

**MINUTES  
TOWNSHIP COMMITTEE  
SPECIAL MEETING  
MAY 28, 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 22, 2020; notice was posted on the bulletin board in the main hallway and on the front door of the Municipal Building on May 22, 2020; and notice was filed with the Township Clerk on May 22, 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 28, 2020.

**Roll Call**

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

**Executive Session**

**RESOLUTION 2020-P-12  
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. Contract Negotiations – Comcast of Central New Jersey II, LLC.
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-12 to enter Executive Session at 4:34 PM. Committeewoman Ewald 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 5:34 PM.

Mayor Kelly led the Flag Salute.

## **Roll Call**

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

## **Approval of Agenda**

The Township Clerk asked that Resolution 2020-131 be removed from the Consent Agenda, as the request for a refund of a zoning permit was submitted in error.

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

Mayor Kelly reminded the public that this meeting is being held remotely in accordance with Executive Orders Nos. 102, 103, 104 and 107. He said that the public can watch the meeting and participate in Public Hearings via Zoom, and he noted that the Zoom meeting information is available on the Agenda posted on the Township website. Mayor Kelly further noted that the meeting is being broadcast on the Township's cable channels, and anyone who dials into the Zoom meeting by phone can raise their hand by pressing Star-9.

Mayor Kelly further reviewed the items on the Agenda for the Public's benefit. He stated that of the ordinances subject to Public Hearing at this meeting, final action is only expected on Ordinance 2020-04 and the bond ordinances will have additional public hearings at the next two meetings.

Mayor Kelly announced that during public hearings, to ensure that everyone has a chance to be heard, speakers will only have one opportunity to speak in each public hearing. He also stated that speakers will be limited to five minutes each, and the Township Committee will wait until speakers have finished before beginning to answer questions.

Mayor Kelly further announced that the Township Committee anticipates returning to a 7:30 PM start time for the next Township Committee meeting.

## **Reports**

Committeewoman Swartz reported that she and Engineer Ruschke have been in discussion about PSE&G's gas main replacement on the north side of the Township, and PSE&G has sent correspondence that roads will be left in better condition than they were in prior to the main replacement. She further reported that updates on the Household Hazardous Waste Drop-off Event will be posted on the Township website.

Committeewoman Fondaco reported that the Environmental Commission will host a Annual Seedling Giveaway Event on Saturday, May 30<sup>th</sup> from 10:00 AM to 12:00 PM at the Municipal Building side lot. She also reported that local Cub Scout Troop 6 has been spreading woodchips along the Green Village Conservation Trail.

Deputy Mayor Ness reported that a walk-through of Colony Pool was conducted to assess how social distancing would work there if the facility is able to be opened for a 2020 season. A pro-rated membership fee is in the process of being calculated. Registration fees are not being collected until a determination has been made if there will be a 2020 season. Deputy Mayor Ness also said that plans are being made to host a Drive-In Movie Night for Chatham Township and Chatham Borough residents.

Administrator Hoffmann reported that the Construction Office has 812 sets of plans ready to be returned to residents, and a letter will be sent to those property owners whose plans are eligible for return. He also said that Resolution 2020-137 on the Consent Agenda will allow the Township to install plexiglass in the Municipal Building as a safety precaution for when the Building is able to be reopened to the public.

## **Consent Agenda**

**RESOLUTION 2020-128  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,  
ACKNOWLEDGING RECEIPT OF REPORTS**

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

CFO – April  
 Police Department – April  
 Construction Official – April

**RESOLUTION 2020-129  
 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
 APPROVING MINUTES OF MEETINGS**

**BE IT RESOLVED** that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on May 14, 2020.

**RESOLUTION 2020-130  
 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 May 14, 2020.

**RESOLUTION 2020-132  
 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
 REFUNDING ROAD OPENING PERMIT FEE**

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

**WHEREAS**, the homeowner has decided to hire a different contractor to perform the work.

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

<u>NAME</u>	<u>PERMIT #</u>	<u>AMOUNT</u>
Rose City Paving & Construction LLC ATTN: Michael Artigliere 1 Overlook Road Chatham, NJ 07928	RO-20-019 Re: 226 Longwood Ave	\$100.00

**RESOLUTION 2020-133  
 TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF  
 MORRIS, STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT  
 AND/OR PERFORMANCE BOND BALANCES**

**WHEREAS**, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

**WHEREAS**, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

<u>NAME</u>	<u>Project</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
Rose City Paving & Construction LLC ATTN: Michael Artigliere 1 Overlook Road Chatham, NJ 07928	RO 20-019 226 Longwood Ave	72752	\$300.00

**RESOLUTION 2020-134  
 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
 CERTIFYING REVIEW OF THE ANNUAL AUDIT**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, The Local Finance Board has promulgated N.J.A.C. 5:30-6-5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations” as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Chatham, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

#### **RESOLUTION 2020-135**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM ACKNOWLEDGING RECEIPT OF CORRECTIVE ACTION PLAN RELATIVE TO 2019 AUDIT**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that it, hereby, acknowledges receipt of the Chief Financial Officer’s Corrective Action Plan relative to the 2019 Audit.

**BE IT FURTHER RESOLVED** that a copy of the Corrective Action Plan be forwarded to the Department of Community Affairs as required by State regulations.

#### **RESOLUTION 2020-136**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY CONFIRMING PAYMENT MADE TO CHATHAM MAIN CONTRACTORS**

**WHEREAS**, emergency services were provided by Chatham Main Contractors in April 2020 to locate and repair a water main break in a 55 year old pipe at the Water Pollution Control Plant; and

**WHEREAS**, failure to make the necessary repairs would have posed a threat to the health, welfare and safety of Township residents; and

**WHEREAS**, at the April 23, 2020 Township Committee Meeting the need to make the repair was recognized by the Township Committee through the adoption of Resolution 2020-113; and

**WHEREAS**, the cost of the emergency services (repair and restoration) came to \$20,277.51; and

**WHEREAS**, sufficient funds are available for the services rendered in the 2020 Township Budget to make this payment.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, in the County of Morris, and State of New Jersey that the payment to Chatham Main Contractors in the amount of \$20,277.51 is confirmed.

#### **RESOLUTION 2020-137**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE AND INSTALLATION OF PLEXIGLASS PROTECTIVE WINDOWS IN FOUR (4) OFFICES AT THE MUNICIPAL BUILDING**

**WHEREAS**, in preparation for the re-opening of the Municipal Building to the public when the Public Health Emergency related to COVID-19 is lifted; and

**WHEREAS**, the costs associated with these public safety improvements may be eligible for reimbursement by the Federal Emergency Management Agency (FEMA); and

**WHEREAS**, the Township has evaluated three (3) options for use at the Municipal Building and has determined that a permanent solution is the best overall value to protect the health, welfare and safety of the Township’s employees and those who will once again visit the Municipal Building; and

**WHEREAS**, the demand for plexiglass has decreased the inventory available to vendors and specialty fabricators; and

**WHEREAS**, J. Thomas Kitchens, who has offices at 1932 Long Hill Road, Unit B, Millington, New Jersey, has provided a written quote dated May 15, 2020 which meets the needs of the Township of Chatham; and

**WHEREAS**, the Township Administrator, after consultation with the Superintendent of Public Works, recommends that J. Thomas Kitchens fabricate and install plexiglass safety dividers for the Municipal Building at a cost not to exceed \$10,500; and

**WHEREAS**, sufficient funds are available for this project in the 2020 Township Budget

**WHEREAS**, this project can be completed before the end of June 2020.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, in the County of Morris, and State of New Jersey that J. Thomas Kitchens is authorized to fabricate and install the plexiglass safety barriers in the Municipal Building as outlined in their proposal dated May 15, 2020.

**RESOLUTION 2020-138**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING SANITARY SEWER INSPECTION FEE**

**WHEREAS**, a fee was paid for a Sanitary Sewer Inspection and the inspection was not performed; and

**WHEREAS**, the structure will be demolished and will not be occupied prior to demolition; and

**WHEREAS**, the Public Works Department has recommended that the inspection fee be refunded;

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

<u>NAME &amp; ADDRESS</u>	<u>Property</u>	<u>AMOUNT</u>
Ted Cline 870 South Collier Blvd Marco Island, FL 34145	128 Noe Avenue	\$25.00

**RESOLUTION 2020-139**

**RESOLUTION IN SUPPORT OF SENATE BILL S-2475 AND ASSEMBLY BILL A-3971 AUTHORIZING THE ISSUANCE “CORONAVIRUS RELIEF BONDS” BY MUNICIPALITIES AND COUNTIES**

**WHEREAS**, A-3971, authorizes the issuance of “coronavirus relief bonds” by municipalities and counties and is sponsored by Assemblyman Dan Benson, Assembly Speaker Craig Coughlin, Assemblyman Wayne DeAngelo and Assemblywoman BettyLou DeDeCroce, was approved by the New Jersey General Assembly on May 14, 2020; and

**WHEREAS**, the Senate companion, S-2475, sponsored by Senators Troy Singleton and Vin Gopal was introduced on May 11 and awaits Senate committee action; and

**WHEREAS**, municipalities and counties are experiencing unprecedented financial challenges, including significant revenue loss of and unanticipated expenses due to the on-going COVID-19 global pandemic; and

**WHEREAS**, these fiscal consequences of the pandemic and the ongoing COVID-19 State of Emergency and Public Health Emergency, are likely to continue and further impact the Township of Chatham; and

**WHEREAS**, the current public health emergency led to temporary shuttering of businesses, construction, courts, and schools; and

**WHEREAS**, local governments are experiencing a record decline in revenue from permitting fees, licensing fees, parking revenue, hotel/motel occupancy taxes, as well as court fines while at the same time experiencing additional income losses due to declining returns on investments; and

**WHEREAS**, with the uncertainty of future property tax collection and with the understanding that state aid to municipalities will be re-evaluated over the next several months; and

**WHEREAS**, the Township of Chatham budget has significant fixed statutory expenses and provides for essential public services; and

**WHEREAS**, the cost of providing many essential services is likely to increase as a result of the COVID-19 pandemic for an extended period of time; and

**WHEREAS**, A-3971 and S-2475 would allow counties and municipalities to borrow moneys through the issuance of bonds and notes to cover the revenue shortfalls and additional costs that are directly attributable to the COVID-19 pandemic and pay that money back over a ten year period; and

**WHEREAS**, the A-3971 and S-2475 would also require a local government to thoroughly investigate and apply for financial assistance that may be available to it from the federal government, the State and other sources due to revenue shortfalls and expenditures because of the pandemic, prior to authorizing the issuance of the “coronavirus relief bonds”; and

**WHEREAS**, under A-3971 and S-2475 a municipality may use the proceeds from the sale and issuance of the coronavirus relief bonds to address a revenue shortfall experienced by the municipality and cover the cost of unanticipated expenses that are directly attributable to the COVID-19 pandemic such as protective masks and safety measures required to re-open facilities to the public and which occurred within 24 months after the end of the Public Health Emergency and State of Emergency; and

**WHEREAS**, A-3971 and S-2475 is not a one size fits all solution that provides the appropriate financial assistance to the Township of Chatham to help address all revenue shortfalls and expenditures directly attributable to this pandemic; and

**WHEREAS**, without this legislation, to address the revenue shortfall some municipalities would be required to take extreme measures that would gut local government eliminating critical public service; and

**WHEREAS**, local governments need the flexibility that A-3971 and S-2575 provides to limit the impact on property taxpayers;

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Chatham that:

1. Strongly supports the swift passage and signing into law A-3971 and S-2475 , which will provide flexibility and offer relief to municipalities and counties to address their revenue shortfalls and expenditures directly attributable to the COVID-19 pandemic; and
2. That a copy of this resolution be sent to the Office of the Governor, the President of the New Jersey State Senate, the Speaker of the General Assembly, the Sponsors of the Legislation, the Senate Community and Urban Affairs Committee, the Senate Budget and Appropriations Committee, our State Legislators, and the New Jersey League of Municipalities.

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, (Nay on Resolution 2020-139); Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

### **2019 Audit Presentation**

Township Auditor Valerie Dolan presented the findings of the 2019 Audit. She noted that the 2019 Audit was conducted on-site prior to the COVID-19 Pandemic. Mrs. Dolan noted that because the 2019 Audit only considers the Township’s financial position for 2019, it does not take into account the potential impact of COVID-19 on the 2020 or 2021 Budget.

Mrs. Dolan said that the Township’s 2019 Fund Balance had \$3,488,483 which represents a decrease of \$985,000 from the prior year. She also commented that the decrease results from an increased use of Fund Balance as a revenue source, as well as the loss of cell tower lease revenues. The 2019 Tax Collection Rate was very stable at a rate above 99%. The Fund Balance in the Sewer Utilities is up approximately \$150,000.

Mrs. Dolan reported that the Township has \$18,893,000 in short- and long-term debt, which is a \$1.6 million decrease from the prior year. She also commented on the accounting standard pertaining to Segregation of Duties, which is not a standard that most New Jersey municipalities are able to meet.

Committeewoman Ewald said that it was interesting to learn how different Municipal Accounting is from GAAP Accounting (Generally Accepted Accounting Principles). Mrs. Dolan noted that Municipal Accounting in New Jersey is based on statutory standards rather than GAAP.

Committeewoman Ewald also asked if automation of fee collection would help address the Audit comment about Segregation of Duties. Mrs. Dolan described how a central cashiering system would work. She said that in Chatham Township, all revenue collection, while decentralized, is

being funneled through the Tax Office with oversight from the CFO. Administrator Hoffmann said that the Township has also implemented some centralization of escrow accounts.

### **Group Home Presentations**

Attorney Cruz addressed Committeewoman Swartz's recusal on matters pertaining to Affordable Housing on River Road, and said that she is able to participate in the discussion regarding Group Homes and the Skate Park site.

Mr. Luciano Bruni of Nouvelle Homes gave a presentation regarding two of the three proposed Group Homes. Mr. Bruni described the type of projects that Nouvelle Construction undertakes, and he also highlighted the work done to develop Group Homes and Affordable Housing. He also presented examples of Affordable Housing and Group Homes that Nouvelle Construction has already built. Mr. Bruni then provided background on the history of Group Homes.

Mr. Bruni presented a concept floor plan for the proposed Group Home at 587 Fairmount Avenue. Committeewoman Swartz asked about storage space in the proposed Group Home. Mr. Bruni said that the attic is not meant for storage, as there will be a sizeable basement.

Mayor Kelly asked about the driveway concept, noting that concerns have been raised about the ability of cars to turn around so they do not need to back out onto the roadway. Mr. Bruni presented the site plan and noted that there is a turnaround area for cars. He further described the site plan, noting the partial basement and retaining walls.

Committeewoman Swartz asked if there is an enforcement mechanism to make sure that caregivers do not back out onto Fairmount Avenue. Mr. Bruni said that Fairmount Avenue is a County Road, and Morris County does not allow cars to back out onto the roadway. He noted that the turnaround area was included on the site plan to address that issue.

Committeewoman Swartz asked if visitors would have to prearrange a visit due to parking constraints. Mr. Bruni said that on weekdays, the Group Home residents will be at a Day Center from 8:30 to 3:30, where additional services are provided.

Mr. Bruni provided information on the non-profit organization Mutheny, who are proposed to operate the Group Home on Southern Boulevard. He also presented a concept design for the floor plan. He also presented a draft site plan.

Committeewoman Swartz said that the Township Committee has received concerns about the drainage at the Southern Boulevard site, and asked if potential drainage issues have been investigated. Mr. Bruni stated that the plan currently includes a drainage system in the front yard. Mr. Ruschke said that the Township uses the DEP's Best Management Practices Manual when reviewing stormwater management systems, and the systems are designed to account for the seasonal high water table.

Deputy Mayor Ness asked if the property on Southern Boulevard had already received Planning Board approval for a home to be built. Engineer Ruschke said that approval had been given, and he described the additional conditions that were imposed on the site.

Mr. Bruni discussed the development budget for the two projects. He also cited the funding sources that will be sought. Mr. Bruni further noted that the permitting process would begin prior to Nouvelle Homes closing on the property.

Committeewoman Swartz asked if all the residents would be adults. Mr. Bruni said that the residents would all be 21 year old or older, and the residents would be clients of the non-profit organization running the Group Home.

Deputy Mayor Ness asked if there are other Group Homes being constructed by Nouvelle Homes in this area. Mr. Bruni stated that Nouvelle Homes is building Group Homes in Far Hills, Butler, Harding and Parsippany. He also said that Group Homes are being built by Nouvelle Homes in Bergen and Passaic County.

Engineer Ruschke commented on the Gibbons Place site, and said that engineering work has not yet been performed for the site. He also commented on the request for rezoning of two lots on Hillside Avenue. The Developer's proposal is for five lots, one of which would be used for development of a Group Home. Engineer Ruschke noted the proposed setbacks, and the similarity of the proposed zoning to the immediately adjacent neighborhood in Chatham Borough. The Developer will prepare the parcel to be designated for the Group Home.

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

#### **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 opened the Public Hearing on Ordinance 2020-07.

1. Dan Miller, 465 Green Village Road, asked if the companies slated to run the Group Homes have been vetted by Township officials. He also asked about the rate and nature of complaints about the organizations, and what the qualifications are for their employees. Mr. Miller also asked how many employees will be staffed per shift, and what the duration of a shift will be. Mr. Miller also asked if the staff members would be fingerprinted prior to employment. He also asked if the Township will have oversight over the companies. Mr. Miller also asked how many variances will be needed for the projects. He also asked if the Township Committee members have or will be making site visits before, during or after the construction of the Group Homes.

Mr. Bruni said commented on Nouvelle Homes' experience with the two organizations that will manage the Group Homes. He said that the aides will work in 8-hour shifts, and there will be a 1-hour overlap between each shift. There may also be staff nurses on hand if clients need medical care. Employees of the non-profit organizations will be subject to background checks.

Regarding complaint rates, Deputy Mayor Ness asked if complaints would be directly with the organization. She also asked how the standard of care is monitored. Mr. Bruni said that the State performs unannounced inspections of Group Homes. Deputy Mayor Ness said that Mr. Miller's other question was about oversight. Engineer Ruschke described the Township's oversight during the construction process. Attorney Cruz described the licensing that the Group Home would get from the State, and Mr. Bruni added that each individual Group Home is separately licensed.

Administrator Hoffmann said that he visited the Harding Township Group Home site twice in the past year to see an example of Nouvelle Homes' quality of work.

2. Bill Meyers, 72 Southern Boulevard, asked how many cars the Group Homes at 76 Southern Boulevard would be able to accommodate, and if there are any ordinances that restrict the number of cars that can be parked in a driveway. Mr. Bruni showed on the plan that four cars can be accommodated. He said that if a fifth car was present, it would likely only be for a short time.
3. Alicia Murray, 55 Southern Boulevard, thanked the Township Committee for addressing Affordable Housing. She said that she opposes having a Group Home in her neighborhood, and prefers that the Gibbons Place site be used. Mrs. Murray asked if the proximity of an existing Group Home on Fairmount Avenue was considered. She also noted that Southern Boulevard is a County Road, and expressed a concern that the Group Home and the 24 units to be built next to the Police Department will add to the existing traffic congestion.

Committeewoman Ewald asked if Mr. Bruni visited the Gibbons Place site. Mr. Bruni said that it is not as viable of a site due to the site work that would need to be done.

4. Brian Frohnafel, 66 Southern Boulevard, asked for a review of the County Road Parking Restrictions. He also spoke about his observations of the parking at the ARC Morris Group Home, and asked for clarification of the plans for parking at the proposed Group Homes. Mr. Bruni said that the plan is to have parking arranged so that egress would be head first.
5. Mark Hamilton, 132 Highland Avenue, raised a concern about the process through which the Township Committee makes decisions, suggesting that decisions made have been rushed and that the process has lacked transparency. Mr. Hamilton noted that the Township will no longer receive property tax revenue from the Group Home properties. He further addressed potential traffic issues related to the Group Home. Mr. Hamilton also asked who pays for the development of the architectural plans.

Mr. Bruni said that Nouvelle Homes will cover the cost of the architectural plans.

6. James Lee, 34 Hilltop Terrace, asked what incentives Nouvelle Homes has to build the Group Homes. He also asked if Attorney Cruz's firm had any role in the real estate transaction for the Group Home sites. Mrs. Cindy Lee asked if a traffic study will be performed for the Group Home at 76 Southern Boulevard, and noted that there are traffic backups in the morning and evening rush hour periods. She also asked why Gibbons Place is not a more viable site.

Mr. Bruni said that Nouvelle Homes is one of only a few organizations that develop Affordable Housing and Group Homes, and noted that there is a need for Group Homes in New Jersey to serve the special needs residents who live in them. He also stated that Group Homes are residential homes, and traffic studies are not required under the Municipal Land Use Law.

Attorney Cruz said that he does not understand the question Mr. Lee asked about his firm participating in the real estate negotiations. He said that the contracts that Mr. Bruni's organization have negotiated will be assigned to the Township.

Committeewoman Ewald asked if the properties will be deed restricted for Affordable Housing. Mr. Bruni said that there will be a 30-year deed restriction.

Deputy Mayor Swartz asked about the time that the residents would be transported to the Day Center. Mr. Bruni said that the residents would depart at 7:30 AM and return at 4:30 PM. Deputy Mayor Ness noted that the schedule should not conflict with traffic for Southern Boulevard School. Attorney Cruz reiterated that traffic studies are not required for single-family homes, and the Group Homes will not change existing traffic patterns.

7. David Bakunas, 110 Britten Road, asked what the net benefit to the residents of Chatham Township will be for the building of the Group Homes. He also asked what the difference is between the Township offering the land as a contribution rather than offering the land as a donation.

Administrator Hoffmann said that the benefit to the Township is that there will not be an additional 800 market-rate units built to yield the 200 required affordable units. He said that the additional development would have a greater impact on the Township's infrastructure.

Attorney Cruz said that the Township Committee had made a policy decision in 2018 to proceed with a municipally-sponsored development rather than zone for inclusionary development so as to have less density of development.

8. Tapan Ramachandran, 19 Gibbons Place, addressed the slope of the Gibbons Place location. He also said that a road would need to be built for access to the site.
9. Sarah Treacy, 3 Glenmere Drive, asked when the Township and Nouvelle Homes entered into an agreement. She also asked the Township Committee to take a look at 371 Fairmount Avenue, as it does not have space to make a k-turn in the driveway. Mrs. Treacy also asked if it is fair to have three Group Homes in close proximity to each other. She also said that although a traffic study may not be required, she would like to know if Glenmere Drive will wind up being used for overflow parking.

Mr. Bruni said that there would only rarely be more than 4 cars at the Group Homes, and the driveway will be able to accommodate a 5<sup>th</sup> car. He also said that the sites will have room for k-turns in the driveways.

Attorney Cruz said that the Township does not yet have a formal agreement with Nouvelle Homes, although the process moving forward anticipates that at some point there will be such an agreement. Attorney Cruz also cited the next steps in the process.

Mayor Kelly said that the Township Committee heard from many residents who preferred small scale development to having the Township's obligation met all at one site. He said that the Group Home option helps mitigate the amount of development at the River Road site.

Committeewoman Swartz said that the Township Committee is abundantly aware that the ARC Morris Group Home exists. She also said that when the Township seeks to buy land for a Group Home, property values necessitate that the Township buy property on main thoroughfares because properties in neighborhoods would result in a greater expenditure of tax dollars.

Deputy Mayor Ness said that if there is a traffic issue on Glenmere Drive, the Police Department's Traffic Officer can investigate the matter.

10. Prasanth Ananth, 589 Fairmount Avenue, asked if the Township is responsible for purchasing the property for Group Home sites, including closing costs. He also asked if Nouvelle Homes is responsible for construction costs. Mr. Ananth asked if there would be no cost to the Township to develop the Gibbons Place site if Nouvelle Homes is responsible for all the construction costs. Mr. Ananth also asked if the property would ultimately be owned by the Township or by a private organization.

Attorney Cruz said that the Township's responsibility is to provide a 100% Affordable Housing Development of up to 98 units.

11. Chris Felice, 20 Candace Lane, asked for clarification about the benefit of not having an additional 800 market-rate housing units, and where those units might be built.

Administrator Hoffmann said that the Township Committee had made the policy decision to go forward with the municipally-sponsored option, and the Township is now moving forward with the Settlement Agreement. Mayor Kelly explained that inclusionary development has a 5:1 set aside ratio, and approximately 1,000 units would be needed to meet the Township's obligation. As to where those units might go, Mayor Kelly said that the Township Committee would need to zone land for those units to be built, and he invited Mr. Felice to draw his own conclusions about what pieces of private property are

large enough for that type of multi-family zoning. Attorney Cruz noted that the Dixiedale Property is not off the table for additional Affordable Housing development.

Seeing no further public comment, Mayor Kelly closed the Public Hearing and announced that it will be reopened at the June 11, 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, opined that the Township should not spend money on purchasing property to comply with the Settlement Agreement, but rather should spend money on legal fees to fight the State regarding the Constitutional requirement for Affordable Housing. He also said that money should be spent helping residents who are suffering from the COVID-19 Pandemic. Mr. Miller also asked if any of the Township Committee members have had any professional relationships with any of the professionals involved in the purchase of properties for Group Homes. Mr. Miller also commented on speculation regarding those properties that could be developed for 1000 units.

Deputy Mayor Ness said that she spoke with Attorney Cruz regarding any potential conflict of interest that she could be perceived to have, and there is not any such conflict at this time. Attorney Cruz said that conflicts are a private matter between Township Committee members and legal counsel. Mayor Kelly said that the Township Committee members have received training regarding conflicts of interest, and all members will seek Attorney Cruz's advice about potential conflicts.

2. James Lee, 34 Hilltop Terrace, asked how Nouvelle Homes profits from the development of Affordable Housing. Mr. Bruni said that there are State guidelines that govern the profit that his organization would make. Deputy Mayor Ness noted that the presentation slides will be made available on the Township website so that the profit incentives will be clear.
3. Buvanewari Narayanan, 589 Fairmount Avenue, asked where the parking will be at the 587 Fairmount Avenue Group Home, and how a k-turn will be made. She also asked if the site will have fencing. Mrs. Narayanan further asked if the garage will be at grade or at a basement level. She also asked how many units can be built at the Gibbons Drive site.

Mr. Bruni said that there is enough room for four cars, and there is enough room for a kitchen. He also said that fencing at 587 Fairmount Avenue is not anticipated, and landscaping will be used to hide the basement area. The garage will be at the same level as the residential area. Regarding Gibbons Place, the intention would be a 4-bedroom 2-bathroom house.

4. Sharon Tether, 115 Huron Drive, asked if three or four Group Homes are needed. She also asked if the Township receives a two-for-one credit when there is inclusionary development. Mrs. Tether also asked if ranch homes would be purchased and renovated rather than building new homes on undeveloped land.

Mr. Bruni said that part of the Group Home concept is for residents to be able to age in place, and existing homes typically do not have the proper accessibility. Mayor Kelly said that the Township has permission to swap 15 single-family apartments for 15 Group Home beds, and Group Homes usually have 4 bedrooms each. As such, the Township is looking to develop three Group Homes and get full credit for each one.

Seeing no further public comment, Mayor Kelly closed the Public Hearing and announced that it will be reopened at the June 11, 2020 meeting.

#### 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, 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. Buvanewari Narayanan, 589 Fairmount Avenue, asked how big the property is and how many units are possible. Deputy Mayor Ness said that it would be only one Group Home with four bedrooms.
2. Tom Evans, 21 Birch Hill Drive, asked if the Township received a fee from Prudential to run a sewer line to Giralda Farms in the 1980's, and asked why the Gibbons Place property could not be hooked into that sewer line. Engineer Ruschke said that although a sewer capacity reservation fee was paid to the Township, the sewer line was never built. He also stated that Madison would need to expand their sewer service area to have the property hooked up to the Madison sewer system. Administrator Hoffmann said that Madison and Chatham Borough are upgrading their joint sewer plant, and they anticipate that the capacity will be needed for their future development.

3. Dan Miller, 465 Green Village Road, asked why the Township would not request that the Court allow a fourth Group Home. Deputy Mayor Ness said that the cost to the Township is why having four Group Homes is not being sought. She also summarized the other options that the Township Committee tried to negotiate for the amended Settlement Agreement.
4. Sharon Tether, 115 Huron Drive, asked if the three Group Home sites are 587 Fairmount Avenue, 76 Southern Boulevard and a site on Gibbons Place, and if the Township would not need to rezone the property on Hillside Avenue if the site is not needed for a Group Home. Mayor Kelly said that the four sites are being investigated to ascertain the best options.
5. David Bakunas, 110 Britten Road, asked if the Township collects tax revenues on Township-owned properties, and what the loss of revenue would be for having a non-profit organization own a property.

Mayor Kelly said that the Township does not pay itself property taxes. Attorney Cruz said that the Group Homes would not be subject to property taxes because non-profit organizations are exempt from property taxes. He also said that the question was about the loss of revenue from the properties that are currently privately owned. Deputy Mayor Ness said that there is not a lot of vacant land available, so it was always likely that there would be a loss of some property tax revenue.

Seeing no further public comment, Mayor Kelly closed the Public Hearing and announced that it will be reopened at the June 11, 2020 meeting.

#### 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.

Mayor Kelly opened the Public Hearing on Ordinance 2020-10.

Seeing no public comment, Mayor Kelly closed the Public Hearing and announced that it will be reopened at the June 11, 2020 meeting.

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 "Amended Skate Park Redevelopment Plan", prepared by Mott MacDonald, dated March 11, 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 said that the Planning Board performed a Master Plan Consistency Review, and the Ordinance has been deemed not inconsistent with the Master Plan. He also noted a correction in Section 3.

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

1. Dan Miller, 465 Green Village Road, asked if the Township has applied for a DEP waiver to make the usable area larger. He also asked if the Township would want to take action now to designate the additional area as Open Space.

Administrator Hoffmann said that a waiver has not yet been applied for, and he described the waiver process. Attorney Cruz said that the land has been part of the Township's Affordable Housing Plan for many years, and the Township is retaining the option to either continue using it for the Skate Park or to use it for Affordable Housing at a later time. He said that it would not be considered to be in good faith for the Township to designate it as Open Space at this time. Attorney Cruz also said that the ordinance is a lot line adjustment.

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

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

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

### **Introduction of Ordinances**

#### Ordinance 2020-11

##### **ORDINANCE 2020-11**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AMEND SUBSECTION § 30-75.1 'ZONE DISTRICTS' TO INCLUDE A NEW 'R-3 AFFORDABLE HOUSING RESIDENCES DISTRICT (R-3 AH)' OF SECTION 30-75 TITLED 'ZONE DISTRICTS AND ENFOCEMENT' OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM; TO AMEND SUBSECTION § 30-75.2 TITLED 'MAP AND SCHEDULE' OF SECTION 30-75 TITLED 'ZONE DISTRICTS AND ENFORCEMENT' OF CHAPTER XXX TITLED 'LAND DEVELOPMENT' OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM TO AMEND THE MAP BY DESIGNATING BLOCK 67, LOTS 17 AND 17.01, FRONTING ON HILLSIDE AVENUE, WITHIN THE R-3 AH ZONE; TO AMEND THE SCHEDULE BY ADDING A NEW 'R-3 AFFORDABLE HOUSING RESIDENCE DISTRICT'; AND TO ADD NEW SUBSECTIONS § 30-79.1 TITLED 'R-3 AFFORDABLE HOUSING RESIDENCE DISTRICT (R-3 AH) OF SECTION 30-79 TITLED 'AFFORDABLE HOUSING' OF CHAPTER XXX, TITLED 'LAND DEVELOPMENT' OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM'**

**WHEREAS**, on March 12, 2020 the Township Committee of the Township of Chatham authorized an amendment to the Settlement Agreement with Fair Share Housing Center to provide for a portion of the Township's affordable housing requirement to be satisfied by the construction of a number of group homes; and

**WHEREAS**, on May 18, 2020 the Planning Board of the Township of Chatham reviewed a request for a rezoning of Block 67 Lots 17 and 17.01 that would provide for creation of a site for a group home; and

**WHEREAS**, the Planning Board evaluated this request and recommended that the Township amend the Land Development Ordinance to create a new 'R-3 Affordable Housing Residence District (R-3 AH) for Lots 17 and 17.01;

**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.** Amend the list of zones in Subsection § 30-75.1 ‘Zone Districts’ to include a new zone titled ‘R-3 Affordable Housing Residence District (R-3 AH)’

**Section 2.** Amend Subsection § 30-75.2 Titled 'Map and Schedule' "Appendix III Item 1: Zoning Map" to include Block 67, Lots 17 and 17.01 within a new zone titled ‘R-3 Affordable Housing Residence District (R-3 AH)’

**Section 3.** Amend Subsection § 30-75.2 Titled 'Map and Schedule' by revising the Schedule of Zoning Requirements to include bulk standards for the R-3 Affordable Housing Residence District (R-3 AH), provided all lots in the R-3 AH Zone shall be served with public water and sewer, as follows:

Zone	Primary Use	Maximum Stories	Height (feet)	Minimum Lot Area (square feet)	Maximum Depth of Meas'mts. (feet)	Minimum Lot Width		Minimum Yards (feet)			Side Yards Combined (1)	Maximum Lot Coverage	
						Street Line (feet)	Setback Line (feet)	Front	Rear	Side		Buildings	Buildings and Impervious Surfaces
R-3 AH	One-Family Dwellings												
# **	Conventional Lot	2 1/2	35	20,000(10)	200	90(7)	100	<del>50(3)</del> 30'	50	15	30%	SECTION 30-78.11	

#- Sidewalks shall be required along the entire Hillside Avenue frontage

\*\* - at least 0.75 acres encompassing all Fairmount Avenue frontage shall be included in a conservation easement

**Section 4** Add New Subsection § 30-79.1 titled ‘R-3 Affordable Housing Residence District (R-3 AH) to read as follows:

Affordable housing in the R-3 AH Zone: At least 20% of the total number of lots created through subdivision within the R-3 AH Zone, shall be conveyed to either the Township of Chatham or a qualified group home developer or operator at the option of the Township for the construction of affordable housing in the form of a group home for persons with developmental disabilities. The lot is to be conveyed with a foundation pad ready for a ranch home, with utilities available in the street, a sidewalk which lot shall be conveyed to the group home developer or the Township of Chatham for \$1.

**Section 5.** 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 5 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 6.** After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with the Municipal Land Use Law. As provided in N.J.S.A. 40:55D-26, the ordinance shall be referred to the Planning Board for a Master Plan inconsistency determination and within thirty-five (35) days after referral, the Planning Board shall issue a report determining whether the ordinance is inconsistent with the Township Master Plan.

**Section 7.** 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 8.** All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 9.** 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 cited several typographical changes to be made to Ordinance 2020-11 before introduction. He also asked that language regarding a conservation easement be deleted.

Deputy Mayor Ness Committeewoman Ewald moved to introduce Ordinance 2020-11 with the revisions cited by Attorney Cruz. Committeewoman Fondaco seconded the motion.

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

Public Hearing for Ordinance 2020-11 will be scheduled for June 11, 2020.

### **Hearing of Citizens**

Mayor Kelly opened the Hearing of Citizens.

1. Dan Miller, 465 Green Village Road, addressed property maintenance issues at 366 Green Village Road. Mr. Miller said that Morris County has not been maintaining the property to the level that had been promised, which has resulted in drainage issues. Mr. Miller asked if the Township will take action to get the County to maintain the property. Administrator Hoffmann said that the matter is a zoning issue, and he will coordinate with Engineer Ruschke and Construction Official Greg Impink to address the matter.
2. Jackie Ferrito, 449 River Road, opined that the rules governing orderly conduct of a meeting are unfair to the public. She also asked about recusals for conflicts of interest at Planning Board meetings, and asked if Mayor Kelly is willing to voluntarily recuse from discussion of Affordable Housing matters before the Planning Board. She also asked under what circumstances he would vote no on an Affordable Housing matter before the Planning Board. Mrs. Ferrito also clarified comments she made at a prior meeting about buying out businesses adversely affected by the COVID-19 Pandemic so as to convert commercial properties to Affordable Housing, and it was not her intent to imply that the Township would prey upon failing businesses.

Attorney Cruz said that questions related to recusals at the Planning Board should be discussed at a Planning Board meeting. Mayor Kelly noted that State Law requires that the Mayor or a Mayor's Designee serve on the Planning Board. As it is understood that the Mayor will be serving in the dual role, there is not a conflict of interest on Affordable Housing matters, and he has not seen any facts to suggest that there would be a conflict. Administrator Hoffmann stated that there were two former Township Committee members who served as the Affordable Housing liaison in the period from 2015-2018, and none of the current members of the Township Committee participated directly in the negotiations with the Fair Share Housing Center.

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

### **Meeting Schedule**

Attorney Cruz asked that the public be reminded that the next meeting will begin at 7:30 PM. Committeewoman Swartz noted that indoor gatherings are still limited to 10 people, and meetings are expected to still be conducted on Zoom.

Deputy Mayor Ness asked that the next meeting start at 5:30 PM rather than 7:30 PM due to the number of items that will be on the Agenda.

The consensus of the Township Committee was to have the next meeting start at 5:30 PM.

Deputy Mayor Ness moved to adjourn at 9:53 PM. Committeewoman Ewald seconded the motion, which carried unanimously.

---

Gregory J. LaConte  
Municipal Clerk