends Ordinance 2020-11 which created the R-3 Affordable Housing Residence District (“R-3AH Zone”); and

WHEREAS, the Planning Board determined that Ordinance 2020-11 was inconsistent with the Land Use Plan (“LUP”) because the intensity of permitted development is 20,000 square feet per unit which is substantially greater than 100,000 square feet per unit as provided for in the LUP; and

WHEREAS, despite this inconsistency, the Planning Board found that Ordinance 2020-11, which requires that 20% of the total number of lots created will be conveyed to either the Township of Chatham or a qualified group home developer, advances the objective of the LUP to promote a balance of housing types for all segments of the population; and

WHEREAS, the Planning Board further found that the Ordinance advances the affordable housing objectives of the 2008 Housing Plan Element and Fair Share Plan (“HEFSP”) and assists the Township in meeting its constitutionally mandated fair share obligation with the creation of a group home as required by the R-3 AH Zone standards; and

WHEREAS, having reviewed the May 28, 2020 Review Memorandum prepared by the Board Planner, Frank Banisch, P.P., as well as his testimony regarding same, the Planning Board recommended adoption of the Ordinance provided it was revised to expand the extent of the steep slope conservation easement to include all lots to be subdivided and to include all slope areas of 20% or greater remaining after completion of the grading required for construction, in said conservation easement; and

WHEREAS, on July 9, 2020, the Township Committee adopted Reasons Resolution 2020-146 stating its rationale for adopting Ordinance 2020-11 and also adopted Ordinance 2020-11; and

WHEREAS, on July 9, 2020, the Township Committee introduced Ordinance 2020-13 amending Ordinance 2020-11 to clarify that the proposed group home lot in the R-3AH Zone will be cleared and leveled by the developer prior to conveyance to the Township; and
WHEREAS, on July 20, 2020, the Planning Board determined that Ordinance 2020-13 was inconsistent with the LUP for the same reasons as Ordinance 2020-11 but recommended its adoption because it advances the objective of the LUP to promote balanced housing types for all segments of the population; and

WHEREAS, the Township Committee concurs with the findings of the Planning Board that the Ordinance promotes a balance of housing types for all segments of the population in accordance with the LUP and provides affordable housing with a minimal impact on neighborhood character and community services in accordance with the HEFSP;

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

1. Pursuant to N.J.S.A. 40:55D-62, the Township Committee hereby sets forth its reasons, as stated above, for the adoption of Ordinance 2020-13 (a copy of which is attached hereto as Exhibit A), as it substantially advances objectives of the adopted Township of Chatham Master Plan.

2. The reasons stated in this Resolution are sufficient to enact Ordinance 2020-13 despite any inconsistencies with the LUP and HEFSP and the Township Committee hereby adopts Ordinance 2020-13 for the reasons set forth herein.

3. This Resolution shall take effect immediately.

Adopted: August 13, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By __________________________

Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of a resolution passed by the Township Committee of the Township of Chatham at a regular meeting held on August 13, 2020.

Date Issued: ____________________

______________________________

Gregory J. LaConte, Township Clerk
RESOLUTION 2020-181

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING MINUTES OF MEETINGS

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on July 23, 2020.

Adopted: August 13, 2020

Attest:

By: ________________________________
    Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS
RESOLUTION 2020-182

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS

BE IT RESOLVED that the Township Committee of the Township of Chatham
acknowledges receipt of and approves Executive Session minutes of the Township Committee
meeting held on July 23, 2020.

Adopted: August 13, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By ________________________________

Michael J. Kelly, Mayor

_____________________________

Gregory J. LaConte, Clerk
RESOLUTION 2020-183

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF TAXES

WHEREAS, an overpayment of property taxes has been made for the following properties; and

WHEREAS, the Tax Collector has recommended the refund of such overpayment,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

<table>
<thead>
<tr>
<th>BLOCK</th>
<th>LOT</th>
<th>NAME &amp; ADDRESS</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>135</td>
<td>22</td>
<td>Garippa, Lotz &amp; Giannuario</td>
<td>$20,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>66 Park Street</td>
<td>State Tax Court</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Montclair, New Jersey 07042</td>
<td>Judgment Agreement for</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Attn: Adam R. Jones</td>
<td>Tax Years 2011-2013</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Property Address-</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>650 Shunpike Rd</td>
<td></td>
</tr>
</tbody>
</table>

Adopted: August 13, 2020

TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS

Attest:

__________________________________________
Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk
RESOLUTION 2020-184

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AWARDING ROAD RESURFACING CONTRACT TO SCHIFANO CONSTRUCTION CORP. FOR 2020 ROAD RESURFACING

WHEREAS, Schifano Construction Corp. of 1 Smalley Ave, Middlesex, NJ has been awarded the 2020 Contract #6: Road Resurfacing for District #1 under the Morris County Cooperative Pricing Council; and

WHEREAS, Chatham Township is a member of the Morris County Cooperative Pricing Council and located in District No. 1; and

WHEREAS, Chatham Township wishes to resurface: Hilltop Terrace, Highland Avenue, Hall Road, Cobblestone Court, Rose Terrace, Edgewood Road, Fairfax Terrace, Geoffrey Court, Tanglewood Lane and Roosevelt Road; collectively referred to as “2020 Road Resurfacing.”

BE IT RESOLVED that the Township of Chatham hereby will award a contract on August 13, 2020 to Schifano Construction Corp. in the amount not to exceed $587,000.00 subject to applicable unit prices and contract provisions under the Morris County Cooperative Pricing Council.

Adopted: August 13, 2020

TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS

Attest: By

______________________________
Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk

CERTIFICATION OF THE AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-14.5, and any other applicable requirement, I, Debra A. King, Chief Financial Officer of the Township of Chatham, have ascertained as of August 13, 2020 that there will be available sufficient, uncommitted appropriations pursuant to Ordinance 2019-11 and Ordinance 2020-06 to award a contract to Schifano Construction Corp. in the maximum amount not to exceed $587,000.00.

______________________________
Debra A. King
Chief Financial Officer
RESOLUTION 2020-185

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CAPITAL BUDGET

WHEREAS, the Township of Chatham deems it necessary and desirable to allocate additional funds and revise the Project Title to the existing Capital Projects not previously reflected in the 2020 Capital Budget of said municipality, and

WHEREAS, N.J. A.C. 5:30-4.4B provides that the Capital Budget of a governing body shall be amended to reflect any provisions, changes or inconsistencies with said Capital Budget,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, that the 2020 Capital Budget shall be amended to reflect the allocation of additional funds and revise the Project Title as reflected in the attached 2020 Capital Budget Sheets not previously provided for in the Capital Budget. The allocation of additional funds and revised Project Title are needed to provide additional funding for the acquisition of property for Affordable Housing.

BE IT FURTHER RESOLVED that the attached form, as promulgated by the Local Finance Board shall represent the amended Capital Budget for the year 2020.

Adopted: August 13, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest: ______________________________

By: ______________________________

Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk
RESOLUTION 2020-186

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, REGARDING THE RENEWAL OF ALCOHOLIC BEVERAGE LICENSES IN THE TOWNSHIP OF CHATHAM FOR THE FISCAL YEAR BEGINNING JULY 1, 2020

WHEREAS, an application for the renewal of an Alcoholic Beverage License in the Township of Chatham for the fiscal year beginning July 1, 2020 has been made by Chattam Wine & Liquor LLC and Fairmount Country Club

WHEREAS, the applicants have complied with all the requirements of “An Act for the Manufacture, Distribution and Sale of Alcoholic Beverages”, known as the “Alcoholic Beverage Act and Amendments and Supplements thereto”, as well as the Ordinance of the Township of Chatham entitled “An Ordinance to Regulate the Sale and Distribution of Alcoholic Beverages”, as amended, including the submission of the appropriate license fees, and no objections to the renewal of said licenses have been received.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk be and hereby is authorized to deliver the plenary retail distribution license as issued by the New Jersey Division of Alcoholic Beverage Control for the fiscal year beginning July 1, 2020, as follows:

To Chattam Wine & Liquor LLC., trading as Buy Rite Liquor, for premises situated at 650 Shunpike Road, Unit 1A Chatham, New Jersey (Lic. No. 1405-44-004-007).

BE IT FURTHER RESOLVED that the Township Clerk be and hereby is authorized and directed to issue and deliver a plenary retail consumption license for the fiscal year beginning July 1, 2020, as follows:

To Fairmount Country Club, Inc., a private club for members only, for premises situated at 400 Southern Boulevard, Chatham Township, New Jersey (License # 1405-33-001-002).

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk be forwarded to the Division of Alcoholic Beverage Control and the State Department of Taxation and Finance, Newark, New Jersey, for their information and guidance.

Adopted: August 13, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

_____________________________ By: ____________________________
Gregory J. LaConte, Clerk Tayfun Selen, Mayor

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of a resolution adopted by the Township Committee of the Township of Chatham at a regular meeting held on August 13, 2020.

Date Issued: ___________________

________________________________________
Township Clerk
RESOLUTION 2020-187

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, WAIVING SUBDIVISION APPLICATION FEE

WHEREAS, on August 6, 2020, a minor subdivision application was submitted by Southern Boulevard Urban Renewal, LLC to subdivide Block 48.16, Lot 117.27 owned by the Township of Chatham into one lot for the Township and a second lot solely for Southern Boulevard Urban Renewal, LLC/Arbor Green at Chatham affordable housing development; and

WHEREAS, on June 25, 2020 the Township Committee of the Township of Chatham adopted Resolution 2020-158 authorizing the Township Attorney and Engineer to prepare and submit this minor subdivision application; and

WHEREAS, upon further review, it was determined that Southern Boulevard Urban Renewal, LLC should submit the application in its own name because it would be more efficient and cost effective for the Township; and

WHEREAS, Southern Boulevard Urban Renewal, LLC requested that the minor subdivision application fees be waived because this subdivision promotes the Township fulfilling its affordable housing obligation; and

WHEREAS, by Southern Boulevard Urban Renewal, LLC prosecuting this application, there will be a cost savings to the Township; and

WHEREAS, the Township desires to waive the minor subdivision application fee for the above referenced application; and

WHEREAS, escrow fees are not exempted.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the minor subdivision application fee for the application to be submitted by Southern Boulevard Urban Renewal, LLC for Block 48.16, Lot 117.27 is hereby waived.

Adopted: August 13, 2020

TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS

Attest:

By____________________________

Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk
RESOLUTION 2020-188

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN HONOR OF THE 100TH ANNIVERSARY OF THE 19TH AMENDMENT TO THE UNITED STATES CONSTITUTION

WHEREAS, the bold, courageous and powerful women who fought for the ratification of the 19th amendment to the United States Constitution on August 18, 1920, and certification on August 26, 2020, by the U.S. Secretary of State, deserve special celebration on the 100th anniversary of this achievement;

WHEREAS, New Jersey was the 29th state to ratify the 19th Amendment on February 9, 1920; and

WHEREAS, New Jersey holds a special place in women’s suffrage history as thousands of New Jersey women advocated for the right to vote on the streets, in the newspapers, in the state capital and throughout the state; and

WHEREAS, the 19th Amendment did not guarantee suffrage for all women, including Native American women, who did not gain the right to vote until 1924; Asian Pacific Islander American women until 1952; and African-American women and Latinas who were victims of voter suppression until passage of the Voting Rights Act of 1965 and 1975; and

WHEREAS, the fact that today, record numbers of women are serving in local, state and national government and running for office in unprecedented numbers, as part of the legacy of these resolute American suffragists; and

WHEREAS, the 19th amendment to the United States Constitution has played an important role in advancing the rights of all women; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham honors the role of the ratification of the 19th Amendment in further promoting the core values of our democracy as promised by the Constitution of the United States; reaffirming the opportunity for everyone to learn about and commemorate the efforts of the women’s suffrage movement and the role of women in our democracy; and reaffirms our desire to continue to strengthen democratic participation and to inspire future generations to cherish and preserve the historic precedent established under the 19th Amendment.

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Chatham hereby recommends that residents and civic institutions celebrate August 18, 2020, as the 100th anniversary of the passage and ratification of the 19th Amendment, providing for women’s suffrage, and August 26, 2020, as the date of its official certification.

Adopted: August 13, 2020

TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS

Attest: ________________________________

By______________________________

Gregory J. LaConte, Clerk

Michael J. Kelly, Mayor
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED

WHEREAS, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
   a. Litigation - In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Adopted: August 13, 2020
TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS

Attest:

By ________________________________

Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk