

**MINUTES
TOWNSHIP COMMITTEE
SPECIAL MEETING
APRIL 23, 2020**

Mayor Kelly called the Special Meeting of the Township Committee of the Township of Chatham to order at 5:30 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 April 17, 2020; notice was posted on the bulletin board in the main hallway and on the front door of the Municipal Building on April 17, 2020; and notice was filed with the Township Clerk on April 17, 2020. Notice was also posted on the Township website and sent to *The Alternative Press*.

Pursuant to Executive Orders Nos. 102, 103, 104 and 107 and to ensure the safety of all, during a state of emergency declared by New Jersey Governor, Phil Murphy, on March 9, 2020 to “contain the spread of COVID-19”, the Township of Chatham limited the public from physically attending the Township Committee meeting to be held on Thursday, April 23, 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. Committeewoman Fondaco participated by Conference Call.

Approval of Agenda

Mayor Kelly asked that the Introduction of Ordinances be moved down on the Agenda after the Hearing of Citizens to allow for public comment before action is taken.

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

Reports

Mayor Kelly stated that members of the public have inquired when Social Distancing may end, and that many people have become frustrated with the orders to stay home. Mayor Kelly said that the numbers show that it is too soon to suspend the Social Distancing controls. He also reported on the number of cases of COVID-19 in Chatham Township, and noted that 17 residents have died from COVID-19 infection. Mayor Kelly then read aloud from a letter from a medical professional about the experience of working with COVID-19 patients. Mayor Kelly also asked residents not to hold gatherings at municipal parks, and said that the Library of the Chathams bulletin has lists of suggested activities, and the Library also has a variety of e-books available.

Deputy Mayor Ness reported that the Township’s First Responder Organizations are holding up well, however they are in need of donations as several fundraiser events had to be canceled. The Chatham Emergency Squad is also in need of PPE and N95 masks. Deputy Mayor Ness also reported that the need for crime prevention has not gone away during the pandemic, and residents can avoid car thefts by not leaving their keys in their cars overnight. HopeOne visits have been reduced due to the pandemic. Deputy Mayor Ness also reported that the Township intends to try and have Colony Pool open at some point in the Summer of 2020.

Committeewoman Swartz reported that the Senior Center is seeking volunteers to do shopping for Senior Citizens. She also reported that the Department of Public Works is maintaining public facilities, and they are practicing social distancing by having only half of the department scheduled to work each week. Committeewoman Swartz then reported on the opening of the Compost Area, and said residents can bring proof of residency with them when dropping of vegetative debris. Compost Area permits are also available at DPW and the Municipal Building. DPW is also grateful for the face masks that were donated to them, and the Chatham Emergency Squad has lent use to DPW of a machine that will disinfect the interior of vehicles. Committeewoman Swartz further reported that JCP&L is providing notices regarding upgrades

to a transmission line that runs to the Green Village Substation. Committeewoman Ewald asked if the Senior Center is only seeking volunteers to shop for senior citizens, or if it applies to all at-risk individuals. Committeewoman Swartz said that all at-risk individuals can reach out to the Senior Center for assistance.

Committeewoman Ewald commented on the mental health initiatives that are have been set up to address issues related to the pandemic, and also discussed resources available for small business owners to mitigate the impact of the pandemic. She mentioned that a webinar is being held to provide information to small business owners. Deputy Mayor Ness commented on a Zoom meeting held by Keep Chatham Thriving to provide assistance to local businesses to develop an online presence.

Committeewoman Swartz asked Engineer Ruschke about utility work being performed by PSE&G in Chatham Borough, and asked if road opening permits are needed if the work extends into the Township. Engineer Ruschke said yes and that PSE&G is good about applying to the Township for necessary permits.

Committeewoman Fondaco reported that the Community Garden is closed until further notice. She said that the Governor's Office is expected to provide guidelines on how to approach recreational facilities. Committeewoman Fondaco further reported on the Environmental Commission's upcoming events to celebrate Earth Day.

Attorney Cruz reported that there was a case management conference regarding the Township's Affordable Housing litigation. Judge Gaus granted the Planning Board an extension to June 15th to hold a hearing on the Housing Element & Fair Share Plan and to conduct the Preliminary Investigation for the redevelopment of the affordable housing site on River Road. Attorney Cruz said that this extension amounts to a three-month extension from the time that the Planning Board was supposed to have held the hearings.

Administrator Hoffmann reported that over the past week there have been backups in the Township's sanitary sewer lines. A backup at the Chatham Glen Pump Station was caused by rags and dental floss being flushed into the sewer system. A separate backup at the North Side Pump Station required a service call and repairs by an outside contractor due to the proximity to residential homes. Administrator Hoffmann asked residents to be more cognizant of what they are disposing into the sanitary sewer system.

Administrator Hoffmann further reported that Simonfay Landscaping will be performing maintenance work on the Township's 9-11 Memorial at no cost to the Township during 2020. He also reported that the UCC Inspectors and Construction Official have made significant progress on reviewing old sets of housing plans to see what plans can be returned to residents. Regarding tax payments, Administrator Hoffmann reported that the Township has adopted a No-Cash policy as part of the effort to protect Township Staff during the COVID-19 pandemic. The grace period for 2nd Quarter tax payments ends on May 11th. Administrator Hoffmann further reported that the Township is working with the Health Officer to determine when the Recycling Center can be opened. Committeewoman Swartz said that when DPW is back to full-staff, the Township may at that time be able to open the Recycling Center and Compost Area during regular hours. She also commented on the need for residents to be mindful of what they flush down the toilet to avoid damage to the sanitary sewer system.

Deputy Mayor Ness asked about a lag-time in electronic tax payments. CFO Debbie King described the electronic payment system, and noted that automatic payments are not available at this time. Mrs. King noted that electronic payments can be made by credit or debit card.

Proclamation – Autism Awareness Month

Mayor Kelly read aloud the attached proclamation for Autism Awareness Month.

Public Hearing/Final Adoption of Ordinances

Ordinance 2020-04

Mayor Kelly announced that the public hearing on Ordinance 2020-04 is being deferred to the May 14, 2020 meeting.

Public Hearing/Adoption of 2020 Municipal Budget

Administrator Hoffmann gave a 2020 Budget Presentation. He reported that \$3 million of surplus will be used in 2020, which is \$500,000 less than what was used in 2019. The 2020 Budget anticipates a decrease in revenue from construction permits. Administrator Hoffmann also commented on the Fees & Permits line item in the Budget.

The 2020 Budget also factors in a reduction of the Open Space Tax from \$0.02 per \$100 assessed value to \$0.01 per \$100 assessed value, which will allow the Township to make a portion of the interest payments on prior open space purchases. The amount to be raised by taxes is \$9,929,529 which is an increase over 2019. Administrator Hoffmann said that the increase in the tax levy is due to a decrease in construction permit revenues, the loss of rental income from cell tower leases, and use of less surplus. Administrator Hoffmann noted that maintaining the Township's AAA Credit Rating played a significant role in the preparation of the 2020 Budget, and will remain a factor in the preparation of future budgets.

Administrator Hoffmann discussed staffing levels. He also commented on tax revenues collected on behalf of the Library of the Chathams. Recycling costs and expenses related to Affordable Housing were also noted.

Administrator Hoffmann also discussed departmental costs. He also explained that the municipal purposes tax increase equates to an average of \$230 per year.

Administrator Hoffmann addressed capital improvements to the Municipal Building and the Police Headquarters. He said that PSE&G has awarded the Township a grant through which PSE&G will pay 70% of the costs for energy efficiency improvements. Administrator Hoffmann also commented on equipment upgrades for DPW and the Police Department, as well as IT upgrades at the Municipal Building.

Administrator Hoffmann also commented on State Aid, and stated that while the amount the Township receives has remained flat, the Township's State Aid has lost value due to the decrease in purchasing power caused by inflation. He also commented on the use of surplus, and the Township will be using less in 2020 to save funds for 2021 when the potential loss in revenue due to COVID-19 may have a budgetary impact.

Administrator Hoffmann thanked the Finance Committee and the Township Committee for their input in the budget process.

Deputy Mayor Ness thanked Administrator Hoffmann for all the work that he put in to preparing the 2020 Municipal Budget, and for getting the paperwork done to receive the grant from PSE&G for building upgrades. She also commented on grant opportunities that the Township may not have received because there was not sufficient bandwidth to prepare the application.

Committeewoman Swartz asked about road improvements and sidewalks referenced in the Capital Budget. She noted that there are sidewalk projects that have been pending for some time, and asked which projects may be realized in 2020. Committeewoman Swartz also asked about grant money that was awarded to the Township for projects that have not yet been completed. Administrator Hoffmann said that the grants still have deadlines, and extensions may be necessary due to COVID-19.

Deputy Mayor Ness asked if Engineer Ruschke could give an update on the fully-funded sidewalk projects. Engineer Ruschke commented on the Federal funding for the design phase of some of the Township's pending sidewalk projects. He said that the Lafayette Avenue Sidewalk Project is under environmental review, and the two grants for Shunpike Road have been combined into one project. He also commented on the point-system for grant applications, and said that municipalities lose points when they apply for the full amount of a project. Deputy

Mayor Ness also asked about grants for recreation improvements. Administrator Hoffmann said that an extension has been granted by the Chatham Athletic Foundation for the use of that grant. Deputy Mayor Ness also asked about necessary improvements to the Colony Tennis Courts. Engineer Ruschke confirmed that the last repairs were in 2016. Deputy Mayor Ness said that the Township may be able to take advantage of a decrease in the cost of materials to make further repairs at the Colony Tennis Courts.

Mayor Kelly opened the Public Hearing on the 2020 Municipal Budget.

1. Tom Patterson, 2 Cobblestone Court, asked about the balance of the Township's surplus. Mrs. King said that the use of surplus in 2020 will leave the Township with just under \$500,000 for future use. Mr. Patterson said that when he took office in 1998, the Township did not have any surplus, and taxes had to be raised in order to build a surplus. He said the amount of remaining surplus will leave the Township in a precarious position. Administrator Hoffmann disagreed, and said that added assessments will generate additional surplus. Mr. Patterson said that \$3 million budgeted for Affordable Housing is a large number, and asked if there is a breakdown on how that money will be spent. Mayor Kelly gave some background on the settlement agreement and the strategies selected by previous Township Committees to meet that the Affordable Housing Obligation. Mr. Patterson asked if the \$3 million in the budget is all for land acquisition, or if it is broken down into different areas. Administrator Hoffmann said that \$2.6 million in the Capital Budget is for purchase of land, and the remainder is part of the Operating Budget. Mr. Patterson asked if there is an expectation if the final costs will be over or under the \$3 million. Administrator Hoffmann said that for the purchase of property the Township is realistically budgeted, and there is a hope that the final cost will be less than the \$2.6 million budgeted. Mayor Kelly added that there is an expectation that the total cost will be less than the amount budgeted, and he said that potential sites have been identified for Group Homes.
2. James Lee, 34 Hilltop Terrace, asked if the money budgeted for Affordable Housing has already been spent. He also asked if the potential properties for Group Homes would not be purchased if the bond ordinances scheduled for introduction are not adopted. Mayor Kelly said that the bond ordinances are for bond anticipation notes. Mrs. King added that the Capital Budget is a plan, and there is \$2.6 million appropriated to meet the Township's Affordable Housing obligations. She said that the money will be in place for the Township to take the appropriate steps to meet the Affordable Housing obligation when properties become available. Mr. Lee asked if there is already a Group Home on Fairmount Avenue. Mayor Kelly said that there is a Group Home on Fairmount Avenue, and asked that the discussion in this Public Hearing pertain to the Budget.
3. Stewart Carr, 3 Crestwood Drive, addressed the Open Space Tax. He said that voters had approved a tax of \$0.02 per \$100 assessed value. Mr. Carr asked that the Open Space Tax not be lowered in 2021, and opined that voters would still support having the tax at \$0.02 per \$100 assessed value. He also said that there should be more debate on the subject, and he does not think there would be much pushback on having the Open Space Tax not be lowered. Mr. Carr also thanked the Township Committee for their labors on behalf of the Township.
4. Sharon Tether, 115 Huron Drive, thanked Administrator Hoffmann for the Budget Presentation. She also said that she supports leaving the Open Space Tax at \$0.02 per \$100 assessed value. Mrs. Tether asked if the Township is allowed to repurpose Open Space for Affordable Housing. Mayor Kelly said that the Open Space Trust Fund is a defined fund for the purchase of and narrowly defined improvements to Open Space properties. Mrs. Tether asked if purchasing property for Open Space decreases the amount of land available for Affordable Housing. Administrator Hoffmann said that Open Space Land cannot be repurposed for Affordable Housing unless it is the last resort, and the process takes about two years to get State approval. Mrs. Tether asked if the \$2.6 million is just for the two bond ordinances, or if it is for all the Group Homes. Mayor Kelly said that it is for all the Group Homes as well as additional properties that may need to be purchased.

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

RESOLUTION 2020-105
(See Attached)

Committeewoman Ewald moved to adopt Resolution 2020-105 to approve the 2020 Municipal Budget. Deputy Mayor Ness seconded the motion.

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

RESOLUTION 2020-106
**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 reallocate 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 reallocation of funds and revised Project Title as reflected in the attached 2020 Capital Budget Sheets not previously provided for in the Capital Budget. The reallocation of funds is needed to provide additional funds for the purchase of breathing apparatus for the fire department and the revision to the Project Title will allow not only for the purchase of property for Affordable Housing but improvements to property as well.

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.

Deputy Mayor Ness moved to adopt Resolution 2020-106. Committeewoman Ewald seconded the motion.

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

Consent Agenda

RESOLUTION 2020-107
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS**

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

CFO – March
Police Department – March
Construction Official – March
Tax Collector – March

RESOLUTION 2020-108
**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 April 9, 2020.

RESOLUTION 2020-109
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING A
SETTLEMENT OF THE TAX APPEAL OF F & J SHUNPIKE BY PMG NJ II LLC**

WHEREAS, F & J Shunpike by PMG NJ II LLC (“Taxpayers”), the owners/tenants of Block 128, Lot 1 on the Township of Chatham’s Tax Assessment Maps, commonly known as

621 Shunpike Road (“Property”), filed appeals of its 2018 and 2019 tax assessments in the Tax Court of New Jersey, Docket Nos.: 004873-2018 & 003259-2019; and

WHEREAS, the Township Committee of the Township of Chatham, County of Morris, State of New Jersey met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor Special Tax Appeal Attorneys; and

WHEREAS, the Property was assessed at \$1,181,600 for each year under appeal and the 2020 Tax Year; and

WHEREAS, an acceptable settlement of the aforesaid tax appeal has been negotiated which reduces the total tax assessment levied upon the Property for the 2019 Tax Year and, by application of N.J.S.A. 54:51A-8 (the “Freeze Act”), for the 2020 Tax Year; and

WHEREAS, as a part of the aforesaid settlement, the Taxpayers have agreed to withdraw the 2018 tax appeal; and

WHEREAS, the 2019 and 2020 total tax assessments, based upon said reduction, will be \$1,000,000 instead of \$1,181,600 for the Property; and

WHEREAS, the Tax Assessor, as a quasi-independent constitutional officer, may enter into a separate agreement with the Taxpayers to further reduce the 2021 assessment to \$950,000; and

WHEREAS, Taxpayers have agreed that any overpayments due shall be taken in the form of credits applied against quarterly real estate taxes due, without interest provided the credits are applied within 60 days of the date of entry of the Tax Court Judgment; and

WHEREAS, the Township Committee leaves the allocation between land and improvements of the aforesaid tax assessment reduction to the Township of Chatham’s Tax Assessor’s discretion with the direction that the same be set so as to be most beneficial to the Township; and

WHEREAS, the aforesaid reduction has no general application to other properties within the Township of Chatham as a result of the aforesaid specific fact situation; and

WHEREAS, the Township Committee makes this settlement with Taxpayers without prejudice to its dealing with any other Chatham Township’s taxpayers’ request for tax assessment reduction; and

WHEREAS, the Mayor and Township Committee have reviewed a copy of the proposed Stipulation of Settlement, which is annexed hereto and incorporated herein by this reference.

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

1. The Township of Chatham’s Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$1,000,000 total tax assessment for the 2019 and 2020 Tax Years, for Block 128, Lot 1, which is most beneficial to the Township of Chatham and advise the Township Attorney of that allocation.
2. The Special Tax Appeal Attorney is authorized to execute a Stipulation of Settlement relative to the tax appeal of F & J Shunpike LLC by PMG NJ II LLC (“Taxpayers”) Docket Nos.: 004873-2018 & 003259-2019, which withdraws the 2018 tax appeal, reduces the total tax assessment on Block 128, Lot 1 from \$1,181,600 to a total tax assessment of \$1,000,000 for the 2019 Tax Year and provides “Freeze Act” relief to reduce the total tax assessment from \$1,181,600 to \$1,000,000 for the 2020 Tax Year; and which further provides that any resulting overpayment shall be without interest provided the resulting tax credits are applied to the Taxpayers’ quarterly tax bill within 60 days of the date of entry of the Tax Court Judgment.
3. The settlement outlined above shall be without prejudice to the Township of Chatham’s dealings with any other Township taxpayers’ request for tax assessment reductions.

RESOLUTION 2020-110

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE TAX COLLECTOR TO PROCESS THIRD QUARTER “ESTIMATED” TAX BILLS, DUE AUGUST 1, 2020

WHEREAS, in light of the disruption caused by the coronavirus outbreak, the State delayed the adoption of the State Fiscal Year 2021 Budget to September 30, 2020; and

WHEREAS, the Division of Local Government Services (DLGS) cannot certify State Aid allocations to municipal budgets until State Aid Appropriations are known; and

WHEREAS, the DLGS cannot approve municipal budgets and the County Board of Taxation cannot certify taxes until long after the June 30, 2020 deadline to process third quarter tax bills due August 1, 2020; and

WHEREAS, without an adopted 2020 Municipal Budget and without a 2020 Certified Tax Rate, the Tax Collector cannot process the final 2020 Tax Levy; and

WHEREAS, the DLGS “strongly recommends” under Local Finance Notice 2020-07 “that municipalities prepare to issue estimated property tax bills for 2020;” and

WHEREAS, the Tax Collector, in consultation with the Chief Financial Officer, computed and certified an estimated Tax Levy of \$61,900,055.52 necessary to bill third quarter taxes due August 1, 2020

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, in the County of Morris, and State of New Jersey on this 23rd day of April, 2020 that the Tax Collector is hereby authorized and directed to process estimated tax bills for the third quarterly installment of 2020 taxes; and

BE IT FURTHER RESOLVED that, the third quarterly installment of 2020 taxes shall not be subject to interest until the later of August 10, 2020 or the twenty-fifth (25) calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

**RESOLUTION 2020-111
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM REFUNDING ROAD OPENING PERMIT FEE**

WHEREAS, the Township Committee has considered the request submitted by the Construction Official with regard to the fees that were paid for road opening permits that were submitted to the Township; and

WHEREAS, the fees collected for the permits was \$100.00 per permit; and

WHEREAS, the permits were determined to be for a portion of County Roads, and were submitted to the Township in error.

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>
NJ American Water Attn: Nancy Carscadden 167 JFK Parkway Short Hills, NJ 07078 Re: 84 Meyersville Road	RO-19-067	\$100.00
NJ American Water Attn: Nancy Carscadden 167 JFK Parkway Short Hills, NJ 07078 Re: River Road & Passaic Ave	RO-19-077	\$100.00
NJ American Water Attn: Nancy Carscadden 167 JFK Parkway Short Hills, NJ 07078 Re: River Road & Passaic Ave	RO-19-078	\$100.00

**RESOLUTION 2020-112
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM REDUCING HOURS FOR FIRE SUB-CODE OFFICIAL DURING COVID-
19 PANDEMIC**

WHEREAS, on April 8, 2020 Governor Murphy issued Executive Order No. 122, which includes prohibition of non-essential construction projects; and

WHEREAS, due to the reduced number of required inspections, as well as to assure health and safety, the Fire Sub-Code Official has requested that his hours be reduced while Executive Order No. 122 is in effect.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham as follows:

1. The Fire Sub-Code Official's hours will be reduced from 6 hours per week to 3 hours per week.
2. This Resolution shall be retroactive to April 16, 2020.
3. This Resolution shall remain in effect until the provisions of Executive Order No. 122 regarding non-essential construction have been rescinded, and the Township Committee takes further action.

RESOLUTION 2020-113

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY CONFIRMING THE EMERGENCY ACTIONS TAKEN TO REPAIR A BROKEN 56 YEAR OLD WATER LINE AT THE WATER POLLUTION CONTROL PLANT

WHEREAS, on Monday, April 7, 2020 a fifty six (56) year old six (6") inch ductile iron pipe broke; and

WHEREAS, the leak caused a direct hazard to six (6) other underground pipes and conduits including to electric lines; and

WHEREAS, the special expertise was required to identify the location of the leak, and identify the exact location of the other underground pipes and conduits; and

WHEREAS, the damage caused by this leak as well as the prompt repair of pipe directly impacts the health, welfare and safety of the residents of the Township of Chatham; and

WHEREAS, Chatham Main Contractors located at 143 Main Street in the Borough of Chatham had both the expertise and equipment to make the emergency repairs and

WHEREAS, the Township Administrator after consultation with the Water Pollution Control Chief Operator who had also contacted other companies to determine if they were available and able to make the needed repairs; authorized Chatham Main Contractors to make the repairs needed

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, in the County of Morris, and State of New Jersey on this 23rd day of April, 2020 that the actions taken to make the repairs and protect the health, welfare and safety of the residents of the Township of Chatham is confirmed; and

BE IT FURTHER RESOLVED that, when the bills for the work completed by Chatham Main Contractors are received and reviewed for accuracy, they will appear on a future bills list.

RESOLUTION 2020-114

RESOLUTION OF THE TOWNSHIP COMMITTEE REJECTING BIDS RECEIVED FOR WASTEWATER TREATMENT PLANT ABOVE-GROUND ALUM STORAGE TANKS

WHEREAS, the Township Committee of the Township of Chatham solicited for bids for the Wastewater Treatment Plant Above-Ground Alum Storage Tanks; and

WHEREAS, the bids were received and opened on Tuesday March 19, 2020 at 11:00 A.M.; and

WHEREAS, the bids received on March 19, 2020 exceeded the Township Engineer's estimates for the project; and

WHEREAS, the bid specifications reserved to the Township the right to reject all bids and, under the circumstances, it is fully appropriate to do so;

WHEREAS, the Township Engineer, John Ruschke, PE of Mott MacDonald recommends the rejection of the bids received.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that it hereby approves the rejection of the bids received for the Wastewater Treatment Plant Above-Ground Alum Storage Tanks.

BE IT FURTHER RESOLVED by the Township Committee that the Township Administrator is hereby authorized and directed to re-advertise for the receipt of bids for the Wastewater Treatment Plant Above-Ground Alum Storage Tanks.

RESOLUTION 2020-115
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, SUPPORTING THE ADOPTION OF H.R. 6467

WHEREAS, H.R. 6467 aims to provide COVID-19 relief funds to local governments with a population of 500,000 or less; and

WHEREAS, most New Jersey municipalities will benefit from the proposed legislation.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that it supports the adoption of H.R. 6467, and encourages the members of Congress to vote in favor of the legislation.

BE IT FURTHER RESOLVED that the Township Clerk is directed to send a copy of this resolution to the offices of Congresswoman Mikie Sherrill, Senator Cory Booker and Senator Robert Menendez.

BE IT FURTHER RESOLVED that the Township Committee encourages Senator Booker and Senator Menendez to vote in favor of the legislation when it comes before the Senate for a vote.

Deputy Mayor Ness noted that the reduction in hours for the Fire Sub-Code Official does not affect the ability to get Smoke Detector/Fire Extinguisher Certifications for the sale of a home.

Committeewoman Swartz moved to approve the Consent Agenda. Deputy Mayor Ness seconded the motion.

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

Hearing of Citizens

Mayor Kelly announced that members of the public wishing to participate in the Hearing of Citizens were able to be heard by utilizing the Raise Hand feature on the Zoom platform. He also noted that people can also call in by phone.

Mayor Kelly opened the Hearing of Citizens.

1. Tom Patterson, 2 Cobblestone Court, said he would like to address the introduction of bond ordinances regarding Group Homes. He said that he has heard from over 50 residents who would like to voice their opinions to the Township Committee, and he is not sure that Zoom is not the appropriate forum to do so.

Administrator Hoffmann asked Attorney Cruz to assess if Committeewoman Swartz needs to recuse on this question, and Attorney Cruz said that Committeewoman Swartz will need to step down from the dais.

Mayor Kelly said that the Bond Ordinances are on this meeting's Agenda for introduction, and there will be sufficient time for the public to review the ordinances and ask questions at the Public Hearing on May 14th. He specified that final action will not be taken at this meeting. Mr. Patterson asked if the Township will seek leeway from the Judge so that Affordable Housing issues can wait until they can be heard in a different forum. Mayor Kelly said that a hearing was held earlier in the day, and he asked Attorney Cruz to give a report. Attorney Cruz said that the Division of Local Government Services has provided guidance on how public bodies can utilize Zoom for public meetings, and the Open Public Meetings Act has been amended to make such allowances. Attorney Cruz further noted that the meeting is being televised as normal,

and residents can use a phone to participate in the meeting. He further noted that virtual meetings are currently the normal procedure statewide during the pandemic. Mr. Patterson asked about a recent Supreme Court ruling in which a municipal action was voided due to a lack of public discourse. Attorney Cruz asked Mr. Patterson to send him the alleged ruling so that he could review it. Mr. Patterson said that the case involved Montclair's Rent Control Ordinance. Attorney Cruz noted that the Montclair case has nothing to do with Affordable Housing. Mayor Kelly said that the Township will review the decision, and he reiterated that the Township is considering the rulings and orders of the Judge presiding over the Township's Affordable Housing litigation when making decisions on Affordable Housing. Mr. Patterson asked about equal distribution of Affordable Housing around the Township. Attorney Cruz said that the Municipal Land Use Law allows for Group Homes in any residential zone, and Group Homes can also count toward the Affordable Housing obligation. Mr. Patterson asked about the proximity of the proposed Group Homes to each other and to an existing Group Home. He also opined that it is not fair to the residents of the affected area to have Group Homes concentrated in a particular area. Mayor Kelly addressed form letters he received from residents raising concerns about the Group Homes. Mayor Kelly also said that the existing Group Home has no outward indication of being a Group Home, and the proposed facilities are planned to be 4-bedroom ranches. He also said that he does not anticipate a traffic impact. Mr. Patterson asked if any variances are needed for the Group Home on Southern Boulevard. Engineer Ruschke said that neither of the properties proposed for Group Homes need any variances, and he deferred to Attorney Cruz for a legal opinion if a lot grading plan would be required. Attorney Cruz reiterated that under the Municipal Land Use Law, Group Homes are allowed in any residential zone because it is the policy of the State of New Jersey to promote independent living for the developmentally disabled. Mayor Kelly said that the Township does not want a situation where variances are needed. Mr. Patterson said that the proposed site on Southern Boulevard was recently subdivided, and at the time of the subdivision there was a promise that there would be a drainage pond. Engineer Ruschke said that the lot will need to conform to the Township's stormwater management ordinances, and conventional underground detention facilities will be required. Committeewoman Ewald commented on the background of the Group Home option and the distribution of Affordable Housing in the Township. She cited that there are 72 existing affordable units in Vernon Grove, 24 units to be built on Southern Boulevard by the Skate Park site, 60 affordable units proposed to be built on River Road, and the Group Homes are designed to mitigate the impact on the River Road site. She also noted that at the time of the Settlement Agreement, the plan was for 74 units to be built on the River Road site.

2. Bill Meyers, 72 Southern Boulevard, said that he has heard that a developer is under contract for 76 Southern Boulevard. Mr. Meyers asked about the nature of the relationship between the Township and the developer, and how the property will transfer to the Township once the developer has purchased the property. Attorney Cruz explained that the contract depends on Township funding. Mr. Meyers asked if the Township would be purchasing the property from the developer. Attorney Cruz said that the Group Homes will function similar to other municipally sponsored Affordable Housing developments, in which a not-for-profit entity would own and operate the facility and the Township would fund the purchase of the property. Mr. Meyers said that residents who live near a Group Home have a very different experience than what Mayor Kelly described earlier, and he cited some impacts that Group Homes have on neighbors.
3. Andrew Verrill, 11 Gibbons Place, said that he and his neighbors are surprised that a vacant lot on Gibbons Place is under consideration for a Group Home. He said that the lot is currently inaccessible, has a steep slope, and would need a septic system. Mr. Verrill asked what the \$200,000 to be appropriated regarding the property would cover. Mayor Kelly said that the \$200,000 would be for site preparation work, and a non-profit organization would fund the construction and operation of a Group Home. Mr. Verrill said that the Gibbons Place site does not appear to be an obvious location for a Group Home, and asked if it was selected because the Township owns the property. Engineer Ruschke said that the Township's ownership of the site was the impetus for its selection, and the Township is in the process of evaluating the site to see if a Group Home could be built there. Attorney Cruz said that a bond ordinance only makes money available to the Township to accomplish the purpose stated in the ordinance. Administrator Hoffmann

said that the proposed bond ordinance allows the Township to make plans to use the property on Gibbons Place in the future if it is needed, and the evaluation still needs to be completed. He said that a Group Home might not be built at the site, but the Township needs the flexibility to be able to meet the provisions of the Settlement Agreement with the Fair Share Housing Center. Mr. Verrill asked what role Madison would have in the property. Engineer Ruschke said that Madison would not have a role, as there are not any proposed utility connections in Madison, nor is access to the site through Madison sought.

4. Mark Hamilton, 132 Highland Avenue, commented that he had attempted to comment on the budget earlier, but was unable to do so because of technical difficulties. Mr. Hamilton also said that he strongly disagrees with the intimation that use of a form letter takes away from the validity of the opinion expressed therein, and he said that sending a form letter can be regarded as being similar to signing a petition or putting up a political lawn sign. Mr. Hamilton also asked about the ultimate ownership of the proposed Group Home sites, and he concurred with Attorney Cruz's description of how bond ordinances work. Mr. Hamilton asked if the Township will be the owner of the Group Home site, and if residents will have further opportunity to address the topic after the bond ordinance is adopted. Attorney Cruz said that the bond ordinance will allow the Township's administration to take the necessary steps to close on the property. Mayor Kelly said that the non-profit organization would be the owner of the property for the proposed Group Home. Mr. Hamilton said that taxpayers are being asked to fund the purchase of a property that the Township would not ultimately own. He also said he hopes that the Township Committee will consider the appropriateness of moving forward with the ordinance during the pandemic, and he said it can be startling to hear that the Township Committee will discuss a \$3,000,000 appropriation.

Deputy Mayor Ness said that she does not want to conflate the 24 units at the Skate Park and the River Road site, both of which were part of the 2018 Settlement Agreement, with the Group Home sites. She noted that the Group Home option is designed to mitigate the impact on the River Road site by reducing the number of units to be built there.

5. Donna Cimino, 32 Gibbons Place (Madison), asked if at this time the Township is only making an assessment of the Gibbins Place property. Mayor Kelly confirmed that at this time the only pending action is a site assessment. Mrs. Cimino asked for confirmation that at this time the Township is not involving Madison in the project. Mayor Kelly said that the Borough of Madison is not formally involved, however the neighbors of the site who live in Madison are welcome to give comments.

Deputy Mayor Ness noted that anyone watching from home having trouble logging into Zoom can call one of the available dial-in numbers to participate in the meeting.

6. Al Limone, 9 Hall Road, said that use of a form-letter should not devalue the voice of the people. Mayor Kelly clarified that he did not intend to demean the use of form letters with his earlier comment. Mr. Limone asked if there has been any analysis on the impact on neighboring properties by the placement of Group Homes, or if any existing studies have been reviewed. Administrator Hoffmann said that studies will be reviewed, and he will have them with him at the next meeting. Mr. Limone asked if there is an expectation as to what demographics will be served by the Group Homes. Mayor Kelly said those determinations have not yet been made, and the Township will provide that information as soon as it is available.
7. Ed Barmakian, Editor of The Alternative Press, asked for clarification of what Judge Gaus had ordered in the hearing held earlier in the day, and what the Planning Board needs to do by June 15th. Attorney Cruz said that the Planning Board needs to hold a public hearing on the Housing Element and Fair Share Plan, and to authorize the Township Planner to conduct a study if the River Road site is an area in need of redevelopment. Mr. Barmakian asked if the Planning Board's decisions are binding upon the Township Committee. Attorney Cruz said he will need to research that question.
8. Jackie Loughlin, 18 Hall Road, said that the Township already owns land, and asked why the Township is not developing land already owned. Mayor Kelly asked Mrs. Loughlin

to specify which parcel she is asking about, because different parcels have different encumbrances. Mrs. Loughlin said that she would like to see a map showing which parcels are owned by the Township. Mayor Kelly referred Mrs. Loughlin to the Frequently Asked Questions regarding Affordable Housing. Mrs. Loughlin also asked about the water table at 76 Southern Boulevard, and asked if there will be a pond or an underground cistern to address water. Mayor Kelly said that Engineer Ruschke indicated earlier that an underground system would be installed to address water issues.

9. Bill Meyers asked why the Township is moving forward with the process to purchase 76 Southern Boulevard if the Township has not committed to building a Group Home. Mayor Kelly said that it is the Township's intention to build a Group Home at the site. Attorney Cruz said that the amended Settlement Agreement commits the Township to sponsoring at least three Group Homes. Mr. Meyers asked for clarification about the contingency on the purchase of the property. Attorney Cruz said that the agreement is contingent upon the Township funding the purchase, and the ultimate ownership of the property is to be determined.

10. James Lee asked for the name of the non-profit organization that the Township is partnering with for the Group Homes. Attorney Cruz said it would be premature to identify the non-profit organization at this time, and he expects that information to be available at the May 14th Township Committee meeting. Mr. Lee said that it appears to be a done deal that the Group Home will be built. Attorney Cruz said that there is an obligation for three Group Homes, and he reiterated the purpose of a bond ordinance is to make money available for the Township to take action. Mr. Lee said that Township residents support the need to provide services for disabled adults, and he noted that residents make donations to private charities.

Deputy Mayor Ness noted that additional information regarding the Group Homes will be made public once it becomes available.

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

Introduction of Ordinances

Ordinance 2020-06

ORDINANCE 2020-06
BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,590,000 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 make various public improvements and to acquire new additional or replacement equipment and machinery, new information technology equipment and a new automotive vehicle, including original apparatus and equipment, in, by and for said Township, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Acquisition of new additional or replacement equipment and machinery and a new automotive vehicle, including original apparatus and equipment, for the use of the Department of Public Works ("DPW"), including, but not limited to, (i) a wood chipper, (ii) a crack sealer and (iii) a dump truck.

Appropriation and Estimated Cost	\$ 240,000
Down Payment Appropriated	\$ 12,000
Bonds and Notes Authorized	\$ 228,000
Period of Usefulness	5 years

B. Acquisition of new information technology equipment and new additional or replacement equipment and machinery for the use of the Police Department, including, but not limited to, e-ticketing system equipment.

Appropriation and Estimated Cost	\$ 40,000
Down Payment Appropriated	\$ 2,000
Bonds and Notes Authorized	\$ 38,000
Period of Usefulness	7 years

C. Undertaking of improvements to various roads and construction of sidewalks, as set forth on a list prepared or to be prepared by the Township Engineer and placed on file with the Township Clerk and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Township Committee, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 480,000
Down Payment Appropriated	\$ 24,000
Bonds and Notes Authorized	\$ 456,000
Period of Usefulness	10 years

D. Undertaking of various recreation improvements, including, but not limited to, funding the Township's portion of the cost of the installation of field lighting at Nash Field, including related drainage improvements.

Appropriation and Estimated Cost	\$ 100,000
Down Payment Appropriated	\$ 5,000
Bonds and Notes Authorized	\$ 95,000
Period of Usefulness	15 years

E. Undertaking of improvements to various public buildings, including, but not limited, to the Municipal Building and Police Headquarters. It is hereby determined and stated that said public buildings to be improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 300,000
Down Payment Appropriated	\$ 15,000
Bonds and Notes Authorized	\$ 285,000
Period of Usefulness	15 years

F. Acquisition of new information technology equipment consisting of computer system upgrade equipment for the use of various Township departments, offices and agencies.

Appropriation and Estimated Cost	\$ 200,000
Down Payment Appropriated	\$ 10,000

Bonds and Notes Authorized	\$ 190,000
Period of Usefulness	7 years

G. Acquisition of new additional or replacement equipment and machinery consisting of self-contained breathing apparatus equipment and various items of firefighting, emergency and safety equipment for the use of the Volunteer Fire Departments.

Appropriation and Estimated Cost	\$ 200,000
Down Payment Appropriated	\$ 10,000
Bonds and Notes Authorized	\$ 190,000
Period of Usefulness	5 years

H. Undertaking of underground storage tank remediation at the DPW Yard.

Appropriation and Estimated Cost	\$ 30,000
Down Payment Appropriated	\$ 1,500
Bonds and Notes Authorized	\$ 28,500
Period of Usefulness	15 years

Aggregate Appropriation and Estimated Cost	\$1,590,000
Aggregate Down Payment Appropriated	\$ 79,500
Aggregate Amount of Bonds and Notes Authorized	\$1,510,500

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$50,000 which is estimated to be necessary to finance the cost of such purposes, 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 6. It is hereby determined and stated that moneys exceeding \$79,500, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$79,500 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$1,510,500 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 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$1,510,500 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 9. 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 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 9.51 years computed from the date of said bonds.

Section 11. 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 \$1,510,500 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 12. Any funds received from 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 purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. 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 14. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 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 15. 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 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Committeewoman Ewald moved to introduce Ordinance 2020-06. Deputy Mayor Ness seconded the motion.

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

Public Hearing for Ordinance 2020-06 will be scheduled for May 14, 2020.

Ordinance 2020-07

ORDINANCE 2020-07

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY 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 \$600,000 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 in, by and for the Township for affordable housing purposes. Said improvement shall include real estate transaction expenses, site improvements and all work, materials and appurtenances necessary and suitable therefor. The property to be acquired has a street address of 76 Southern Boulevard and is designated as Block 69, Lot 15.03 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 of the real property.

Section 2. The sum of \$600,000 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 \$600,000, and (4) \$30,000 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 \$570,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$30,000 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 moneys exceeding \$30,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purpose. The sum of \$30,000 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 \$570,000 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 \$570,000 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 \$570,000 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.

Committeewoman Ewald moved to introduce Ordinance 2020-07. Deputy Mayor Ness seconded the motion.

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

Public Hearing for Ordinance 2020-07 will be scheduled for May 14, 2020.

Ordinance 2020-08

ORDINANCE 2020-08

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY 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 \$575,000 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 in, by and for the Township for affordable housing purposes. Said improvement shall include real estate transaction expenses, site improvements and all work, materials and appurtenances necessary and suitable therefor. The property to be acquired has a street address of 587 Fairmount Avenue and is designated as Block 62.03, Lot 33 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 of the real property.

Section 2. The sum of \$575,000 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 \$575,000, and (4) \$28,750 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 \$546,250, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$30,000 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 moneys exceeding \$28,750, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purpose. The sum of \$28,750 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 \$546,250 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 \$546,250 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 \$546,250 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.

Deputy Mayor Ness moved to introduce Ordinance 2020-08. Committeewoman Ewald seconded the motion.

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

Public Hearing for Ordinance 2020-08 will be scheduled for May 14, 2020.

Ordinance 2020-09

ORDINANCE 2020-09

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF IMPROVEMENTS TO MUNICIPAL PROPERTIES AND BUILDINGS IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$200,000 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 undertake improvements to municipal properties and buildings in, by and for the Township, including, but not limited to, improvement of municipal property located on Gibbons Place (designated as Block 138, Lot 4 on the Tax Assessment Map of the Township) for affordable housing purposes. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$200,000 is hereby appropriated to the payment of the cost of making the improvements 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 improvements shall be made as general improvements 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 \$200,000, and (4) \$10,000 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 \$190,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$35,000 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 moneys exceeding \$10,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purpose. The sum of \$10,000 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 \$190,000 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 \$190,000 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 fifteen 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 \$190,000 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 improvements 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.

Committeewoman Ewald moved to introduce Ordinance 2020-09. Deputy Mayor Ness seconded the motion.

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

Public Hearing for Ordinance 2020-09 will be scheduled for May 14, 2020.

Executive Session

**RESOLUTION 2020-P-10
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 – Carmela Sagendorf v. Township of Chatham, Docket No. MRS-808-20
 - b. 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.

The Township Clerk announced that the Township Committee does not anticipate taking any action following the Executive Session.

Deputy Mayor Ness moved to adopt Resolution 2020-P-10 to enter Executive Session at 9:05 PM. Committeewoman Ewald seconded the motion.

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

The Township Committee returned to Public Session at 10:05 PM.

Committeewoman Ewald moved to adjourn at 10:05 PM. Deputy Mayor Ness seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk