

**MINUTES  
TOWNSHIP COMMITTEE  
SPECIAL MEETING  
MAY 14, 2020**

Mayor Kelly called the Special Meeting of the Township Committee of the Township of Chatham to order at 4:31 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 May 7, 2020, May 8, 2020 and May 11, 2020; notice was posted on the bulletin board in the main hallway and on the front door of the Municipal Building on May 7, 2020, May 8, 2020 and May 11, 2020; and notice was filed with the Township Clerk on May 7, 2020, May 8, 2020 and May 11, 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 Monday, May 14, 2020.

**Roll Call**

Answering present to the roll call were Committeewoman Ewald, Committeewoman Fondaco, Deputy Mayor Ness and Mayor Kelly. Committeewoman Swartz joined the meeting following Executive Session. Committeewoman Ewald, Committeewoman Fondaco and Committeewoman Swartz participated in the meeting via Zoom.

**Executive Session**

**RESOLUTION 2020-P-11  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING CONFERENCE OF  
THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED**

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

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

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

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
  - a. Litigation - In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
  - b. Collective Bargaining Agreement: PBA
  - c. Pending litigation: Personnel Matter
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.

Deputy Mayor Ness moved to adopt Resolution 2020-P-11 to enter Executive Session at 4:35 PM. Mayor Kelly seconded the motion.

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

The Township Committee returned to Public Session at 5:30 PM.

Mayor Kelly led the Flag Salute.

### **Approval of Agenda**

Mayor Kelly announced that the information for the Zoom meeting is posted in the Agenda, which is posted on the Township website.

Mayor Kelly gave a review of the Agenda. He noted that the Comcast Public Hearing is an opportunity for residents to give their opinions about the renewal of the Franchise Agreement with Comcast.

Mayor Kelly also noted that the Agenda includes public hearings on several bond ordinances, some of which relate to Group Homes. He said that there will be separate public hearing on each ordinance, and the only one on which final action is anticipated at this meeting is Ordinance 2020-06, which is a multi-purpose bond ordinance. The public hearing on the Group Home bond ordinances will be continued to the next meeting. Mayor Kelly also said that there is a bond ordinance scheduled for introduction, for which there will be a public hearing at a future meeting.

Mayor Kelly said that at the May 28, 2020 Township Committee meeting, there will be a presentation by the developer who is working with the Township regarding the Group Homes. The presentation is expected to include conceptual designs of the proposed Group Homes.

Mayor Kelly announced that at the June 11, 2020 Township Committee meeting, there will be a presentation by the developer with whom the Township is working on plans for the River Road Affordable Housing Site.

Mayor Kelly further announced that at the June 25, 2020 meeting, the Township Committee intends to have a further public hearing on the bond ordinances for Group Homes and Affordable Housing, at which time final action is anticipated.

Mayor Kelly proposed that this meeting's Agenda be amended to have the Hearing of Citizens held prior to the consideration of resolutions related to Affordable Housing. Mayor Kelly noted that the two matters will need to go before the Planning Board, and are expected to be on the Planning Board Agenda for May 18, 2020. Mayor Kelly also said that the amendment for the Preliminary Investigation of the Redevelopment of the Skate Park is at an early stage, and final action is not expected until the July 6<sup>th</sup> Planning Board meeting. Mayor Kelly said that the proposal is for the Township to retain additional land at the Skate Park site, which will include the Skate Park itself.

Mayor Kelly addressed comments online about surveyors who accessed private property without permission, and he apologized for the misunderstanding.

Administrator Hoffmann noted that Resolution 2020-124 needs to be pulled from the Consent Agenda.

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

### **Reports**

Committeewoman Swartz reported that the Department of Public Works is grateful for the generosity of the community, and noted that some residents had lunch delivered to the DPW. She also said that the Thousand Masks program had protective masks sent to DPW, and the

Chatham Emergency Squad lent use of a machine that sanitizes vehicles. Committeewoman Swartz said that the Compost Area has been run in an orderly manner with social distancing. The Recycling Center will need to be addressed in June, as it is not a site where social distancing is practical. Committeewoman Swartz also asked about PSE&G utility work that is being conducted in Chatham Borough and is creeping into Chatham Township. She further noted the new lights installed at the Municipal Building to honor Law Enforcement and First Responders. Mayor Kelly noted that despite the Recycling Center being closed, May 15<sup>th</sup> is a recycling pickup day. Committeewoman Swartz reminded residents to flatten their cardboard.

Committeewoman Ewald reported on mental health initiatives that have been setup to address COVID-19 related mental health issues. She also reported that the Tri-Town Cares site has resources available. Committeewoman Ewald also reported that non-essential businesses are being allowed to reopen for curbside pickup, and beaches will also be reopened soon. Committeewoman Swartz commented on the availability of beach passes, and said that some municipalities are only issuing season passes. Committeewoman Swartz also noted that dogs are not allowed in parks and fields.

Committeewoman Fondaco reported that the Community Garden is open with some restrictions, and gardeners need to sign up for particular time slots. She also said that some plots may still be available. Committeewoman Fondaco further reported that the Environmental Commission will be giving away seedlings on May 30<sup>th</sup>, and the location will be announced when the information is available.

Deputy Mayor Ness thanked Public Works for installing the blue lights at the Municipal Building to honor First Responders. On behalf of the Police Department, Deputy Mayor Ness reminded residents to lock their cars and not leave key fobs in cars. Deputy Mayor Ness also reported on Colony Pool, and said that the Township is waiting for guidance from the State regarding opening of pools. She reported that registration has been opened for Colony Pool in anticipation that there will be a 2020 season. Deputy Mayor Ness further commented on efforts to reopen small businesses for curbside pickup, as well as potentially reopening recreation facilities. She said that Congresswoman Sherrill's office is working on a SmartApp for smaller municipalities to assess the impact of COVID. Committeewoman Swartz said that she has been in touch with various Legislative offices regarding the Department of Labor's ineffectiveness at dealing with the influx of unemployment applications.

Engineer Ruschke reported that in 2019 the Township received a grant from the NJ Department of Transportation for repaving of River Road. The Morris County Co-op's contractor will be performing the work, and the Township was able to take advantage of less traffic to get the work started. Engineer Ruschke said that NJDOT grant applications for 2021 need to be submitted by July 1, 2020 and he suggested Noe Avenue as a candidate for the application. Committeewoman Swartz asked how paving will be affected by the work being performed by PSE&G. Engineer Ruschke said that the disconnect with PSE&G seems to be PSE&G's misunderstanding of where the municipal boundaries are located. Committeewoman Swartz noted that residents were notified of PSE&G's work, however PSE&G needs to follow the appropriate permitting procedures. Engineer Ruschke also said that the PSE&G Reliability Project will be before the Zoning Board of Adjustment, and Committeewoman Swartz described the work to be performed. Deputy Mayor Ness commented on the Township's loss of the Gazebo during the last Reliability Project, and wants to be sure that the Township is not adversely affected by the upcoming project. Engineer Ruschke said that he does not anticipate a similar impact with this project. Committeewoman Fondaco asked if the Township will be able to be able to request towers be moved in cases where they are close to homes.

Administrator Hoffmann reported that the Construction Department has 650 copies of housing plans that will be made available to be returned to residents, as they are beyond the period for which the Township is required to maintain them. Administrator Hoffmann also said that the Consent Agenda includes a resolution to bring maintenance of the Township website in-house. Regarding tax collection, Administrator Hoffmann said that despite the extension of the grace period most residents have already paid their Second Quarter Property Taxes.

Administrator Hoffmann also recognized Township Staff members Ann Libretti and Jeanne O'Gara for making an extra effort to sort mail that arrived long after the office was closed on

May 12<sup>th</sup>. Administrator Hoffmann also thanked the Township Committee for completing MCJIF training, which will save the Township money on insurance premiums.

### **Public Hearing – Comcast Franchise Agreement**

Attorney Cruz said that Comcast’s Franchise to use the Township’s Rights-of-Way is about to expire, and this Public Hearing is regarding the renewal of the Agreement. He said that the Public Hearing is an opportunity for the public to raise any concerns.

Comcast’s Senior Director of Government and Regulatory Affairs Charles Smith read aloud a prepared statement giving background on the franchise renewal process. He noted that the application has been available for public inspection in the Township Clerk’s office. Mr. Smith also described the criteria based on which the Township Committee is legally required to base their decision whether to renew the Franchise Agreement. Mr. Smith also said that the Township cannot base the decision based on subscription rates or programming selection.

Committeewoman Swartz noted that the Franchise Agreement is for a service provided to Township residents.

Deputy Mayor Ness thanked Township resident Tom Salvas for his work with the Township’s cable tv channel. Mr. Smith noted that the Township’s government access channel is one of the better such channels around the State.

Committeewoman Ewald asked if statistics are available regarding outages and response times. Mr. Smith said that the BPU has information regarding complaints and responses thereto. Committeewoman Swartz asked about the calls and outages that are received by Comcast directly. Mr. Smith said that the calls fielded by the BPU are the more serious complaints. Committeewoman Ewald asked for data specific to Chatham Township. Mr. Smith said that such information is not usually publicly available.

Attorney Cruz said that there is a difference between a service inquiry and a service complaint. He also said that he has available the data related to complaints. Attorney Cruz further said that at a future meeting an ordinance will be presented for the Township Committee’s consideration to formally renew the Franchise Agreement. Mr. Smith noted that he and Attorney Cruz have been working toward a final agreement.

Mayor Kelly opened the Public Hearing on the Franchise Agreement.

1. Ed Barmakian, The Alternative Press, asked for details of the Franchise Agreement. Mayor Kelly said that the details are still being negotiated. Mr. Smith said that the term of the agreement is negotiable, and the current agreement expires on May 15, 2020.
2. Dan Miller, 465 Green Village Road, asked if the Franchise Agreement includes construction projects and upgrades to municipal facilities. Mr. Smith said those items are negotiable. Mr. Miller said that the Township Committee should negotiate with Comcast to help fund some municipal project.

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

Mr. Smith thanked the Township Committee for the opportunity to speak at this meeting.

### **Public Hearing/Final Adoption of Ordinances**

#### **Ordinance 2020-04**

#### **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 provided a description of the ordinance, and noted that the ordinance has been carried forward to afford the Planning Board an opportunity to perform a Master Plan Consistency Review.

Committeewoman Swartz asked if the ordinance addresses the potential use of the area to be retained by the Township. Attorney Cruz said that the ordinance does not have an impact on the wetlands, which are regulated by the DEP and EPA. He said that there is a possibility of the Township obtaining a wetlands permit for the Skate Park, and the ordinance mirrors the Planning Board's approval for the site. Engineer Ruschke said that the ordinance effectively reduces the area to be conveyed to a developer, and the Skate Park will remain on Township land.

Mayor Kelly opened the Public Hearing on Ordinance 2020-04.

1. Dan Miller, 465 Green Village Road, asked how much of the extra land to be retained falls within wetlands, and how much of it is useful. Engineer Ruschke said that most of the area is within the wetlands buffer area, and a DEP permit would be needed for any development. Engineer Ruschke also commented on the level of difficulty in obtaining different types of wetlands permits. Mr. Miller said that the ordinance should be tabled until the Township Committee is able to have regular meetings with the public present.
2. Nils Klarlund, 504 River Road, commented on the impact of the Township Committee's decisions on residents, and said he is upset about the Township's plan for affordable housing. Mayor Kelly said that this public hearing is on a specific ordinance, and there will be an opportunity later in the meeting for general comments regarding Affordable Housing.

Seeing no further public comment, Mayor Kelly closed the Public Hearing and announced that it will be reopened at the May 28, 2020 meeting.

### **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.

Administrator Hoffmann summarized the items in the Multi-Purpose Bond Ordinance.

Mayor Kelly opened the Public Hearing on Ordinance 2020-06.  
Seeing no public comment, Mayor Kelly closed the Public Hearing.

Committeewoman Swartz moved to adopt 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.

Administrator Hoffmann noted that representatives from Gramco recently came to the Municipal Building to assess ways to address the audio issues experienced with recent Township Committee meetings.

#### 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.

Mayor Kelly said that the Public Hearing on Ordinance 2020-07 will be continued at the May 28, 2020 meeting. Committeewoman Ewald noted that there will be a presentation at that meeting with concept plans.

Attorney Cruz noted that Committeewoman Swartz has to recuse herself from this and the remaining ordinances related to Affordable Housing.

Mayor Kelly opened the Public Hearing on Ordinance 2020-07.

1. Dan Miller, 465 Green Village Road, said that the Township Committee should not be taking action on any ordinances at this time, and suggested that money should be spent on relief efforts rather than on the purchase of property. Mr. Miller also said that the Township should tell the Court that the Township cannot move forward with Affordable Housing at this time.
2. Alicia Murray, 55 Southern Boulevard, thanked the Township Committee for tackling the Affordable Housing matter. Mrs. Murray noted that she has tried to help clients get placed in Affordable Housing in the Township, and was informed by Piazza & Associates that there is a 6-8 year waiting list for the current Affordable Housing stock. Mrs. Murray asked if the Affordable Housing to be built on Southern Boulevard and on River Road would be rental units or if they would be for purchase. Mayor Kelly said that they will be rental units. Mrs. Murray also addressed Group Homes. She noted that she understands that the Group Homes will be for the developmentally disabled, and asked if there will be a set aside for Veterans. Mayor Kelly said that there will be a Veterans Preference in the rental units, but there is not a component of the Group Homes reserved for Veterans. Mayor Kelly also said that there will be more information at the next meeting. Mrs. Murray raised traffic safety concerns related to Group Homes, cited conditions she has observed at an existing Group Home on Fairmount Avenue. Mayor Kelly said that a traffic impact study will be conducted, and the developer will be held to the same standards as if the proposed construction were for a single-family home. Mrs. Murray noted that the proposed Group Home at 76 Southern Boulevard is 1100-1200 feet from the existing Group Home on Fairmount Avenue, and she opined that it is not an equitable distribution of Group Homes in the Township. Mrs. Murray spoke in favor of using the Gibbons Place site instead, and asked Mayor Kelly if he finds it fair to have two Group Homes so close together. Mayor Kelly said that the proposed second Group Home on Fairmount Avenue is a mile away, and the proposed Group Home on Southern Boulevard is a quarter-mile away from the existing Group Home. Mrs. Murray reiterated her objection to having Group Homes so close together. Mayor Kelly said that the intent is for the Group Homes to appear as single-family homes. Mrs. Murray asked that other sites be studied. She also noted that the Township will have a loss of property tax revenue when the properties become Group Homes.

Deputy Mayor Ness addressed the criteria for selecting a site for Group Homes as an explanation as to why the proposed sites were chosen. She also said that the Court will be reviewing the location selection. Deputy Mayor Ness also said that budget constraints were considered as well, and there was an attempt to find sites spread throughout the Township.

3. Ashley Felice, 20 Candace Lane, expressed her opposition to the Township Committee moving forward with Affordable Housing compliance during a time when the public is unable to attend meetings in person. She also addressed the COVID-19 pandemic and the 2020 Municipal Budget. Mrs. Felice also spoke about Affordable Housing on River Road. Mayor Kelly reminded Mrs. Felice that the current public hearing is on Ordinance 2020-07, and asked her to keep her comments related to the current Public Hearing. Mrs. Felice proceeded to make further comments about Affordable Housing on River Road.

Deputy Mayor Ness said that contrary to Mrs. Felice's allegation, the Township Committee has requested that the Court allow further delays on Affordable Housing matters due to the COVID-19 pandemic. Deputy Mayor Ness also addressed the use of surplus over the years, and addressed the need for a tax increase. Deputy Mayor Ness further expressed a desire to have the public present for meetings at which Affordable Housing is addressed. She also addressed the potential acquisition of property on River Road to help mitigate the impact of the proposed Affordable Housing.

4. Sarah Treacy, 3 Glenmere Drive, questioned why the Township Committee is moving forward with Affordable Housing matters at this time. She also disagreed with Mayor Kelly's statement that the Group Home on Fairmount Avenue does not appear to be a Group Home. Mrs. Treacy also raised a concern that Glenmere Drive will be used for overflow parking for the proposed Group Home at 76 Southern Boulevard. Mayor Kelly said that he shares the concern about spillover traffic and pedestrian crossings at that site, and said that these questions will be addressed when the developer makes a presentation. Mrs. Treacy also addressed the potential need for variances at the proposed site. Mayor Kelly said that there are State laws that deem Group Homes to be an appropriate use in residential zones.
5. Susan Ross, 14 Hall Road, said that she understands the need for Group Homes, but disagrees that 76 Southern Boulevard is a good site. Mrs. Ross noted that there are water issues at the site which will be costly to remediate. Mrs. Ross also addressed traffic in the neighborhood, noting that there is a school bus stop. She also stated that there are residents who do not feel comfortable using Zoom, and she does not think that holding a public meeting over Zoom is a fair and representative way for opinions to be heard.
6. Heather Foran, 127 Huron Drive, asked about the applicability of environmental laws when a site is being used for Affordable Housing. Engineer Ruschke said that DEP regulations are still in effect when a site is used for Affordable Housing.
7. Vince Ferrito, 449 River Road, asked why the Township Committee is proposing to spend money on Affordable Housing matters during a global pandemic, and why Affordable Housing has been set as a priority. Administrator Hoffmann said that the Township Committee is endeavoring to implement the 2018 Settlement Agreement as amended. Mr. Ferrito asked who set the dates for the compliance schedule. Administrator Hoffmann said the dates are set by the Court, and Deputy Mayor Ness indicated that the Court has not yet approved the dates that the Township has requested. Mr. Ferrito asked why later dates were not requested. Attorney Cruz indicated that Courts have required municipalities to move forward with Affordable Housing. He said that there are certain steps that are required to comply with an Affordable Housing Plan, and the items on this meeting's Agenda are part of a continuing process. Mr. Ferrito asked why Affordable Housing is a priority when there are what he deems to be more pressing matters facing the Township. Mayor Kelly said that the Township Committee had chosen the municipally-sponsored development option back in 2018 to avoid the development of up to 1,000 units so as to meet the Township's Affordable Housing obligation. He also said that nobody knew there would be a pandemic when the Settlement Agreement was reached in 2018.

Deputy Mayor Ness addressed the priority of maintaining immunity from builder's remedy lawsuits. She also commented on efforts to address the impacts of the COVID-19 Pandemic.

8. Bill Meyers, 72 Southern Boulevard, objected to the use of Zoom for public meetings. He also noted that a draft of the Agenda erroneously listed his address rather than 76 Southern Boulevard for the Group Home site. Mr. Meyers also asked why the Township would invest in building a new home rather than convert an existing home into a Group Home. Mayor Kelly said that there are budget constraints. Mr. Meyers said that the lot has sat on the market for a long time, and he suspects that there are reasons why developers have not already sought to build on the lot. Mr. Meyers also noted that the lot has water issues. He further commented on the traffic impact from Group Homes. Mayor Kelly addressed the concerns raised by Mr. Meyers, and said that the site is more suitable to a Group Home than a single-family home. Mayor Kelly also addressed potential traffic impacts, and said that the Township does not want to create a traffic problem.
9. Al Limone, 9 Hall Road, asked if the Township Committee has already decided to purchase the property at 76 Southern Boulevard, and who will make that decision. Mayor Kelly said that the process will be spread over the next several Township Committee meetings, with a vote anticipated in mid- to late-June on the bond ordinances. Mayor Kelly said that there is a final compliance hearing expected in late-July or August,

and the Township needs to have properties under municipal control on which Group Homes can be built. Mayor Kelly confirmed that a final decision has not been made, and the Township Committee is the public body that will vote on the matter. Mr. Limone claimed it is an insult to the intelligence of Township residents to claim that 76 Southern Boulevard is the best site for a Group Home.

10. Dan Miller asked if Deputy Mayor Ness may have a conflict of interest as she is a realtor. Attorney Cruz said that there is not a blanket conflict of interest for a Governing Body member who is also a realtor participating in discussion of purchasing property. He also said that he had reviewed this question with Deputy Mayor Ness, and he does not believe there is a conflict of interest. Deputy Mayor Ness also addressed the question, and said that she has not participated in the negotiations so as to further avoid the potential for a conflict of interest.
11. Heather Foran asked why Committeewoman Swartz is still recused when the pending litigation that caused the recusal was dismissed. Attorney Cruz said he is unable to comment on the cause for the continued recusal. Deputy Mayor Ness added that the Township Committee would have preferred to allow Committeewoman Swartz to participate.

Seeing no further public comment, Mayor Kelly closed the Public Hearing and announced that it will be reopened at the May 28, 2020 meeting.

#### 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.

Mayor Kelly opened the Public Hearing on Ordinance 2020-08.

1. Dan Miller, 465 Green Village Road, said that Township funds should not be spent on the purchase of property for Affordable Housing. He also said that the use of surplus in the 2020 Budget exceeds the amount used in other recent budgets, and he would like for Administrator Hoffmann to provide numbers on the past four budgets. Mr. Miller also asked why the Township is not telling the Court that the Township cannot comply at this time. He also addressed the potential economic impact of the COVID-19 Pandemic. Administrator Hoffmann said that he will be able to provide the surplus information for the past four years. He also commented on the factors by which surplus is regenerated, including the rollover of unexpended funds from previous budgets.

Committeewoman Ewald noted that the Township Committee is doing the best it can under present circumstances to adhere to Court deadlines and serve residents. She said

she appreciates how residents feel about Affordable Housing, and the Township Committee also has to protect the Township's long-term interests by not losing immunity from builder's remedy lawsuits.

2. Buvaneswari Narayanan, 589 Fairmount Avenue, commented on the existing Group Home on Fairmount Avenue, and said that she often sees at least four cars in the driveway. Mrs. Narayanan also commented on traffic safety at the bus stop near the site for the proposed Group Home at 587 Fairmount Avenue. She asked for an analysis to be performed to ascertain if 587 Fairmount Avenue is a good site for a Group Home.
3. Prasanth Ananth, 589 Fairmount Avenue, said he echoes the previous concerns raised about spending funds at this time to purchase property and regarding the proximity of the proposed Group Homes to the existing Group Home. Mr. Ananth also asked if there will be background checks performed on the residents of Group Homes. Attorney Cruz said that under State Law, Group Homes are permitted in all residential zones. He also said that licensing of Group Homes is performed at the State level, and the Township would need to follow State guidelines and regulations. Attorney Cruz further stated that the Township cannot impose regulations on Group Homes beyond those already promulgated by the State. Attorney Cruz further specified that the Group Homes will be for the developmentally disabled, and they will not be halfway houses or drug rehabilitation facility. Employees will need to have the proper State licenses. Mr. Ananth asked for the definition of "developmentally disabled." Attorney Cruz said he did not have the exact definition readily available, and Mayor Kelly said that it would be available at the next Township Committee meeting.

Seeing no further public comment, Mayor Kelly closed the Public Hearing and announced that it will be reopened at the May 28, 2020 meeting.

Attorney Cruz noted that standards for community residence can be found in N.J.S.A. 30:11B-1 and N.J.A.C. 10:44A.

#### 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.

Mayor Kelly explained that the property on Gibbons Place is the last choice under consideration, and the item remains on the Agenda so that residents can be informed that the property is under consideration.

Mayor Kelly opened the Public Hearing on Ordinance 2020-09.

1. Dan Miller, 465 Green Village Road, asked why the property on Gibbons Place is not deemed as suitable as other options for a Group Home. Mayor Kelly said that the site would be more difficult than other properties. He noted that the Township already owns

the property, which is why it is on the list, however there are constraints. Mr. Miller asked if the lot is the same configuration as the other Group Home sites, and Mayor Kelly said that information will be gathered for the next meeting.

2. Cindy Lee, 34 Hilltop Terrace, said that the Gibbons Place site should not be the least favorable location, as it is far from the other Group Homes and is not on a main road. Mayor Kelly explained that the Gibbons Place site is an example of a property that the Township acquired because a property owner abandoned said property, and such circumstances are usually situations where a property is not readily developable. Engineer Ruschke said that the property does not front on a municipal road, and there are additional variances needed to develop the site.
3. Andrew Verrill, 11 Gibbons Place, agreed with Engineer Ruschke's description of the potential Gibbons Place Group Home site. He also asked for the name of the proposed developer. Mayor Kelly said the developer is Nouvelle Homes. Mr. Verrill noted the presence of a paper road at the site.
4. Dan Miller said that Engineer Ruschke cited steep slopes as a reason to disqualify the Gibbons Road site, and asked why steep slopes do not disqualify the River Road site. Mayor Kelly said that the Public Hearing is about the specific ordinance, and he deferred the question until the presentation scheduled for the June 11<sup>th</sup> meeting.

Seeing no further public comment, Mayor Kelly closed the Public Hearing and announced that it will be reopened at the May 28, 2020 meeting.

### **Introduction of Ordinances**

#### **Ordinance 2020-10**

##### **ORDINANCE 2020-10**

**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 \$680,000 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 and all work, materials and appurtenances necessary and suitable therefor. The property to be acquired has a street address of 490 River Road and is designated as Block 62, Lot 70 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 \$680,000 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 \$680,000, and (4) \$34,000 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 \$646,000, 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 \$34,000, 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 \$34,000 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 \$646,000 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 \$646,000 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 \$646,000 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.

Deputy Mayor Ness moved to introduce Ordinance 2020-10. 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 2020-10 will be scheduled for May 28, 2020.

### **Consent Agenda**

### **RESOLUTION 2020-117**

**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 \$959,253.67 and the prior month's payroll of \$400,145.05 Current Fund, \$45,351.45 Sewer No. 1, \$9,846.89 Sewer No. 2, and \$26,847.54 Police Private Employment be paid.

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

**BE IT FURTHER RESOLVED** that taxes due to the County of Morris, for the Second Quarter of 2020, in the amount of \$2,391,790.52 be paid.

**RESOLUTION 2020-118  
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 meetings held on April 23, 2020 and May 4, 2020.

**RESOLUTION 2020-120  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY, REGARDING NEW JERSEY  
DEPARTMENT OF TRANSPORTATION DIVISION OF LOCAL AID AND ECONOMIC  
DEVELOPMENT RECOMMENDATION OF AWARD STATE AID PROJECT**

**BE IT RESOLVED** that the Township of Chatham hereby recommends to the New Jersey Department of Transportation that the contract for River Road Resurfacing Project (2020 NJDOT Municipal Aid) in the Township of Chatham, County of Morris be awarded to Schifano Construction Corp. via 2020 Morris County Cooperative Pricing Council whose bid amounted to \$222,630.00 subject to the approval of the Department.

**BE IT FURTHER RESOLVED** that the presiding officer of this body be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said construction.

**BE IT FURTHER RESOLVED** that the clerk of this body be and is hereby directed to seal said contract with the corporate seal of this body and to attest to the same.

**RESOLUTION 2020-121  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY, REGARDING NEW JERSEY  
DEPARTMENT OF TRANSPORTATION DIVISION OF LOCAL AID AND ECONOMIC  
DEVELOPMENT RECOMMENDATION OF AWARD STATE AID PROJECT**

**BE IT RESOLVED** that the Township of Chatham hereby recommends to the New Jersey Department of Transportation that the contract for River Road Resurfacing Project (2020 NJDOT Municipal Aid) in the Township of Chatham, County of Morris be awarded to Denville Line Painting, Inc. via 2020 Morris County Cooperative Pricing Council whose bid amounted to \$4,792.00 subject to the approval of the Department.

**BE IT FURTHER RESOLVED** that the presiding officer of this body be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said construction.

**BE IT FURTHER RESOLVED** that the clerk of this body be and is hereby directed to seal said contract with the corporate seal of this body and to attest to the same.

**RESOLUTION 2020-122  
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW  
JERSEY, AUTHORIZING THE EXTENSION OF AN AGREEMENT WITH LICOLN  
LANDSCAPING FOR FERTILIZATION AND FIELD MAINTENANCE OF LAWNS AND  
ATHLETIC FIELDS DURING CALENDAR YEAR 2020**

**WHEREAS**, the Township of Chatham in 2019 unanimously adopted Resolution 2019-160 on July 18, 2019 which authorized Lincoln Landscaping to perform fertilization and field maintenance for the second half of calendar year 2019; and

**WHEREAS**, the quotes received for this service was for an eighteen (18) month period which included calendar year 2020; and

**WHEREAS**, resolutions are valid until the end of the calendar year, and

**WHEREAS**, the Township desires to continue to use the environmentally services proposed by Lincoln Landscaping for calendar year 2020 for an amount not to exceed \$22,000.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham authorizes Lincoln Landscaping to provide the services outlined for 2020 as outlined in their

proposal of June 2019 and confirmed in a meeting held on March 2, 2020 for an amount not to exceed \$22,000.

**RESOLUTION 2020-123**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, ESTABLISHING EMPLOYEE SALARIES FOR THE YEAR 2020**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham, in the County of Morris, New Jersey, that annual salaries of non-contractual employees are hereby established as shown below and shall be effective January 1, 2020. Seasonal salaries shall be effective May 1, 2020, Crossing Guards and SLEO III shall be effective for the 2020/2021 School Year. Employees terminating their employment prior to the effective date of this resolution shall not be eligible for any retroactive increase.

Township Committee Member	\$1,200
Township Administrator	\$178,500
Chief of Police (as well as additional compensation as outlined in the employment agreement)	\$160,005
Chief Financial Officer	\$118,562
Qualified Purchasing Agent	\$5,000
Township Clerk/Registrar	\$71,279
Tax Collector/Utility Collector	\$75,949
Public Works Manager	\$116,732
Secretary Board of Health/Dog Licensing Clerk	\$9,539
Deputy Clerk	Vacant
Administrative Assistant	\$51,000
Accounts Payable/Payroll Clerk	\$53,119
Assistant Treasurer/HR Assistant/Escrow Account Manager	\$44,625
DPW Administrative Assistant/Recycling Coordinator	\$48,875
Police Administrative Assistant	\$40,500
Police Administrative Assistant/Records Manager	\$50,058
Special Law Enforcement Officer III (SLEO III)	\$35.00 Hr.
Emergency Management Coordinator	\$6,120
Ass't. Public Works Manager	Vacant
Licensed Sewer Plant Operator	Vacant
Assistant Tax and Utility Collector	\$47,125
Tax Assessor (PT)	\$31,554
Assistant Assessor (PT)	\$27,540
Planning Board Secretary	\$250 per meeting
Zoning Board Secretary	\$250 per meeting
Construction Office Control Person/Bd. Manager	\$51,000
Deputy Zoning Officer(s)	\$3,640
Construction Office Administrative Assistant	\$40,500
Construction Official/Building Sub-code Official	\$111,195
Electrical Sub-code Official/Inspector	\$17,300
Fire Sub-code Official/Inspector	\$9,950
Plumbing Sub-code Inspector	\$17,300
Fire Prevention Official/Inspector	\$13,109
Building Inspector (PT)	Vacant
Governmental Access TV Manager/Video Producer	\$6,120 plus \$25 HR for special services
Pool Manager	\$19,631
Assistant Pool Manager	\$18,571
Second Assistant Pool Manager	\$9,000
Swim Team Coach	\$3,500
Assistant Swim Team Coach	\$1,500
Lifeguard	\$10.30-\$14.00 Hr.
Substitute Lifeguard	\$10.30-\$14.00 Hr
Water Safety Instructor (added to lifeguard wages)	\$.50 Hr.
Gate Attendants	\$10.30-\$14.00 Hr
Laborer (PT or seasonal)	\$10.30-\$14.00 Hr.
Crossing Guards	\$11.00- \$20.00Hr.
Clerk/Typist (PT)	\$11.00- \$17.50Hr

This Resolution shall take effect immediately.

**RESOLUTION 2020-125**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM**  
**AUTHORIZING IN-HOUSE WEBSITE DEVELOPMENT AND MAINTENANCE AND**  
**STORAGE**

**WHEREAS**, the during calendar year 2020 the Township of Chatham will transition to a new, upgraded website; and

**WHEREAS**, the Township desires to have in-house development, storage and maintenance of the Township website by Township staff moving forward; and,

**WHEREAS**, the Township has received a proposal dated November 25, 2019 that meets the Township's requirements.

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Chatham hereby authorizes having development, storage and maintenance of the Township website be performed by Township staff and GovOffice Web Solutions, 2112 Broadway Street, NE, Suite 250, Minneapolis, Minnesota, 55413.

**BE IT FUTHER RESOLVED** that funds are available in Ordinance 2020-06, Section G for the purposes outlined.

Deputy Mayor Ness expressed her enthusiasm for having the Township Website maintained in-house.

Mayor Kelly noted that retaining Lincoln Landscaping means that the firdl maintenance will still be done organically.

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

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

**RESOLUTION 2020-119**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP**  
**OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS**

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

Deputy Mayor Ness moved to adopt Resolution 2020-119. Committeewoman Ewald seconded the motion.

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

**Hearing of Citizens**

Mayor Kelly opened the Hearing of Citizens.

1. Jackie Ferrito, 449 River Road, opined that more concern was shown by the Township Committee for the placement of a monopole near Committeewoman Fondaco's house than for the construction of Affordable Housing on River Road. Mrs. Ferrito asked if the Township Committee is seeking alternative sites for the Affordable Housing currently slated to be built on River Road, and asked if the Township would consider repurposing commercial property for Affordable Housing should any businesses close in the wake of the COVID-19 Pandemic. Mayor Kelly said that the question about commercial property becoming available is hypothetical, and the Township is seeking to help small businesses stay in business. Mrs. Ferrito said that there is a certainty that some business will be struggling, and some may relish the opportunity to be bought out. Deputy Mayor Ness said that the Township will not prey on struggling business for potential land acquisition, however the Township is seeking alternatives. Administrator Hoffmann said that the Township would speak with property owners, noting that many businesses lease the properties they occupy. Mrs. Ferrito said that it is difficult to have meetings held in Zoom and be told that they have to follow the rules of conduct when speaking. Mayor

Kelly noted that the rules governing a public hearing in Zoom are the same rules applicable for in-person meetings.

1. Mark Hamilton, 132 Highland Avenue, asked how many people can see how many participants that are involved in the Zoom portion of this meeting. The Township Clerk indicated that all panelists can view the number and list of attendees. Mayor Kelly indicated that the number of participants has ebbed and flowed during the meeting. Mr. Hamilton commented that the Township Committee moving forward with Affordable Housing during a pandemic is unfathomable. Mr. Hamilton also challenged the Township's compliance with the Open Public Meetings Act. Mr. Hamilton further asked if Attorney Cruz has been instructed to inform the Court that the Township Committee cannot move forward with public meetings until after the lockdown orders have been lifted. Deputy Mayor Ness referred Mr. Hamilton to the document on the Affordable Housing page on the Township website in which extensions from the Court were requested. She also addressed Mr. Hamilton's claim that New Jersey is under lockdown. She further explained that the Township has a vested interest in maintaining immunity from builder's remedy lawsuits. Mayor Kelly addressed the assertion that this is a "special meeting," and he said that it is a regular meeting being held remotely. Mayor Kelly also addressed the Township's compliance with the Open Public Meetings Act, and cited the different means used by the Township to disseminate meeting notices.
2. Dan Miller, 465 Green Village Road, asked if Attorney Cruz has been directed to inform the Court that Affordable Housing needs to be delayed two years until the economic impact of COVID-19 can be determined. Attorney Cruz said that the Township has requested extensions, and no Court will extend compliance for two years. Mayor Kelly also noted news articles about Englewood Cliffs losing builder's remedy immunity. Mr. Miller reiterated a concern that was raised by Mrs. Ferrito about the Township Committee's concern for placement of monopolies relative to their concern about the construction of Affordable Housing. Mr. Miller also expressed his interest in volunteering to help residents who are in need during the Pandemic.
3. Nils Klarlund, 504 River Road, said it is obvious why there are two Chathams. He said that he had donated land to the Township, and alleged that the poor are being pushed out of town. Mr. Klarlund noted that residents on River Road often shop in New Providence, and said that there is greater access to the Hickory Mall from the Affordable Housing site on Southern Boulevard. Mayor Kelly said that the Southern Boulevard site is not currently a feasible site for additional affordable units. Mr. Klarlund said that in 2016 a Housing Element and Fair Share Plan was published by the Township, and the document stated that there were not jobs available in the Township for low- to moderate-income residents. Mr. Klarlund said that there appears to have been an intent in the Township to use segregation to avoid having any Affordable Housing. He pointed out that the Township purchased Open Space to avoid having to develop additional Affordable Housing.
4. Ed Barmakian, The Alternative Press, asked for clarification on the upcoming meeting schedule and the Affordable Housing items to be dealt with at those meetings. Mayor Kelly provided the clarification, and noted that there are Court deadlines available on the Township website. Mayor Kelly also clarified that the request to rezone a property on Hillside Avenue is being referred to the Planning Board for consideration.
5. Pat Murray, 107 Huron Drive, asked for clarification if the Township reverted to the River Road site for Affordable Housing because the Court rejected the Meyersville Road site, which was confirmed by Deputy Mayor Ness. Mr. Murray asked if the site was rejected because of the timeline for construction. Attorney Cruz said that the site itself was not before the Court, but rather the timeline for the implementation of the Affordable Housing Plan and the Court would not grant the necessary extension for that site. Attorney Cruz also said that there were additional factors why the Township Committee went back to the River Road site. Mr. Murray reiterated that the site was not rejected, but rather the timeline. He also asked if the Township Committee is seeking any other site. Mayor Kelly said that if there is a suitable property, the Township Committee would be willing to negotiate with an owner. Mr. Murray asked if any developers have brought the Township to Court to build multi-family housing in violation of the Township's zoning

regulations. Engineer Ruschke said that the Vernon Grove development was the result of litigation in the 1980's. Attorney Cruz said that the Township has not been subject to a builder's remedy lawsuit in the past 15 years because of the immunity thereto.

6. Mark Hamilton said that this meeting is effectively a Special Meeting, and the Agenda should only have included matters of essential importance. Mr. Hamilton asked if there was a stay-at-home order in effect when Englewood Cliffs lost immunity from builder's remedy lawsuits. Mr. Hamilto also asked if the Township Committee has requested extensions from the Court on Affordable Housing in the context of the COVID-19 Pandemic, and said that there is a growing movement of municipalities fighting the Constitutional mandate for Affordable Housing. Administrator Hoffmann said that the Englewood Cliffs matter was during the Pandemic. Deputy Mayor Ness addressed the Development Fee Ordinance, which had been in effect since 2008 but never implemented until 2020. Mayor Kelly said that the Township sought a 10-month extension prior to the Pandemic, and the Township has been operating under extensions for a long time. He also said that he wishes there was a movement of municipalities fighting against the State, however the world is moving in the direction of getting business done through online means. Mayor Kelly also said that the Court is not granting open ended extensions for Affordable Housing.
7. Heather Foran, 127 Huron Drive, said the Englewood Cliffs fired their attorney and have stated that they will appeal the loss of their builder's remedy immunity. She also said that the slope on River Road is steeper than that on Gibbons Place. Mrs. Foran also alleged that the sites for Affordable Housing were discriminatory due to lower property values on Southern Boulevard and River Road. Mrs. Foran also said that she has not been informed of any environmental studies performed on the River Road site, and asked if any have been performed. Mayor Kelly said that they have not yet been performed. Mrs. Foran said that there are DEP restrictions on the River Road site, and asked what alternatives are available if the Township cannot build on the site. Deputy Mayor Ness said that the Planning Board process takes time to play out, and it is during that process that the environmental studies will be performed. Mrs. Foran asked again what alternatives are available if the River Road site is rejected. Attorney Cruz said that a full presentation will be made by the developer on June 11<sup>th</sup> regarding the River Road site. Engineer Ruschke addressed the information available from the DEP regarding environmental concerns on and near the River Road site. He also said that he does not anticipate needing any DEP land use permits to develop the site. Engineer Ruschke also said that the Indiana Bat is the species of concern identified by the DEP in the area of the site, which affects the timing of tree removal but does not prohibit development at the site. Engineer Ruschke also said that geotechnical engineering information is expected at the June 11<sup>th</sup> presentation.
8. Tapan Ramachandran, 19 Gibbons Place, said that the proposed site for a Group Home on Gibbons Place is adjacent to his property. He said that a road would have to be built for the property to be accessible, and the access may encroach on his property. Mr. Ramachandran also addressed potential height and drainage issues that will arise at the site. Mr. Ramachandran also said that there is a 15-acre property at 43 Britten Road that recently was put on the market, and he asked if that property would be an option. Mayor Kelly said the site was explored, and there was not usable land outside the wetlands buffer.

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

## **Resolutions**

### **Resolution 2020-126**

**RESOLUTION 2020-126  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING RESOLUTION 2020-086 TO  
ADD BLOCK 62, LOT 70 TO THE AREA THE SUBJECT OF THE PRELIMINARY  
INVESTIGATION AND AUTHORIZING THE TOWNSHIP OF CHATHAM PLANNING  
BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION FOR THE**

**REDEVELOPMENT OF LAND KNOWN AS BLOCK 62, LOT 70 AND BLOCK 62, LOT 71 AS SHOWN ON THE TOWNSHIP OF CHATHAM TAX MAP**

**WHEREAS**, on March 12, 2020, the Township Committee of the Township of Chatham adopted Resolution 2020-086 authorizing the Township of Chatham Planning Board to undertake a preliminary investigation to determine whether the land known as Block 62, Lot 71 as shown on the Township of Chatham Tax Map qualifies as an area in need of non-condemnation redevelopment; and

**WHEREAS**, the Township Committee desires to add Block 62, Lot 70 as shown on the Township of Chatham Tax Map to the area the subject of the preliminary investigation as an area in need of non-condemnation redevelopment; and

**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- Condemnation 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 (“Condemnation 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-Condemnation 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 70 and Block 62, Lot 71 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.

Attorney Cruz explained the content of Resolution 2020-126, and said that it is procedural in nature. He also said that Lot 74 has been removed, as well as the potential for a sewer easement on the Huron Drive properties.

Committeewoman Ewald moved to adopt Resolution 2020-126. Deputy Mayor Ness seconded the motion.

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

Resolution 2020-127

**RESOLUTION 2020-127  
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REFERRING THE REQUEST OF STERLING/SUN AT CHATHAM, LLC TO REZONE PROPERTY KNOWN AS 344 HILLSIDE AVENUE DESIGNATED AS BLOCK 67, LOTS 17 AND 17.01**

**WHEREAS**, Sterling/Sun at Chatham, LLC is the contract purchaser of vacant land known as 344 Hillside Avenue in the Township of Chatham, shown as Block 67, Lots 17 and 17.01 on the Township Tax Map, consisting of approximately 4.44 acres (“Property”); and

**WHEREAS**, on April 21, 2020, Robert A. Kasuba, Esq., wrote on behalf of Sterling/Sun at Chatham, LLC to request that the Property be rezoned to R-3, which permits single family homes on 20,000 square foot lots, to permit the Property to be developed with five (5) residential dwellings with four (4) lots for market rate units and one (1) lot for a four (4) bedroom group home; and

**WHEREAS**, the Township’s Planning Board is charged by the Municipal Land Use Law with the responsibility of developing the Township’s Master Plan and determining whether proposed changes to the Township’s Land Development Ordinance are consistent with the Master Plan; and

**WHEREAS**, the Township Committee desires that the Planning Board review Sterling/Sun at Chatham, LLC’s rezoning request and, if necessary, in the Planning Board’s discretion, examine or amend the Master Plan or propose an Ordinance consistent with any Master Plan report addressing Sterling/Sun at Chatham, LLC’s request.

**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. That Sterling/Sun at Chatham, LLC’s request to rezone Block 67, Lots 17 and 17.01 be reviewed by the Planning Board.
2. That the Planning Board, in its discretion, take that action it deems appropriate, including any Master Plan examination, amendment or proposed Ordinance.
3. That Sterling/Sun at Chatham, LLC establish an escrow with the Township in the sum of \$7,500.00, and replenish that escrow as necessary for the Planning Board’s and Township’s costs associated with the request of Sterling/Sun at Chatham, LLC’s.
4. That the Township Clerk forward a copy of this Resolution to the Planning Board Secretary for distribution to the Planning Board and its staff.
5. That the Township Clerk forward a copy of this Resolution to Robert A. Kasuba, Esq.
6. That this Resolution shall take effect immediately.

Attorney Cruz said that a property owner can request rezoning of a property either by going before the Planning Board or requesting the Governing Body to rezone the property. He also said that if the Township Committee introduces an ordinance to rezone a property, the Planning Board will conduct a Master Plan Consistency Review. Attorney Cruz further stated that Resolution 2020-127 refers the request to rezone a property on Hillside to the Planning Board for review.

Deputy Mayor Ness moved to adopt Resolution 2020-127. Committeewoman Ewald seconded the motion.

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

Deputy Mayor Ness moved to adjourn at 10:29 PM. Mayor Kelly seconded the motion, which carried unanimously.

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Gregory J. LaConte  
Municipal Clerk