

**MINUTES  
TOWNSHIP COMMITTEE  
REGULAR MEETING  
MARCH 12, 2020**

Mayor Kelly called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:35 P.M.

**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 January 3, 2020; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 3, 2020; and notice was filed with the Township Clerk on January 3, 2020.

Mayor Kelly led the Flag Salute.

**Roll Call**

Answering present to the roll call were Committeewoman Ewald, Committeewoman Fondaco, Committeewoman Swartz, Deputy Mayor Ness and Mayor Kelly.

**Approval of Agenda**

Deputy Mayor Ness requested that a discussion on sewer options for River Road be added to the Agenda.

Committeewoman Swartz moved to approve the Agenda as amended. Committeewoman Ewald seconded the motion, which carried unanimously.

**Reports**

Committeewoman Swartz urged calm and social-distancing during the COVID-19 pandemic. She noted that there are precautions being taken throughout the community, including the closing of schools, the Library of the Chathams and the Senior Center for a two-week period.

Board of Health President Lucille Plantemoli expressed concern about holding a public meeting during the pandemic, and said that she is very concerned.

Committeewoman Swartz reported that NJ American Water is performing a water main replacement at the Passaic River Bridge, and the Bridge Replacement Project has been rescheduled for later in the Spring.

Committeewoman Ewald reported that the Office of Emergency Management (OEM) has met to address the COVID-19 outbreak, and she read a statement from the OEM regarding measures being taken. The notice also addressed precautions to take to prevent illness, especially among those who are high risk. Committeewoman Ewald also reported that the Board of Education is conducting a community survey in preparation for a September referendum for capital projects.

Deputy Mayor Ness said that COVID-19 updates are being posted on the Chatham Township website and social media accounts. She also noted that the Police Department is locked down apart from the front lobby due to the pandemic.

Committeewoman Fondaco noted that the Library Book Sale is postponed.

Deputy Mayor Ness said that the Colony Pool Committee is hoping to have registration begin on April 1<sup>st</sup>. New activities are planned for 2020, and membership rates will not be changing this year. A promotion is being considered to have a dual membership period for Colony Pool and Memorial Pool in August, and there is usually a free weekend for the public to be able to check out the facilities.

Administrator Hoffmann reported that DPW will have similar procedures as the Police Department for receiving visitors and deliveries. He also noted that the Committee Chambers were thoroughly cleaned earlier in the day, and will be cleaned again tomorrow.

The Township Clerk noted that an ACT Now! alert was sent out about the School and Library closure, and he encouraged residents who have not yet done so to sign up for emergency alerts.

Mayor Kelly addressed requests for tonight’s meeting to be cancelled, and said that the Township Committee could not do so due to a Court hearing scheduled for March 13<sup>th</sup>. Mayor Kelly noted the requirements of the Open Public Meetings Act, and also noted that Township Committee meetings are broadcast live with the videos posted on the Township website.

**Public Hearing/Adoption of Ordinances**

**ORDINANCE 2020-03  
AN ORDINANCE TO PROVIDE MINIMUM AND MAXIMUM RANGES FOR  
COMPENSATION FOR CERTAIN POSITIONS OF EMPLOYMENT IN THE TOWNSHIP OF  
CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, EFFECTIVE JANUARY 1, 2020**

**BE IT ORDAINED** by the Township Committee of the Township of Chatham in the County of Morris, New Jersey, as follows:

Section 1. The following offices and positions of employment in the Township of Chatham in the County of Morris are hereby established and the persons occupying such offices and positions shall be compensated at the rates, or within the ranges, set forth below. Actual compensation, consistent with the salary ranges established herein, is established by Township Resolution.

<b>Office or Position of Employment</b>	<b>Minimum</b>	<b>Maximum</b>
Member of Township Committee	0.00	2,400
Township Administrator	100,000	190,000
Township Clerk/Registrar	40,000	75,000
Deputy Clerk	30,000	60,000
Secretary Bd. Of Health	4,500	11,000
Chief Financial Officer/Treasurer	45,000	125,000
Qualified Purchasing Agent	3,000	6,000
Assistant Treasurer/HR Assistant/Escrow Account Manager	35,000	60,000
Administrative Assistant (Administration & Police Department incl. Records Clerk)	35,000	60,000
Accounts Payable/Payroll Clerk	35,000	60,000
Chief of Police	125,000	170,000
Emergency Management Coordinator	2,500	10,000
Public Works Manager	100,000	135,000
Public Works Administrative Assistant/Recycling Coordinator	35,000	60,000
Licensed Sewer Plant Operator	100,000	135,000
Tax Collector/Utility Collector	60,000	85,000
Ass't. Tax & Utility Collector	35,000	60,000
Tax Assessor (Part-time)	25,000	40,000
Ass't. Assessor (Part-time)	25,000	40,000

Planning Board Secretary	\$250 per	meeting
Zoning Board Secretary	\$250 per	meeting
Secretary Environmental Commission	\$150 per	meeting
Construction Office Control Person/Board Manager	40,000	64,000
Construction Office Administrative Assistant	35,000	60,000
Construction Official/Building Sub-code Official/Inspector	60,000	120,000
Zoning officer/Deputy Zoning Officer (PT)	2,500	15,000
Fire Sub-code Official/Inspector	10,000	20,500
Fire Prevention Official/Inspector	10,000	20,000
Video Producer Governmental Access Channels	5,000	11,000
Plumbing Sub-code Official/Inspector	20,000	30,000
Electrical Sub-code Official	15,000	20,000

**Seasonal and Hourly Positions**

Special Law Enforcement Officer III (SLEO III) – hourly rate	25.00	40.00
Pool Manager	15,000	25,000
Assistant Pool Manager	6,000	22,000
Swim Team Coach	1,500	3,500
Swim Team Ass't. Coach	500	1,500
Lifeguards	10.30 HR	18.00 HR
Gate Attendants	10.30 HR	18.00 HR
Laborer	10.30 HR	18.00 HR
Crossing Guards	11.00 HR	30.00 HR
Clerk Typist PT/Floater	11.00 HR	17.50 HR
Building Inspector	20.00 HR	45.00 HR

**Section 2.** Overtime for eligible employees shall be at the rate of straight time for hours exceeding 35 per week and one and one-half times employee's regular rate of pay for hours exceeding 40 per week.

**Section 3.** Employees covered by a collective bargaining agreement shall be entitled to compensation as provided in their respective agreements.

**Section 4.** Salaries provided herein shall be effective January 1, 2020, for those employed with the Township as of the adoption date of the ordinance.

**Section 5.** When required by law, the Township shall pay at least the minimum wage established for the State of New Jersey.

**Section 6.** This ordinance shall take effect upon publication as provided by the law.

The Township Clerk noted that this ordinance sets the salary range for various positions, with the actual salary being adopted by resolution at a later time.

Committeewoman Swartz noted that the stipend for Township Committee members was scheduled not to be raised from \$1,200 until after all the members who voted on the increased range had finished their current term.

Deputy Mayor Ness noted that the OEM Coordinator position was missing from the ordinance. Attorney Cruz said that adding a position would be a material or substantive change. The two options would be to adopt the ordinance as is with an additional ordinance being adopted at a later time, or to amend the current ordinance with republication and an additional public hearing before final adoption.

Mayor Kelly opened the Public Hearing on Ordinance 2020-03.

1. Nicole Hagner, 396 River Road, opined that this meeting should have been cancelled due to the coronavirus. Attorney Cruz said that he checked the NJCourts.gov website, and the notice from the Chief Justice of the NJ Supreme Court was that courts would be open for normal business. He noted a more recent notice that starting on March 16<sup>th</sup>, there will be an updated procedure. Deputy Mayor Ness said that if the Township Committee proceeded with the court hearing without having public input prior, there would have been anger in the community at the lack of input. Ms. Hagner said that she believes the Court would understand the situation and would allow for the Township to fail to take the required action. Committeewoman Swartz noted that the current hearing is on Ordinance 2020-03 rather than the coronavirus. Mayor Kelly said that the Township investigated rescheduling the meeting and the court hearing, and the Court made it clear that the March 13<sup>th</sup> hearing would not be postponed under any circumstances. Committeewoman Ewald noted that after Superintendent LaSusa announced the school closure, the Health Officer sent an email that school closure would be premature. She also said that the emails being received from residents are being read.

Seeing no further comment pertaining to Ordinance 2020-03, Mayor Kelly closed the Public Hearing.

Committeewoman Swartz moved to adopt Ordinance 2020-03. Committeewoman Fondaco seconded the motion.

**Roll call:** Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

### **Introduction of Ordinances**

#### **ORDINANCE 2020-04**

#### **AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, AMENDING ORDINANCE 2018-22 WHICH ADOPTED A REDEVELOPMENT PLAN FOR A 3.8 ACRE PORTION OF BLOCK 48.16, LOT 117.27 FOR THE DEVELOPMENT OF LOW AND MODERATE INCOME HOUSING TO AMEND THE REDEVELOPMENT PLAN TO PROVIDE THAT THE REDEVELOPMENT AREA CONSISTS OF TWO (2) PARTS, PART A CONSISTING OF 1.04 ACRES TO BE CONVEYED TO SOUTHERN BOULEVARD URBAN RENEWAL, LLC AND PART B CONSISTING OF 2.76 ACRES TO BE RETAINED BY THE TOWNSHIP OF CHATHAM**

**WHEREAS**, on December 13, 2018, the Township Committee of the Township of Chatham adopted Ordinance 2018-22 adopting a Redevelopment Plan for a 3.8 acre portion of Block 48.16, Lot 117.27 (“Redevelopment Area”) for the development of low and moderate income housing; and

**WHEREAS**, on December 16, 2019, the Planning Board of the Township of Chatham granted Southern Boulevard Urban Renewal, LLC, preliminary and final site plan approval to construct twenty-four (24) low and moderate income units in the Redevelopment Area; and

**WHEREAS**, on December 16, 2019, the Planning Board also granted preliminary and final subdivision approval to Southern Boulevard Urban Renewal, LLC to subdivide Block 48.16, Lot 117.27 and create a new 3.4 acre parcel which reduced the Redevelopment Area; and

**WHEREAS**, it was the intent of the Township of Chatham to convey the Redevelopment Area to Southern Boulevard Urban Renewal, LLC; and

**WHEREAS**, since the adoption of the Redevelopment Plan and the grant of subdivision approval to Southern Boulevard Urban Renewal, LLC circumstances have changed requiring that the Redevelopment Area be divided into two (2) areas, the Part A consisting of 1.04 acres to be conveyed to Southern Boulevard Urban Renewal, LLC and Part B to be retained by the Township for public purposes, including affordable housing; and

**WHEREAS**, this requires that the Redevelopment Plan be amended to separate the Redevelopment Area into two (2) parts; and

**WHEREAS**, it is the purpose of this Ordinance to amend the adopted Redevelopment Plan as described in this Ordinance.

**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 Redevelopment Area consists of a 3.8 acre portion of Block 48.16, Lot 117.27 and the designation of the Redevelopment Area, as an area in need of non-condemnation redevelopment, is not changed by this Ordinance.

Section 2. The Redevelopment Area of 3.8 acres is hereby amended to consist of Parts A and B as follows:

- a. Part A is an area of 1.04 acres to be conveyed to Southern Boulevard Urban Renewal, LLC to construct twenty-four (24) affordable housing units as approved by the Township Planning Board, and
- b. Part B is an area of 2.76 acres to be retained by the Township of Chatham for public purposes, including affordable housing.

Section 3. All references in the Redevelopment Plan to the Redevelopment Area are hereby amended to provide that the Redevelopment Area shall consist of two (2) parts:

- a. Part A consisting of 1.04 acres, and
- b. Part B consisting of 2.76 acres.

Parts A and B of the Redevelopment Area are shown on the attached "Site Plan Overall" Sheet No. SUB-1, prepared by Paulus, Sokolowski and Sartor, LLC, dated February 19, 2020 ("Plan of Amended Redevelopment Area").

Section 4. All aerial photographs, figures, tax maps and conceptual site plans are hereby replaced with the Plan of Amended Redevelopment Area.

Section 5. All references in the Redevelopment Plan to a three (3) story building are hereby changed to a single, two and one-half (2-1/2) story building.

Section 6. Section 3.3 of the Redevelopment Plan titled "Permitted Uses" is hereby amended as follows:

- a. Section 3.3B is amended to delete 3.3B.2, tot lots, and Section 3.3B.3, walking paths, and replaced with a new 3.3B.2, sidewalks.

Section 7. Section 3.4 of the Redevelopment Plan titled "Bulk, Area and Yard Requirements" is hereby amended as follows:

- a. Section 3.4A.1 is amended by changing 3 acres to 1.04 acres.
- b. Section 3.4A.2 is amended by changing lot frontage from 150 feet to 135 feet.
- c. Section 3.4A.4, distance between Two Principal Buildings on the lot is deleted.
- d. Section 3.4A.5, "Setbacks of Tot Lots or Trash Enclosures" is deleted and replaced with "Setbacks of Trash Enclosures".
- e. Section 3.4A.5a is amended to change the setback for side from 10 feet to 4 feet.
- f. Section 3.4A.6, "Setback of Parking" is amended to change the setback from the side from 4 feet to 0.5 feet.
- g. Section 3.4B.1, Maximum Standards is amended to change "Building Coverage" from 15% to 30%.
- h. Section 3.4B.2 is amended to change "Impervious Coverage" from 30% to 70%.

Section 8. Section 3.6 of the Redevelopment Plan titled "Design Requirements" is hereby amended as follows:

- a. Section 3.6.3 is amended by changing the building façade offsets from every 40 feet to every 45 feet.
- b. Section 3.6.11 is hereby deleted and replaced with:
  11. Storage space with a door or other means of separate access containing a minimum of forty (40) square feet of floor area and a minimum volume of three hundred (300) cubic feet shall be provided for each two (2) or three (3) bedroom dwelling unit in the principal building and one hundred sixty (160) cubic feet for each one (1) bedroom unit, within the dwelling unit itself, or in a basement of the building.

Section 9. Section 4.1 of the Redevelopment Plan titled "Outline of Proposed Actions" is hereby amended to delete the second full paragraph as follows:

The existing Skate Park within the Redevelopment Plan Area shall be completely demolished and removed by the designated redeveloper. Since the Skate Park is within a designated wetland buffer area, the land upon which the Skate Park is currently developed will be restored in accordance with the requirements of the New Jersey Department of Environmental Protection. The cost of such removal and restoration shall be borne by the redeveloper.

Section 10. All building elevations or renderings shall be as approved by the Township Planning Board.

Section 11. A secondary purpose of this Ordinance is to amend the Redevelopment Plan in order for the Redevelopment Plan to be consistent with the preliminary and final site plan approval granted by the Township Planning Board on December 16, 2019.

Section 12. 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 3, 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 13. 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 N.J.S.A. 40A:12A-7e. The Planning Board is directed pursuant to N.J.S.A. 40A:12A-7d to transmit to the Township Committee, within forty-five (45) days after referral, a report finding that the Redevelopment Plan shall be substantially consistent with the Township Master Plan or designed to effectuate the Master Plan or that the Redevelopment Plan is substantially inconsistent with the Township Master Plan or not designed to effectuate the Master Plan.

Section 14. 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 15. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 16. 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.

Attorney Cruz explained that in 2018 a redevelopment plan for the Skate Park was adopted when the site was declared an area in need of redevelopment. The site will be the location of 24 Affordable Housing units, and 3.8 acres will be subdivided from the current lot. Since the prior approval, the Township Committee has deemed it appropriate to retain a portion of the Skate Park. This ordinance will amend the Skate Park area into two parts, which includes the portion for the Affordable Housing and the portion to be retained by the Township.

Deputy Mayor Ness moved to introduce Ordinance 2020-04. Committeewoman Ewald seconded the motion.

**Roll call:** Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

The Public Hearing for Ordinance 2020-04 will be scheduled for March 26, 2020.

### **Consent Agenda**

#### **RESOLUTION 2020-075 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING PAYMENT OF BILLS, PAYROLLS, SCHOOL TAXES AND COUNTY TAXES**

**BE IT RESOLVED** that bills in the total amount of \$618,756.53 and the prior month's payroll of \$424,935.32 Current Fund, \$45,867.30 Sewer No. 1, \$9,846.19 Sewer No. 2, and \$11,923.67 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the month of March 2020, in the amount of \$3,200,207.00 be paid.

**RESOLUTION 2020-076  
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 February 27, 2020.

**RESOLUTION 2020-077  
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:

<b>BLOCK</b>	<b>LOT</b>	<b>NAME &amp; ADDRESS</b>	<b>AMOUNT</b>
36	16	Spiotti & Esposito, P.C. 271 US Highway 46 ST F105-106 Fairfield, New Jersey 07004  Property Address- 20 Candace Lane  Property Owner- Felice, Christopher & Ashley	\$5,390.85 (2018) 7,306.61 (2019) <u>\$ 12,697.46</u>  State Tax Court Judgment
83	29	Michael A. Vespasiano, Attorney Trust Account 331 Main St. Chatham, NJ 07928  Property Address- 22 Maple St.  Property Owner- Greis, Frederick Eynon/Theresa	\$1,854.00 (2019)  State Tax Court Judgment

**RESOLUTION 2020-078  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN  
THE COUNTY OF MORRIS, STATE OF NEW JERSEY,  
REFUNDING TAX AND SEWER LIEN**

**WHEREAS**, due to payment by property owner of the lien amount, a redemption of a tax and sewer lien is appropriate; and

**WHEREAS**, the Tax Collector has recommended the refund of such tax and sewer lien.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following refund be made as indicated:

<b>BLOCK</b>	<b>LOT</b>	<b>LIEN HOLDER</b>	<b>AMOUNT</b>
58	8	<b>LIENHOLDER:</b> US Bank CUST/PRO CAP 8/PRO CAP US Bank Global Corp. Trust SER 50 South 16 <sup>th</sup> ST. Suite 2050 Philadelphia, PA 19102  <b>CERTIFICATE #18-00001</b> KITSON, MALCOLM T 29 WOODLAWN DRIVE	\$ 1,701.45-Certificate <u>300.00-Premium</u> 2,001.45-Total

62.01	4	<b>LIENHOLDER:</b> US Bank CUST/PRO CAP 8/PRO CAP US Bank Global Corp. Trust SER 50 South 16 <sup>th</sup> ST. Suite 2050 Philadelphia, PA 19102  <b>CERTIFICATE #18-00002</b> MCDERMOTT, RORY AND MICHELLE 19 RAMAPO TRAIL	\$ 1,698.38-Certificate 800.00-Premium <hr/> 2,498.38-Total
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**BE IT FURTHER RESOLVED** that the Tax Collector is authorized to prepare and sign a Discharge of Certificate 18-00001 and 18-00002.

**RESOLUTION 2020-079**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM**  
**APPOINTING THOMAS WALSH TO THE PUBLIC WORKS DEPARTMENT**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that Thomas Walsh is hereby appointed to the Department of Public Works effective April 1, 2020 with terms and conditions of employment as governed by the collective bargaining agreement in effect between the Township and Teamsters Local #469 at a starting salary in accordance with Serviceman Grade III Step 6.

**RESOLUTION 2020-080**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM**  
**APPOINTING SALLY M. KIRSCHEN AS POLICE MATRON**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that Sally M. Kirschen is hereby appointed as a Police Matron in the Chatham Township Police Department effective March 1, 2020.

**RESOLUTION 2020-082**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM**  
**AUTHORIZING THE SALE OF SURPLUS MUNICIPAL EQUIPMENT**

**WHEREAS**, the Township of Chatham is the owner of certain surplus property which is no longer needed for public use; and

**WHEREAS**, the Township Committee are desirous of selling said surplus property in an “as is” condition without express or implied warranties.

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

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows:

<u>YEAR</u>	<u>ITEM</u>	<u>VIN or MODEL No</u>
1987	Olathe Chipper	98623
1995	Crafco Tar Heater	IC9EKO915S141830I
1979	Gallion Grader	T500CIC09215
2013	Dodge Charger	2C3DXAT5DH592620
1992	6" Scag	Serial 11425
	Door Panels from Old Police Cars	
	Ground Blower	
	Lawn Edger	
	Push Mower 21"	

- (5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The Township of Chatham reserves the right to accept or reject any bid submitted.

**RESOLUTION 2020-083  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
REFUNDING CONSTRUCTION PERMIT FEE**

**WHEREAS**, the Township Committee has considered the request submitted by the Construction Official with regard to the fee that was paid for a construction permit that was submitted to the Township; and

**WHEREAS**, the fee collected for the permit was \$1,000.00; and

**WHEREAS**, the fee should only have been \$400.00, and the applicant will be submitting a new check.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following amount be refunded to the depositor of record:

<u>NAME</u>	<u>PERMIT #</u>	<u>AMOUNT</u>
Rich Carding (CLC Landscape Design) 58 Ringwood Ave Ringwood, NJ 07456  Re: 135 Van Houten Ave Block 62.11, Lot 2	Not Issued	\$1,000.00

**RESOLUTION 2020-084  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
AUTHORIZING THE CHIEF FINANCIAL OFFICER TO BE A SIGNER ON THE  
TOWNSHIP'S SAFE DEPOSIT BOX**

**WHEREAS**, the Township of Chatham has a Safe Deposit Box Number: 00A0031-4 at the Bank of America location at 269 Main Street, Chatham, NJ 07928; and

**WHEREAS**, the Township Committee desires to assign the Chief Financial Officer, Debra A. King, as a signer on the Safe Deposit Box to access and take any formal action on behalf of the Township pertaining to the Safe Deposit Box Number: 00A0031-4.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Chatham designates Debra A. King as a signer on Safe Deposit Box Number: 00A0031-4.

Committeewoman Swartz commented on the appointment of a Police Matron. She said that in the event of the arrest of a woman, the Police Department has had to contact neighboring police departments to see if a female officer is on call to perform functions such as frisking. Having a Police Matron will allow the Township to have someone on call to provide that service.

Committeewoman Swartz moved to approve the Consent Agenda. Committeewoman Fondaco seconded the motion.

**Roll call:** Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

Attorney Cruz asked that Attorney Jay Delaney step to the microphone and indicate if he is representing a member of the public on Affordable Housing matters. Mr. Delaney said that he has been retained to represent Carmela Sagendorf, a River Road resident.

Attorney Cruz said that he had previously been contacted by Mr. Delaney indicating that he might be retained to represent an objector to the River Road Affordable Housing Project. Mr. Delaney also indicated that his firm had previously represented Committeewoman Swartz and Mayor Kelly. Attorney Cruz said that he has spoken with both Mayor Kelly and Committeewoman Swartz on the matter, and while Mayor Kelly's representation by the firm was over 10 years ago, Committeewoman Swartz's representation was more recent. As such, he asked that Committeewoman Swartz recuse herself from participation in discussions regarding the Affordable Housing on River Road until further determinations can be made if there is a conflict of interest.

## **Presentation – Affordable Housing**

Mayor Kelly gave a presentation regarding Affordable Housing. He provided background on the Township's obligation, and how the number was reached. Mayor Kelly also discussed the housing credits that the Township received toward the obligation. He further compared inclusionary development with municipally-sponsored 100% affordable development. Mayor Kelly further discussed the threat of Builders Remedy lawsuits.

Mayor Kelly presented a chart showing the eight Affordable Housing options considered by the Township. The chart included the costs involved for each of the different options. Mayor Kelly stated that the River Road site was the original option, and the Township Committee reconsidered when it appeared that a 5-story building was the only option for the site. The next option that became a primary consideration was the Municipal Building site, and Mayor Kelly said that the concept was dismissed because of the amount of time it would take to build a new building for municipal offices. He also said that the Municipal Building site was rejected by the Court's Special Master and the Fair Share Housing Center. Mayor Kelly further noted that senior housing was rejected because the agreement is for family housing. He further noted that a site adjacent to the Tanglewood Compost Area was considered, and was deemed an inadequate site. Mayor Kelly also addressed the suggestion that a multi-site solution be used, and he discussed the practical and financial prohibitions of that option. Mayor Kelly also addressed the suggestion that Open Space areas be used, and described the State and County policies that make diversion of Open Space a non-viable option.

Mayor Kelly addressed the reasons why the Township looked at the Municipal Building as a potential site, and said that the Township will need to consider how to approach the necessary repairs and upgrades to the Municipal Building and Police Headquarters. Mayor Kelly also discussed the reasons why the Township reverted to the River Road option. He further discussed the use of Group Homes toward the Township's Affordable Housing obligation. Mayor Kelly also noted that veterans will have a 90-day preference for the Affordable Housing units.

Mayor Kelly presented some conceptual site plan drawings of the proposed River Road site. He also thanked those members of the community who came forward to share their expertise in construction, development and land use. Mayor Kelly further addressed the concerns raised by residents in the Huron Drive neighborhood about the Township's evaluation of an easement connection to the sanitary sewer system. He stressed that there are existing pumping stations within the Township, and there have not been any problems with them.

Attorney Cruz discussed recent legal proceedings and steps taken by the Township Committee so as to create a context for the three Affordable Housing resolutions on this meeting's Agenda. He also summarized the revised Settlement Agreement with the Fair Share Housing Center. Attorney Cruz further summarized Resolution 2020-086, which seeks to designate the River Road site as an area in need of redevelopment. He stressed that the resolution does not authorize condemnation, however the resolution as drafted allows the Township to seek condemnation as an option. Attorney Cruz further noted that Resolution 2020-087 authorizes the Township Administrator to seek appraisals on the subject properties of the River Road site. Committeewoman Ewald asked if amendments to the resolutions could be made at this time. Mayor Kelly asked that amendments be made following the Hearing of Citizens.

## **Hearing of Citizens**

Mayor Kelly opened the Hearing of Citizens.

1. Mike Boyd, 498 River Road, summarized his family's history in Chatham. He said that there are those who think that the Township Committee and their predecessors have not done their job regarding Affordable Housing. However he thinks the job was done when the Municipal Building site was chosen. Mr. Boyd questioned why Affordable Housing was linked to Senior Housing and to the relocation of the Police Department. Mr. Boyd further questioned why an environmentally sensitive habitat of endangered species was chosen over a site that is already developed.

2. Steve Ambrose, 450 River Road, expressed a concern over stormwater runoff drainage. He also said that residents of Affordable Housing often do not own cars, and noted that there is not any Public Transportation available on River Road, and people walking on River Road may create a safety hazard. Mr. Ambrose also asked about Regional Contribution Agreements. Mayor Kelly said that Regional Contribution Agreements are no longer an option.
3. Sharon Tether, 115 Huron Drive, thanked the Township Committee members for their efforts regarding Affordable Housing matters, noting that two members were not on the Township Committee when the original Settlement Agreement was approved. Mrs. Tether thanked Mayor Kelly for making the Affordable Housing presentation amidst an audience that is upset about Affordable Housing matters. Mrs. Tether also addressed an estimated market value of the River Road property, opining that it might cost the Township about \$8,000,000 had it been purchased at market rate rather than acquired through tax foreclosure. She also said that the sewer easement option is taking away the opportunity for residents of River Road to have a connection that could increase the value of their property. Mrs. Tether noted that Mayor Kelly had said that the Municipal Building site was rejected because the Township Administrative Offices could not function without a building, and she said that the Township would find a way to operate in the event of a natural disaster destroying the building. Mrs. Tether asked the audience who would be interested in seeing an Affordable Housing Committee created, and most members of the audience raised their hands.
4. Jacquelyn Ferrito, 449 River Road, asked for a definition of the River Road site, stating that it was originally only the 5-acre Township owned site while the Site Suitability Assessment includes an additional 5 acres on an adjacent lot along with easements on two properties on Huron Drive. She also asked if the neighboring property is necessary for the project to occur as presented with two buildings at three stories each. Mayor Kelly said that additional land would be needed to avoid having a 5-story building. Mrs. Ferrito said that she read the resolutions and the Site Suitability Assessment, and asked if the Township owns the adjacent to Block 62 Lot 71. Mayor Kelly said that the Township does not. Attorney Cruz described the methods through which the Township could acquire clear title to the properties. Mrs. Ferrito asked if the Settlement Agreement includes the adjacent lots to Lot 71. Attorney Cruz said that the Settlement Agreement does not include them, as Lot 71 can accommodate all the proposed units by itself. Mrs. Ferrito asked why Lot 74 appears in the Site Suitability Assessment. Attorney Cruz said that it gives the Township an option for moving forward. Mrs. Ferrito asked what happens if the owner of Lot 74 opts not to sell land to the Township, and Attorney Cruz said that would need to be dealt with if it happens. Mrs. Ferrito asked if the Township will still submit the Site Suitability Assessment with Lot 74 and the easements included. Deputy Mayor Ness said that there are ongoing conversations with the property owner. Mayor Kelly said that the Township is only looking to acquire the back half of the property. He also noted that one of the action items on this meeting's agenda is to retain an appraiser, and the appraisal information will be shared with the owner of the property being appraised. Mrs. Ferrito said that she is shocked that the Township would consider condemnation. Deputy Mayor Ness noted that she would not support condemnation.
5. Tom Tether, 115 Huron Drive, said that he appreciates the Township Committee's service, and noted that they inherited a problem. Mr. Tether also said he is concerned about the lack of transparency in the designation of the River Road site for Affordable Housing, and noted that it is an environmentally sensitive area that the Master Plan says should be preserved. Mr. Tether said that his property is listed as being selected for a sewer easement, and he was surprised to learn that the Township Committee considers his home to potentially be an area in need of condemnation redevelopment. Mr. Tether said that condemnation is meant for blighted areas, and he said that use of condemnation on his property would be an abuse of power. He also asked what would happen if rock is hit when digging for the sewer line. Mr. Tether further alleged that the Township is threatening to displace a senior citizen through condemnation. He also said that the condemnation should be a last resort rather than an initial option. Mr. Tether also asked where the pump station would be located. Engineer Ruschke said it would likely be located adjacent to the structure. Mr. Tether said there is no good location for a pump station. He asked how many total units are planned for this site. Mayor Kelly said the

maximum is 62, and there is no intention of adding units in the Fourth Round. Mr. Tether asked if Lots 69, 70 & 75 are being considered for acquisition. Mayor Kelly said they are not under consideration. Mr. Tether asked about sewer easements in the Highland Neighborhood, and if the Township intends to condemn his property if he is unwilling to grant the easement. Attorney Cruz said that the resolution at hand only authorizes a study to be performed, and the question of condemnation is a separate discussion for a later time. Mr. Tether asked if the Committee would still decide to condemn after the studies are performed. Attorney Cruz said that Mr. Tether is asking for a decision without all the particulars having been gathered.

Mayor Kelly thanked those who are in attendance at the meeting. He also addressed misinformation that is spreading around social media. Mayor Kelly said a rumor has spread that the Township had denied a prior application for Lot 71 to be developed, and he said that no such application exists. Mayor Kelly also said that the prior owner of the property had not paid property taxes since 1991, and he noted that property owners with unpaid property taxes are not allowed to submit land use applications. Mayor Kelly also addressed the allegation that the Township is threatening a senior citizen with displacement through condemnation of their home. He explained that the Township does not need the portion of the property where the house is located, and amicable discussions are underway with the property owner.

Committeewoman Ewald asked at what point in the development process the possibility of conservation easements would be discussed. Attorney Cruz said it would be discussed by the Planning Board. Committeewoman Ewald said that it would be reasonable for the Planning Board to discuss that option. Attorney Cruz noted that when the Skate Park site was before the Planning Board, the process took at least a year and multiple hearings prior to approval, and many adjustments were made to the application prior to approval. Attorney Cruz also noted that if the Settlement Agreement is approved by the Court, then the Township's immunity from builders remedy lawsuits would be extended and there would be no additional building on the site beyond what is proposed.

6. Vince Ferrito, 449 River Road, said that he and his wife made many sacrifices to be able to afford to live in Chatham Township, and they moved to the Township a year ago. He said that the selection of the River Road site, and the process by which the decision was made, has shaken his faith in the Township's decision-making process. Mr. Ferrito said that notice was not sent to residents in the impacted area before the decision was made. He also commented on the environmental sensitivity of the site and the lack of an environmental study. Mr. Ferrito asked if the Township Committee is willing to condemn a property in order to make the Affordable Housing work at the site. Deputy Mayor Ness, Committeewoman Ewald and Committeewoman Fondaco all said that they would not support condemnation. Mayor Kelly said he hopes it does not come down to condemnation, and the Township Committee needs to make whatever decision is in the best interest of the Township. Mr. Ferrito asked that the Affordable Housing resolutions be removed from the Agenda. He also addressed the financial analysis regarding the Township's Affordable Housing plan, and asked that additional sites be explored.
7. Harrison Szot, Huron Drive, read into the record a letter he wrote to the Township Committee addressing the ecosystem on River Road and his opposition to the selection of the River Road site for Affordable Housing.
8. Susan Zwick, 417 River Road, commented on the environmental conditions, wetlands, and periodic flooding on River Road. Mrs. Zwick also said that she lives across from Cardinal Hill, and the stormwater runoff was an issue until the catch-basin was recently repaired. She also commented on the geology of the slopes along River Road, noting that the Master Plan states that the ridge should not be developed. Mrs. Zwick emphasized that steep slopes should not be developed, and cautioned about water runoff. She said that there are other sites in the Township that should be considered.
9. Heather Foran, 127 Huron Drive, asked if the Township Attorney asked the Court Clerk for a continuance due to the State of Emergency. Attorney Cruz said that he followed the directives from the NJ Supreme Court. He also said that a continuance would require the consent of the adversary. Mrs. Foran said that the towns facing builders remedy lawsuits

are still pending matters that are on appeal. She also said that Mayor Kelly told the public that builders remedy lawsuits should be feared. Attorney Cruz suggested that Mrs. Foran read the documents available on the Township website's affordable housing tab. Mrs. Fran asked what the first property that would be developed if there was a Builders Remedy lawsuit. Attorney Cruz said it would be the Dixiedale Property. Mrs. Fran asked if River Road will be rezoned for Affordable Housing. Attorney Cruz said that the rezoning of the site is accomplished through the adoption of a redevelopment plan. He also said that a redevelopment plan is not a blanket rezoning, but is tailored to a particular property. Mrs. Foran asked if more land on River Road will be rezoned for the Fourth Round. Attorney Cruz said that to answer that question would be speculation, and the Township Committee needs to focus on the Third Round obligation. He also urged residents to contact the Governor and Legislators to develop a legislative solution to the Fourth Round so that municipalities can know what standards will need to be met. He also said that a plan needs to be in place to meet the Township's obligation so as to preserve immunity from builders remedy lawsuits. Mrs. Foran asked if a sewer service survey had been conducted for the River Road site. Engineer Ruschke said that a detailed study was performed, and the sewer lines in the Huron Drive neighborhood are sufficient. Mrs. Foran asked if a third-party environmental study was performed. She further asked about the slope of the site, and said that the Master Plan states that the slope should remain undeveloped.

10. Debbie Grammer, 448 River Road, said that she owns an adjacent property to the River Road site, and she described the geology of the area. She also said that she has put a lot of money into the upkeep of her property, and is afraid of condemnation. Mrs. Grammer also addressed water runoff on her property, and said that the River Road site is a bad location for development of Affordable Housing.
11. Jay Delaney, an attorney representing Carmella Sagendorf, read into the record a letter from Mrs. Sagendorf, and supplied copies of the letter for the Township Committee. He noted that Mrs. Sagendorf lives at 472 River Road, which is at the base of the slope where the Affordable Housing development will occur.
12. Paul Payton, 67 Candace Lane, thanked the Township Committee for their efforts. He asked if there is any possibility to counter-sue to prevent the Township from having to meet an Affordable Housing obligation. Attorney Cruz said that it could be litigated, however the track record for municipalities winning such litigation is very poor. He also noted that the amended Settlement Agreement was developed over time, and the matters on this evening's agenda need to be dealt with at this time because the Township has run out of time in the various extensions granted. Mr. Payton asked if the coronavirus State of Emergency could serve as the basis for additional extensions. He also asked if the 8-inch sewer main is sufficient for the 60 additional units. Mr. Payton further asked if a sewer line on River Road would have a greater value and useful life than a pump station.
13. Nicole Hagner, 396 River Road, said that she appreciates that the Township has ordinances in place to protect steep slopes, and the proposed Affordable Housing Development is not preserving the slopes. She also said that when she ran for office she wanted people to conduct reasonable development, and she opined that the proposed development is not reasonable. Ms. Hagner said that there are other sites where Affordable Housing could be built, and asked if the Settlement Agreement will be locking in the River Road site. Mayor Kelly said that the Settlement Agreement will designate the site. He said that if the site turns out to be undevelopable, that will be dealt with. Ms. Hagner asked if the Township Committee is willing to move forward in good conscience when neighboring property owners have not consented to measures that would make the development possible. Mayor Kelly said that residents had demanded that the Township Committee discuss plans in public, and if the Township Committee had waited to discuss the site publicly until after all the studies were performed then there would still be allegations of the Township Committee acting in secret. Ms. Hagner asked if the Settlement Agreement could have the flexibility for better locations to be used if they are identified in time to keep to the required timeline. Committeewoman Ewald said that the original Settlement Agreement said "site or sites" and a site was to have been selected by July 2019, and there have been a series of postponements. She said that at this point a site has to be selected as quickly as possible. Ms. Hagner why the Township

would lock into a particular site at this point, and suggested that the Township Committee form an Affordable Housing Committee. Committeewoman Ewald said that the Township Committee tried to get the requested flexibility in the agreement, and it was rejected. Deputy Mayor Ness said that the litigation process began in 2015, with the Settlement Agreement having been approved by the Township Committee in 2018. She said that at the time the Township had 6 months to select a site, and there was no way the Township Committee could do that and River Road was the only plan at the time. Deputy Mayor Ness also said that having an Affordable Housing Committee would have been a great idea several years ago at an earlier phase in the process, and she noted that the Dixiedale developer was originally willing to build up to 75 units and the Township talked them down to building only 24. Ms. Hagner said that the Municipal Building was rejected only because of the requisite timeline, and she asked that the Township request that flexibility language be added to the Settlement Agreement and more units be considered at the Skate Park. Deputy Mayor Ness said that the design of the Skate Park site had to be materially redesigned once the Township became aware of the necessary upgrades at the Police Department. Ms. Hagner advocated for more units at the Skate Park site, and suggested that the Police Department be moved to the Municipal Building site to maximize the number of units on Southern Boulevard. She also asked what can be done to get the flexible language in the Settlement Agreement.

14. Drew Payne, 33 Van Houton Avenue, asked what options the Township has other than to sign the Settlement Agreement. Mayor Kelly said that the Township is in a position where the Settlement Agreement has to be approved. Mr. Payne said that residents adequately expressed their research demonstrating that the River Road site is the worst possible site for the Affordable Housing. He also said that he does not understand how the Township Committee could make an inappropriate proposal at this time. Administrator Hoffmann addressed the timeline proposed by the Township for building the Affordable Housing by July 2025. Mr. Payne contended that the Township's plan is a bad plan.

Mayor Kelly asked for a motion to continue the meeting past 11:00 PM.

Committeewoman Ewald moved to extend the meeting beyond 11:00 PM, and to allow the Hearing of Citizens to continue until 11:30 PM. Deputy Mayor Ness seconded the motion, which carried unanimously.

15. Pat Murray, 107 Huron Drive, said that the materials discussed this evening have only been publicly available for seven days, and he asked the Township Committee members how long each of them have been on the Township Committee. Mr. Murray said that the Township Committee will voting to potentially take away people's property, and said that three members of the Committee have indicated that they will not support condemnation. Mr. Murray said that he had not met his neighbors until the past week, and they have come together to fight the Township's Affordable Housing proposals. Mr. Murray also said that he was on the Planning Board when the redevelopment of the Skate Park was considered, and he was one of only three members who voted against it. He said that his opposition was not because he is against Affordable Housing, but rather that because he did not want the project to be tied to the Dixiedale development. Mr. Murray also said that his neighbors will file tax appeals. He noted that Mayor Kelly's seat on the Township Committee is up for reelection this year. Mr. Murray further asked what would happen if the Township does not enter the amended Settlement Agreement, and how that would affect the Dixiedale development. Deputy Mayor Ness said that the Township would likely face a builders remedy lawsuit. Mayor Kelly said that Dixiedale would likely have 200-300 units, along with all the traffic and school impact that would bring. Mr. Murray asked if that site would require condemnation.
16. Mark Hamilton, 132 Highland Avenue, said that a majority of the Township Committee has already indicated that they will not support condemnation, and that residents on Huron Drive have indicated that they will not voluntarily give up their property. Mr. Hamilton said that the Resolution for the redevelopment study is a dead issue as drafted. He also said that the Township will face potential litigation if the Township does not approve the Settlement Agreement. Mr. Hamilton asked the Township Committee to direct the Township Attorney to tell the Court that the Settlement Agreement will not be

signed, and he welcomed the potential of a builders remedy lawsuit. Mr. Hamilton also said that nobody in the Township is in favor of the development of Affordable Housing in their neighborhood. Mr. Hamilton also said that the Township will face litigation no matter what the Township Committee does to address the Affordable Housing obligation.

17. Susan Zwick, 417 River Road, asked who owns Block 62 Lot 71. Mayor Kelly said that it is owned by the Township. Mrs. Zwick said that the residents who make up Chatham Township do not want the site developed, and she said that residents are being threatened by the potential development. Mrs. Zwick asked that the Affordable Housing be built on a better, more level site. She said that building Affordable Housing at the Skate Park does not threaten anybody's property value, and a new Skate Park can be built elsewhere.

18. Sandra Boyd, 498 River Road, said that the Township's Affordable Housing plans have shaken her, and she wants the Township Committee to do what is right. Mrs. Boyd said that she wants to stay in Chatham Township, and the proposed Affordable Housing development has her considering moving.

Seeing no further comment, Mayor Kelly closed the Hearing of Citizens.

### **Resolutions**

Attorney Cruz suggested that Resolution 2020-086 be considered first, and that Resolutions 2020-085 and 2020-087 follow in that order.

Committeewoman Ewald moved to amend the order of the resolutions on the Agenda. Deputy Mayor Ness seconded the motion, which carried unanimously.

#### **RESOLUTION 2020-086**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP OF CHATHAM PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION FOR THE REDEVELOPMENT OF LAND KNOWN AS BLOCK 62, LOT 71 AND BLOCK 62, LOT 74 AS SHOWN ON THE TOWNSHIP OF CHATHAM TAX MAP**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment; and

**WHEREAS**, the Local Redevelopment and Housing Law sets forth specific procedures for establishing an area in need of redevelopment; and

**WHEREAS**, pursuant to *N.J.S.A. 40A:12A-6*, prior to the Township Committee of the Township of Chatham making a determination as to whether a particular study area qualifies as an area in need of redevelopment, the Township Committee must authorize the Township of Chatham Planning Board, by Resolution, to undertake a preliminary investigation to determine whether the subject area meets the criteria of an area in need of redevelopment as set forth in *N.J.S.A. 40A:12A-5*; and

**WHEREAS**, the New Jersey Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

**WHEREAS**, as required by the amendment to *N.J.S.A. 40A:12A-6*, the Legislature has directed that the Resolution authorizing the Planning Board to undertake a preliminary investigation state whether the redevelopment area determination shall authorize the Township to use all of those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain ("Non-Condensation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all of those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain ("Condensation Redevelopment Area"); and

**WHEREAS**, the redevelopment area determination shall authorize the Township of Chatham to use all of the powers provided by the Legislature for use in a redevelopment area, thus designating it a Non-Condensation Redevelopment Area; and

**WHEREAS**, the Township Committee of the Township of Chatham wishes to direct the Township of Chatham Planning Board to undertake a preliminary investigation to determine whether the proposed study area known as Block 62, Lot 71 and Block 62, Lot 74 as shown on

the Township of Chatham Tax Map and depicted on the attached aerial photograph qualifies as an area in need of non-condemnation redevelopment pursuant to *N.J.S.A.* 40A:12A-5.

**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 Township of Chatham Planning Board is hereby directed to conduct the necessary preliminary investigation, including the holding of a public hearing, to determine whether the study area identified above and depicted on the attached Tax Map and aerial photograph is an area in need of non-condemnation redevelopment under the criteria set forth in *N.J.S.A.* 40A:12A-1 *et seq.*; and

**BE IT FURTHER RESOLVED** that the Planning Board is hereby authorized to utilize the services of Frank Banisch, P.P., of Banisch Associates, Inc., to perform the preliminary investigation.

**BE IT FURTHER RESOLVED** that the Planning Board shall submit its findings and recommendations to the Township Committee in the form of a Resolution with supporting documentation.

Committeewoman Ewald proposed that the draft resolution be amended to remove the properties on Huron Drive. She also asked that the resolution be amended to be clear that the Township will not pursue condemnation. Attorney Cruz said that the section referring to the sewer easement can be removed along with the references to the affected properties, and that condemnation redevelopment can be updated to refer to non-condemnation redevelopment except in the paragraph that distinguishes between the two options. Committeewoman Ewald said that Attorney Cruz's suggestion captures her proposed amendments.

Mayor Kelly said that he thinks that at this time the Township Committee should retain condemnation as an option. Regarding the sewer easement, Mayor Kelly noted that the Township does have other options available but it is not yet known if those options are feasible. Attorney Cruz described the procedure proscribed by the Local Housing & Redevelopment Law for a municipality to consider condemnation. He said that if the Township Committee does not intend to consider condemnation, then the resolution on this meeting's agenda should make that clear as the point of the resolution is to put a property member on notice that their property will be studied for condemnation redevelopment. Attorney Cruz also said that the potential for sewer easements will remain as a voluntary negotiation with the property owners.

The Township Clerk reviewed the proposed changes to the resolution to make sure that the draft is updated in accordance with the Township Committee's consensus. Attorney Cruz asked the Township Committee one last time to be sure these are the changes they want.

Committeewoman Ewald moved to adopt Resolution 2020-086 as amended. Deputy Mayor Ness seconded the motion.

**Roll call:** Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Absent; Deputy Mayor Ness, Aye; Mayor Kelly, Nay.

#### **RESOLUTION 2020-085**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP MAYOR AND CLERK TO SIGN AN AMENDED SETTLEMENT AGREEMENT FIXING THE TOWNSHIP'S AFFORDABLE HOUSING FAIR SHARE OBLIGATION FOR THE PERIOD FROM 1987 THROUGH 2025**

**WHEREAS**, on July 7, 2015, the Township of Chatham filed a declaratory judgment action seeking to fix the Township's affordable housing fair share obligation for the period 1987 through 2025; and

**WHEREAS**, the Township filed that declaratory judgment action in conformance with the New Jersey Supreme Court decision in *In re N.J.A.C. 5:96 & 5:97*, 221 N.J. 1 (2015) ("Mount Laurel IV"); and

**WHEREAS**, Mount Laurel IV designated Fair Share Housing Center, Inc. ("FSHC"), as an interested party in all declaratory judgment actions seeking to fix municipal affordable housing fair share obligations for the period 1987 through 2025; and

**WHEREAS**, the Township and FSHC negotiated a Settlement Agreement fixing the Township's affordable housing fair share obligation for the period 1987 through 2025 in the form attached; and

**WHEREAS**, on December 13, 2018, the Township Committee authorized the Settlement Agreement; and

**WHEREAS**, since December 13, 2018, events arose which required that the Settlement Agreement be amended; and

**WHEREAS**, these events include the Township's need for an extension of the time within which to comply with the terms and conditions of the Settlement Agreement; and

**WHEREAS**, on January 10, 2020, the Township filed a motion to extend the compliance period and extend temporary immunity and on January 24, 2020, FSHC filed a cross-motion to terminate immunity; and

**WHEREAS**, on February 14, 2020 and February 21, 2020, the Township and FSHC mediated the pending motions with the Mount Laurel Special Master appointed by the Superior Court of New Jersey; and

**WHEREAS**, the Township Committee is of the opinion that the Amended Settlement Agreement is in the best interest of the residents of the Township because it eliminates the uncertainty and expense of further litigation.

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

1. That it is in the best interest of the residents of the Township to enter into the Amended Settlement Agreement in the form attached.
2. That the Township Mayor and Clerk are hereby authorized to sign the Amended Settlement Agreement.
3. That the Township's Mayor, Administrator, Clerk, Planner, Engineer and Attorney are authorized to take those steps necessary to effectuate the Amended Settlement Agreement.
4. That this Resolution takes effect immediately upon adoption.

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Chatham that a copy of this Resolution and Amended Settlement Agreement be posted on the Township website and placed on file and available for public inspection in the office of the Township Clerk.

Attorney Cruz explained the purpose of Resolution 2020-085. He said that the resolution authorizes the Mayor to sign the revised Settlement Agreement, which is consistent with the report from the Special Master.

Mayor Kelly noted that the Township has spent a great deal of time working on this project. He said that the resident who claim that other sites are available have not presented any viable sites. Mayor Kelly noted that several extensions were granted to the Township, and there is a possibility that the Township's approval of the Dixiedale development would be overturned with the potential of another developer building several hundred units there and the Township still being required to build a number of affordable units somewhere else. Mayor Kelly also addressed the impact of inclusionary development and how it would change the character of Chatham Township, and noted that fighting the obligation in court is not a viable option.

Deputy Mayor Ness noted that Affordable Housing is a flawed process at the State, County and Local level, and municipalities are bearing the brunt of the flawed system. She said that she thinks that the municipally-sponsored development option is the best option for Chatham Township, and she does not think that a builders remedy lawsuit or construction of 1,000 new units total would be a good option. Deputy Mayor Ness said that the River Road site was the primary option when she came on the Township Committee, and other options have been considered in that time. She also said that the Township tried to renegotiate for Senior Housing, which was denied. The Township was then able to successfully negotiate for a veterans set-aside and group homes to be included toward the obligation. Deputy Mayor Ness also commented on the struggle to make the Settlement Agreement better, to find land, and to meet resident expectations all at the same time. She also said that the minimum number of units that can qualify for the highest amount of density is 60 units. Deputy Mayor Ness also pointed out that this process extends further back than when she, Committeewoman Ewald or Committeewoman

Fondaco joined the Township Committee, and the Court deems the Township as having delayed the process too many times in the proceedings that go back to 2015.

Committeewoman Ewald said that the decision is between the River Road site or a builders remedy lawsuit, and it has not been an easy process. She noted that the Township Committee must meet a Constitutional obligation. Committeewoman Ewald said that the Township Attorney had requested language in the Settlement Agreement, and proposed that the Judge be asked again in the language can be added.

Committeewoman Fondaco moved to adopt Resolution 2020-085. Committeewoman Ewald seconded the motion.

**Roll call:** Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Absent; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

**RESOLUTION 2020-087**  
**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO SOLICIT QUOTES FOR SERVICES AND IF THE QUOTE IS BELOW THE ADMINISTRATOR'S AUTHORITY OF NINE THOUSAND AND TWO HUNDRED (\$9,200.00) DOLLARS TO AWARD A CONTRACT**

**WHEREAS**, the Township of Chatham is in need of various services related to the Township's acquisition of affordable housing sites; and

**WHEREAS**, these services include appraisals, environmental studies, surveys and title searches; and

**WHEREAS**, it is estimated that these services are below the bidding threshold under the Local Public Contracts Law; and

**WHEREAS**, the Township desires to solicit quotes for these services and to authorize the Township Administrator to award contracts for these services provided that the cost is less than nine thousand and two hundred (\$9,200.00) dollars for each task for each property being considered by the Township for acquisition.

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

1. That the Township Administrator solicit quotes for appraisal, environmental, survey and title search services related to the Township's acquisition of affordable housing sites.
2. That the Township Administrator is authorized to award contracts for these services provided that the cost is less than nine thousand and two hundred (\$9,200.00) dollars for each task for each property being considered by the Township for acquisition.
3. This Resolution shall take effect immediately.

Committeewoman Ewald moved to adopt Resolution 2020-087. Deputy Mayor Ness seconded the motion.

**Roll call:** Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Absent; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

**Discussion**

Deputy Mayor Ness moved to defer discussion of the River Road Sewer Options until a future meeting. Committeewoman Ewald seconded the motion, which carried unanimously.

Approving Capital Request for Bridging Space to Place Project at the Library

**RESOLUTION 2020-088**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM SUPPORTING LIBRARY OF THE CHATHAMS GRANT APPLICATION AND PLEDGING UP TO \$404,925 IN MATCHING FUNDS**

**WHEREAS**, since becoming a joint library in 1975, the Library of the Chathams has provided services to the residents of Chatham Township and Chatham Borough, and

**WHEREAS**, to serve the continuous growth in services as well as to expand the types of services provided, the Library building was expanded in 1940, 1960, 1964, 1983, 1991 and 2004 to its present size and configuration, and

**WHEREAS**, the Library has conducted consumer research including focus groups, community surveys and interviews with community leaders to ensure that present services satisfy present needs and to identify new and emerging needs of the communities including an enclosed collaborative Teen Space, an enhanced Local History Room, additional private study rooms, a Business Center, a combination STEAM/Meeting Room, an enlarged and dividable Community Room, a Children’s Activity Room, rear entrance and access ramp improvements. and Whereas the Library staff has developed a Strategic Plan to respond to existing and emerging patron needs and changes in technology and resources used by our residents, and

**WHEREAS**, the present configuration of spaces within the building limits accommodating the increasing usage of present services and facilities and impedes the introduction of new services in response to needs identified in the consumer research, and

**WHEREAS**, an engineering study in 2014 identified structural, operational and environmental deficiencies in the present building requiring correction including HVAC system deficiencies and energy savings, and

**WHEREAS**, the Library Board of Trustees has engaged architects to develop a plan, called *Bridging Space to Place* to address these deficiencies and reconfigure the spaces within the building to accommodate emerging needs and the growth in demand for present services, and Whereas, the Library has raised \$1.5 million since 2014 through fundraising, and

**WHEREAS**, the Library intends to apply for a grant under the New Jersey Library Construction Bond Act of 2017, through which the State of New Jersey will match up to 50% of eligible project costs,

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Chatham supports the Library of the Chathams grant application, and

**BE IT FURTHER RESOLVED**, that the Township of Chatham will support the Library of the Chathams grant application request with funding of up to \$404,925.00 in a 2021 Capital Ordinance or other funding mechanism if the grant application is approved, and,

**BE IT ALSO RESOLVED**, that it is the Township of Chatham expresses its thanks to the Borough of Chatham for passing a similar funding resolution and commitment to support the efforts of the Library of the Chathams.

Mayor Kelly said that this resolution is for a matching grant for the Library’s Capital Improvements Project. Deputy Mayor Ness asked if the Township has the money available. Administrator Hoffmann said that the money will be needed by the Library in 2021, and the item will be included in the 2020 Budget.

Deputy Mayor Ness moved to adopt Resolution 2020-088. Committeewoman Ewald seconded the motion.

**Roll call:** Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Absent; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

Deputy Mayor Ness moved to adjourn at 12:00 AM. Committeewoman Fondaco seconded the motion, which carried unanimously.

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Gregory J. LaConte  
Municipal Clerk