

**MINUTES  
TOWNSHIP COMMITTEE  
SPECIAL MEETING  
JUNE 11, 2020**

Mayor Kelly called the Special Meeting of the Township Committee of the Township of Chatham to order at 5:30 P.M.

**Adequate Notice** of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both *The Chatham Courier* and the *Morris County Daily Record* on June 5, 2020; notice was posted on the bulletin board in the main hallway and on the front door of the Municipal Building on June 5, 2020; and notice was filed with the Township Clerk on June 5, 2020. Notice was also posted on the Township website and sent to *The Alternative Press*.

Pursuant to Executive Orders Nos. 102, 103, 104 and 107 and to ensure the safety of all, during a State of Emergency declared by New Jersey Governor, Phil Murphy, on March 9, 2020 to “contain the spread of COVID-19”, the Township of Chatham limited the public from physically attending the Township Committee meeting to be held on Thursday, June 11, 2020.

Mayor Kelly led the Flag Salute.

**Roll Call**

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

**Comments Regarding Racism**

Mayor Kelly commented on the recent death of George Floyd and the protests and violence that have occurred afterward. He thanked those local students who have started a conversation about the matter, and he said that the Township should focus on what can be done better locally. Mayor Kelly also commented on the professionalism of the Chatham Township Police Department, and expressed his confidence that Chief Miller is using recent national events as a teaching tool for what should and should not be done. Mayor Kelly said that Chatham Township stands with those who are peacefully requesting change.

Deputy Mayor Ness said that she has struggles with the death of George Floyd, and she hopes the incident will inspire real change. She said that a Teach-In has been organized by some Chatham High School alumni in collaboration with Black Lives Matter Morristown and Wind of the Spirit, and the event will be held at the Chatham Train Station parking lot on July 11<sup>th</sup>.

Committeewoman Ewald commented on the death of George Floyd and said that the death is reflective of a culture of racism. She said that she hopes for a fundamental change. Committeewoman Ewald thanked Reverend Dunn of the First Baptist Church of Madison for bringing together his congregants with the Police and the Madison and Chatham Communities. Committeewoman Ewald pledged to do what she can to move the community in the right direction.

Committeewoman Fondaco said that a member of the community began holding up Black Live Matter signs in Chatham Borough, and he was soon joined by other members of the community showing their support.

Chief Miller said that the incident in which George Floyd was killed by police officers in Minneapolis, Minnesota is not reflective of how the Chatham Township Police Department polices the Township, and excessive force is not tolerated in Chatham Township. Chief Miller commented on the robust training program used in the Township, which includes training in de-escalation techniques, ethics and body-space policing. The Department also receives updates on National trends in Law Enforcement. Chief Miller further read excerpts from the Chatham Township Police Department’s Code of Ethics. He further noted that the Chatham Township Police Department has strong policies regarding the use of force, racially-influenced policing and

Internal Affairs. The Department has also been accredited by the NJ State Association of Chiefs of Police since 2015, which means that the Department is following Best Practices in the State of New Jersey. Chief Miller further elaborated on the training received by the Township's Police Officers regarding cultural diversity and implicit bias. Chief Miller also commented on the Chatham Township Police Department's Use of Force Report, and he said that there were only 6 incidents from 2009 to 2019. Three of the incidents were related to arrests, and the other three were matters where force was used to stop individuals from hurting themselves or others. Chief Miller also noted that excessive use of force complaints were not submitted in connection with any of the events, nor were any disciplinary actions warranted.

Committeewoman Swartz commented on the Community's support of the Township's First Responders.

Deputy Mayor Ness thanked Chief Miller for participating in the discussion.

Mayor Kelly opened for floor for the Public to provide comments.

1. Dan Miller, 465 Green Village Road, thanked Chief Miller for his report, and said that the Chatham Township Police Department has always shown the highest level of professionalism.

Seeing no further comment, Mayor Kelly closed the Public Comment session.

Mayor Kelly thanked Chief Miller for sharing with the Community the training efforts put forth by the Chatham Township Police Department.

### **Approval of Agenda**

Mayor Kelly reviewed the content of the Agenda, and he provided instructions for those participating by Zoom to make public comment. He noted that the ordinances on the Agenda for public hearing will not be voted on at this meeting, but will be carried until the June 25<sup>th</sup> meeting. Mayor Kelly further noted that during each public hearing, speakers will be given one chance to speak per each public hearing and will be limited to 5 minutes each. To ensure that speakers are allowed to use as much of their allotted time as they need, the Township Committee will wait until the speaker has asked all questions before responding.

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

Committeewoman Ewald asked about the adoption of Ordinance 2020-11. The Township Clerk indicated that the ordinance may be amended per the recommendations of the Planning Board, which would require an additional public hearing. Attorney Cruz said that prior to the Public Hearing at this meeting, he will be recommending that the amendment be made.

The motion to approve the Agenda carried unanimously.

### **Reports**

Deputy Mayor Ness reported that community pools are allowed to open, and efforts are being made to set a date for opening Colony Pool with a June 30<sup>th</sup> target date. The State has set guidelines for public pools, and the Health Officer is assisting in implementing the appropriate steps for Colony Pool. Registrations are available, and those who sign up at this point will be waitlisted until an opening date has been set. Deputy Mayor Ness further reported that the Joint Recreation Committee has been meeting via Zoom, and efforts are being made to get non-contact sports up and running. She further recognized that June is LGBTQ+ Pride Month, and said that all are welcome in the Chatham community. Deputy Mayor Ness also reported that the Tri-Town Cares Facebook Page has a mental health survey available.

Committeewoman Swartz said that she has spoken with PW Director Rich Young about getting Colony Pool reopened, and a chlorine delivery is pending. It is unknown when the Recycling Center or Compost Area will be reopened. Committeewoman Swartz also reported that she received a Thank You Note from Chief Zalis of the Green Village Fire Department for air packs that the Township purchased for the Department.

Committeewoman Ewald asked about a notice from JCP&L regarding a power outage. Committeewoman Swartz said that there was a widespread outage for about one hour on June 10<sup>th</sup>.

Committeewoman Ewald thanked the School District for the clap-out that was held for graduating seniors. She also reported that there are mental health resources on the Tri-Town Cares Facebook page. Committeewoman Ewald further reported that the Board of Health met recently, and she thanked Health Officer Mike Fitzpatrick and Public Health Nurse Marlene Dolan for all the work they are doing during the pandemic. On June 15<sup>th</sup>, restaurants will be able to offer outdoor dining, and the Health Officer will assist local restaurants roll out the program. The Board of Health also discussed noise issues related to leaf blowers.

Committeewoman Swartz asked if the Health Officer had addressed pool inspections. Administrator Hoffmann stated that the Health Officer was been working with the Township regarding the opening of Colony Pool. The Township Clerk indicated that the Noe Pond Club passed a recent inspection, and the paperwork has been sent to the remaining public pools to apply for their annual licenses.

Committeewoman Fondaco reported that the Environmental Commission gave out more than 450 seedlings. She further reported that Troop 6 BSA built 150 feet of boardwalk at the Green Village Pond Conservation Area.

Committeewoman Swartz reported that she had intended to abstain on the approval of Executive Session Minutes at the last Township Committee meeting, which was Resolution 2020-130. The Township Clerk asked that the resolution for approval of Executive Session Minutes on this meeting's Agenda be pulled for a separate vote.

Administrator Hoffmann reported that the Consent Agenda includes a resolution to authorize local restaurants to submit to the Township applications for Outdoor Dining. He recognized those who have worked on the effort to allow for Outdoor Dining. Administrator Hoffmann further reported that the Township Website is going to be maintained in-house, and scenic pictures are being requested for use in the layout.

### **Consent Agenda**

#### **RESOLUTION 2020-140**

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

**BE IT RESOLVED** that bills in the total amount of \$1,096,573.99 and the prior month's payroll of \$418,395.52 Current Fund, \$46,057.89 Sewer No. 1, \$9,824.35 Sewer No. 2, and \$11,599.43 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the month of June 2020, in the amount of \$3,200,206.00 be paid.

#### **RESOLUTION 2020-141**

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

**BE IT RESOLVED** that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meetings held on May 28, 2020 and June 9, 2020.

#### **RESOLUTION 2020-143**

#### **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:

<b>NAME</b>	<b>Project</b>	<b>A/C NUMBER</b>	<b>AMOUNT</b>
Yorkshire Realty IV 10 Spencer Lane Warren, NJ 07059	RO 2017-59 5 Jensen Court	7764128631	\$222.23

**RESOLUTION 2020-144  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS, NEW JERSEY, AMENDING RESOLUTION 2020-006  
ESTABLISHING REGULAR MEETING SCHEDULE FOR THE TOWNSHIP COMMITTEE  
DURING 2020**

**WHEREAS**, the "Open Public Meetings Act," N.J.S.A. 10:4-6 et seq. requires that public bodies provide adequate notice of meetings.

**WHEREAS**, on January 2, 2020 the Township Committee adopted Resolution 2020-006 to establish the regular meeting schedule for the year 2020; and

**WHEREAS**, due to the COVID-19 Pandemic adjustments need to be made to the Township Committee meeting schedule.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that Resolution 2020-006 is amended as follows:

1. During the calendar year 2020, meetings will be held by the Township Committee to discuss or act upon public business at 7:30 p.m. (unless otherwise noted), prevailing time, at the Municipal Building, 58 Meyersville Road, Chatham Township on the following dates:

January 7  
January 16  
January 30  
February 13  
February 27  
March 12  
March 26  
April 9  
April 23  
May 14  
May 28  
June 11  
June 25 – 5:30 PM  
July 9 – 5:30 PM  
July 23 – 5:30 PM  
August 13 – 5:30 PM  
September 10  
September 24  
October 8  
October 22  
November 12  
December 10  
January 7, 2021

2. If an Executive Session is necessary, it will be held one (1) hour prior to the Public Session.
3. Certified copies of this Resolution shall be:
  - a) Mailed to the Chatham Courier;
  - b) Mailed to the Morris County Daily Record;
  - c) Filed with the Clerk of the Township of Chatham;
  - d) Posted on the bulletin board in the main hallway of the Municipal Building; and
  - e) Mailed to any person requesting notice of meetings to N.J.S.A. 10:4-19 who has paid the required fee thereof.

4. All of the foregoing shall be accomplished within seven (7) days of adoption of this Resolution pursuant to N.J.S.A. 10:4-18.

**RESOLUTION 2020-145**  
**RESOLUTION TEMPORARILY AUTHORIZING A PILOT PROGRAM TO ALLOW**  
**OUTDOOR DINING IN COMPLIANCE WITH EXECUTIVE ORDER 150**

**WHEREAS**, the COVID-19 Global Health Pandemic has had a significant negative economic impact on the Township's restaurants and eateries; and

**WHEREAS**, Executive Order 150 signed by Governor Murphy on June 3, 2020 allows restaurants, cafeterias, dining establishments and food courts, with or without a liquor license to open on Monday, June 15, 2020; and

**WHEREAS**, Executive Directive (ED 20-014) provides additional requirements that relate to the site design issues associated with outdoor dining and those requirements will be included as part of this resolution; and

**WHEREAS**, the Township Committee wishes to temporarily ease the Township's Sidewalk Dining regulations in order to help the Township's restaurants and eateries.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, that the Township Administrator may permit an existing restaurant or food establishment to expand outdoor dining during the 2020 outdoor season which will expire on Sunday, November 1, 2020, subject to the following as well as the requirements of ED 20-014:

1. Outdoor dining may be conducted on any restaurant property in the B-1, B-2, PI-1 and PI-2 zoning districts, and
2. Any restaurant may create outdoor dining on private property, the public sidewalk in front of their business and the public sidewalk next to their establishment with the consent of the property owner and adjoining business, and
3. Outdoor dining may be permitted on premise-owned parking lots in spaces that may have been previously required by zoning or other agreements; and
4. Service of alcoholic beverages shall be permitted in outdoor areas licensed or allowed by temporary ABC or state regulations.
5. Submittal of a seating plan that must be reviewed and approved by the Township of Chatham Police Department to ensure that appropriate safety barriers and measures are in place to protect patrons from vehicles.

**BE IT FURTHER RESOLVED** that the restaurant must submit to the Township Clerk the application approved by the Police Department with a map detailing the location, number of tables and seating capacity of the outdoor dining space, complying with Township regulations and New Jersey COVID-19 guidelines and regulations including ED 20-014 and any successor Directives as, well as appropriate insurance coverage as specified by the Township, including an indemnity or hold harmless agreement that must be reviewed and approved by the Township's Risk Manager; and

**BE IT ALSO RESOLVED** that if the restaurant does not follow any of the standards and statutes that are in force, the Health Officer, Zoning Officers, and members of the Police Department are authorized to revoke the outdoor dining approval granted by the Township of Chatham so that the health, welfare and safety of the all residents and visitors is protected; and

**BE IT ADDITIONALLY RESOLVED** that the Township Committee of the Township of Chatham welcomes the re-opening of its Township restaurants and eateries that have been and are economically impacted by the COVID-19 Global Health Pandemic.

Committeewoman Swartz asked about the amendment to the Annual Notice. Mayor Kelly noted that the meeting start time is being amended to 5:30 PM for the meetings in June, July and August. The Township Clerk noted that a meeting on July 23<sup>rd</sup> meeting has been added to the schedule.

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

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

**RESOLUTION 2020-142**  
**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 meetings held on May 28, 2020 and June 9, 2020.

Deputy Mayor Ness moved to adopt Resolution 2020-142. Committeewoman Ewald seconded the motion.

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

**Presentation - Affordable Housing on River Road (Ordinance 2010-10)**

Attorney Cruz said that the purpose of tonight's presentation by the Walters Group is to introduce to the public the proposed Affordable Housing Development on River Road. He also stressed that the presentation does not indicate any type of approval for the development. Attorney Cruz reported that the Planning Board will hold a Public Hearing on the Housing Element and Fair Share Plan on June 15<sup>th</sup>. On July 6<sup>th</sup>, the Planning Board will hold a Public Hearing on a Preliminary Investigation Report to determine if the River Road site is an area in need of non-condemnation redevelopment. If the Planning Board determines the site to be an area in need of redevelopment, a Redevelopment Plan will be drafted which will be subject to a Public Hearing. If the Redevelopment Plan is adopted, the developer will need to apply to the Planning Board for site plan approval.

Joe DelDuca and Ed Speitel of the Walters Group gave a presentation regarding the proposed Affordable Housing development for the River Road site. Mr. DelDuca provided background on Affordable Housing and the work performed by the Walters Group. He also addressed Affordable Housing generally in New Jersey. Mr. DelDuca then spoke about the Township's Constitutional Obligation to provide Affordable Housing, and described strategies to meet and fund the Obligation. He described the process to apply for Federal Tax Credits, and emphasized that it is a very competitive process. Mr. DelDuca also discussed the options available to the Township, noting that the options are limited.

Mr. DelDuca presented a concept plan for the Affordable Housing proposed to be built at the River Road site.

Engineer Ruschke asked if the three-story definition under the UCC code would be met. Mr. DelDuca said that he believes it will, and Engineer Ruschke said that it may fall under the definition of a four-story structure.

Mr. DelDuca addressed that amount of parking, and said that the site will comply with RSIS standards. He also addressed the potential traffic impact, and indicated that there is not any significant traffic impact anticipated. Mr. DelDuca further addressed the potential environmental impact. Mr. DelDuca further compared the proposed development and its potential impact to the nearby Cardinal Hill Apartments. Proposed amenities for the development were described.

**Public Hearing/Final Adoption of Ordinances**

Ordinance 2020-10

**ORDINANCE 2020-10**  
**BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR AFFORDABLE HOUSING PURPOSES IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$680,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

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

Section 1. The Township of Chatham, in the County of Morris, State of New Jersey (the "Township") is hereby authorized to acquire real property in, by and for the Township for affordable housing purposes. Said improvement shall include real estate transaction expenses and all work, materials and appurtenances necessary and suitable therefor. The property to be acquired has a street address of 490 River Road and is designated as Block 62, Lot 70 on the Tax Assessment Map of the Township. The Mayor, Township Administrator, Township Clerk and Township Attorney are hereby authorized to take all actions and execute all documents necessary in connection with the acquisition of the real property.

Section 2. The sum of \$680,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$680,000, and (4) \$34,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$646,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$30,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$34,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purpose. The sum of \$34,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$646,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$646,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$646,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the

Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 12. The Township intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

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

1. Heather Foran, 127 Huron Drive, said that she finds the proposed development to be unbelievable. She also addressed the environmental sensitivity of the site. Mrs. Foran also said that the Master Plan does not allow the proposed development. She further commented on the potential use of wetlands for development of Affordable Housing. Mrs. Foran asked the Township Committee if they would state in the record that the Master Plan is being circumvented by building Affordable Housing on a step slope.

Engineer Ruschke said that the wetlands on River Road has not been delineated or assessed, and he does not believe that any wetlands at the site will have any exceptional value. Engineer Ruschke said that the wetlands at the Skate Park site has been delineated, and a Letter of Interpretation from the DEP has deemed the wetlands to be of exceptional value and there is a 150-foot buffer. Engineer Ruschke said that the River Road site is in the planning phase, and there have not yet been any permit applications or engineering for the site.

Regarding the Master Plan, Engineer Ruschke said that Mrs. Foran's question would best be directed to the Township Planner at a Planning Board meeting.

Deputy Mayor Ness asked about the number of stories in the proposed building, and if it would count as a 3.5-story building. She also said that the concept has gone through several different iterations, as there was debate regarding which adjoining property might be purchased. Deputy Mayor Ness said that the concept proposed at this meeting is the least intrusive design. Engineer Ruschke said that three-stories is the only practical design, and the two-story option would have resulted in very high retaining walls. He further discussed the design concept and the addition of the dormers. Engineer Ruschke stated that the final engineering and architectural design has not been performed, and the building might meet the definition of a four-storey structure.

2. Diana Clark, 803 River Road, commented on the potential traffic impact from the River Road site. She said that residents at the River Road site will not have convenient access to local businesses or public transportation if they do not have a car, and asked how important that access would be to the potential residents. Mrs. Clark also commented on the poor sightlines at the intersection of Fairmount Avenue and River Road.

Mr. DeDuca said that if the Affordable Housing was closer to a train station and stores, it would be more convenient for residents who do not own a car. He also said that most of the residents will have a car.

Deputy Mayor Ness noted that additional development at the Skate Park site is not being considered due to the terms of the 2018 Settlement Agreement. She noted that the Dixiedale developer had offered to build a greater amount of Affordable Housing at the site, and the Township had negotiated the number down to 24. Deputy Mayor Ness said that when the subsequent Township Committee asked the Developer to consider building more units at that site, the Developer declined to do so. Administrator Hoffmann said that the Developer declined because they were too far along in the financing process.

Committeewoman Ewald added that it is her understanding that the Skate Park pad could only accommodate 10-12 additional units, which would not be cost effective.

- Ashley Felice, 20 Candace Lane, asked about the “soft debt” portion of the budget for the Affordable Housing project. She also asked if the development will have shuttle buses available for residents. Mrs. Felice asked who will pay for the site improvements to the site. She further asked if the Township could develop Affordable Housing on the portion of the Skate Park site that is being retained by the Township.

Mr. DelDuca explained that “soft debt” is money that comes from the Township, and it is treated as a loan. Deputy Mayor Ness asked for elaboration about municipal contributions. Mr. DelDuca explained the interplay between tax credits and municipal contributions.

Mr. DelDuca said that the questions regarding transit have not yet been resolved. Deputy Mayor Ness noted that there is a bus line on Springfield Avenue from Berkeley Heights through New Providence. Mr. DelDuca said that the Township could seek to have that bus route adjusted to be within a half-mile of the Affordable Housing site.

- Pat Murray, 107 Huron Drive, asked if Mr. DelDuca will be at the next Township Committee to answer further questions. Mayor Kelly said that Mr. DelDuca is not expected to attend the next meeting, and the presentation will be available on the Township website. Mr. Murray asked if there has been any environmental study of erosion on the steep slope at the River Road site, particularly where the retaining wall is proposed to be located. He further asked about tax credits, and if the Township would need to make a larger contribution to cover the shortfall. Mr. Murray also asked if the tax credit would belong to the Developer, and if they could sell the tax credit.

Mr. DelDuca said that an Environmental Specialist inspected the entire property. He also noted that the area closest to Huron Drive will not be disturbed. Mr. DelDuca said that a study particular to steep slope erosion has not been performed.

Mr. DelDuca also said that for the Walters Group it does not matter if the tax credit is 9%, 4% or 0%. He stated that there are rules governing how much a developer can profit from constructing Affordable Housing. Mr. DelDuca further stated that tax credits are issued for particular projects, and they are generally purchased by large banks who finance projects. He also said that the developer will own and maintain the property, and will work in partnership with the financial institution. Mr. DelDuca also said it would be difficult to give an accurate estimate of the difference between the 4% and 9% tax credit, but it could be about \$7,000,000.

- Vince Ferrito, 449 River Road, said that he does not oppose Affordable Housing, and that he opposes construction of Affordable Housing on River Road. Mr. Ferrito said that the construction of Affordable Housing at the River Road site would not be in the best interest of the current residents of Chatham Township, who would benefit from having the Affordable Housing be built in a commercial zone rather than a residential zone. He also opined that the site is not in the best interest of the future residents who would live in the Affordable Housing, due to lack of stores within walking distance. Mr. Ferrito also said that while the State mandates Affordable Housing, the selection of the River Road site is the Township’s decision. Mr. Ferrito asked if an objective person would choose the River Road site. Mr. Ferrito proposed that the Township meet its Affordable Housing at a site either in downtown Chatham Borough or by the Hickory Square Mall. Mr. Ferrito addressed the environmental sensitivity of River Road, and said that a less environmentally sensitive site near Hickory Square Mall or in the Borough would be preferable so that the Affordable Housing could be within walking distance of local businesses. Mr. Ferrito also noted that the section of River Road where the Affordable Housing is proposed does not currently have sewer service, and the installation of sewer service will be a cost to taxpayers. Mr. Ferrito asked the Township Committee to address why they will not choose sites in Chatham Borough or by the Hickory Square Mall, noting that the Township could purchase land in either area.

Committeewoman Ewald asked Mr. Ferrito to clarify what he meant by the “downtown area.” Mr. Ferrito said that he was referring to the vicinity of the Chatham Train Station in Chatham Borough.

Mayor Kelly said that the Township is not able to meet its Affordable Housing obligation in other municipalities. Deputy Mayor Ness said that the Township Committee has been struggling with site selection since the Settlement Agreement was entered in December 2018. She said that the initial concept plan for the River Road site was for a 5-story structure, which was not deemed acceptable. Deputy Mayor Ness said that alternate sites were sought, and an appropriate 3- to 4-acre site was not available. She also said that the Township was able to negotiate with the Fair Share Housing Center to have some Group Homes count toward the Township’s obligation, thereby mitigating the number of units to be built at the River Road site. Deputy Mayor Ness also agreed that the River Road site is not the most suitable site, and said that the Township would welcome having the owner of a suitable site offer to sell such a site to the Township.

6. Dan Miller, 465 Green Village Road, said that Affordable Housing does not always lend itself to ownership of cars. He also said that the River Road site is too long of a walk to downtown New Providence. Mr. Miller said that he believes that there are other options, and he cited examples of land that was not developed due to environmental concerns. Mr. Miller asked if presentations will be made by additional builders regarding Affordable Housing. Mr. Miller also said that he does not think that the proposed development complies with the Master Plan, and he asked if private property owners will be given the same consideration when they propose to develop similar sites.

Mayor Kelly said that the Township is beyond the stage of seeking proposals from multiple builders. He recommended that Mr. Miller attend the upcoming Planning Board meeting to ask the Township Planner directly how his opinions regarding the consistency of the concept plan with the Master Plan may have changed.

Deputy Mayor Ness said that the approval process will likely be similar to the process used for the Dixiedale property.

7. Nicole Hagner, 396 River Road, questioned how close the concept plan will be to the actual design plan that will eventually be submitted to the Planning Board. She also commented on the need for the area to be environmentally protected consistent with the Master Plan. Ms. Hagner further stated that there are other sites available, citing wither Chatham Borough or the Skate Park as options. Ms. Hagner also said that if the site was not approved, then the Township would have to find an alternative site. Ms. Hagner reiterated that the River Road site is not consistent with the Master Plan, as the environmental corridor is supposed to be protected.

Deputy Mayor Ness said that only 25% of the site will be developed, which does not include the steep slope. She also said that there could be a conservation easement on the slope area. Mr. DelDuca said that the percentages are approximate. Deputy Mayor Ness reiterated that the River Road site was the site that the Township was considering at the time the Settlement Agreement was approved.

8. Dot Stillinger, 216 Noe Avenue, asked if the Walters Group would agree to fund an environmental specialist to be hired by the Township to assess the upper slope and wetlands at the River Road site. Mrs. Stillinger also asked if the developer would be willing to dedicate a corridor leading from the wetlands down to the road.

Engineer Ruschke said that he has not seen a wetlands delineation for the site, and has not investigated the wetlands himself yet. He also said that he does not anticipate that the wetlands will be extensive. He also said that a corridor as described by Mrs. Stillinger has not been identified at this time. Mayor Kelly asked about the typical side yard setback. Engineer Ruschke said he does not know what the setback will be.

9. Jacqui Ferrito, 449 River Road, asked if there are plans for bus routes on River Road to help make the site work. Mrs. Ferrito said that there are commercial centers in nearby towns, and asked why the Township is not looking to purchase commercial property to

use for residential purposes. She also said that there are better sites available that are not environmentally sensitive. Mrs. Ferrito also asked if alternative sites are being sought.

Mayor Kelly said that transportation is an issue that has not yet been discussed, and the developer has sought deviations in bus routes in other projects to meet the requirements.

Mrs. Ferrito said that a detail such as transportation should be worked out before the Township Committee moves forward with this plan.

Deputy Mayor Ness said that it is untrue to allege that the Township Committee has not been investigating alternative sites. The Township has been thus far unsuccessful in having any commercial property owners come forward. She also said that the Township Committee cannot specify discussions regarding certain sites so as not to disadvantage a property owner.

Administrator Hoffmann addressed prior discussions regarding condemnation, and the Township Committee was adamant that there would not be any adverse condemnation.

Committeewoman Ewald noted former Mayor Curt Ritter's efforts to launch a shuttle bus service to the Chatham Train Station, which was unsuccessful due to questions over who would pay for the service. She said that if there is any kind of shuttle service, she would want it to benefit the whole community.

10. Lucille Plantemoli, 436 River Road, said that she has heard discussion about a possible extension of sewer lines on River Road, and asked how that might benefit those current residents of River Road who have septic systems. Mr. DeDuca said that sanitary sewer service will have to be provided, and it will be up to the Township to decide how that will happen.
11. Nils Klarlund, 544 River Road, invited Township officials to visit his property. He said that the hillside is in a terrible state, and trees are disappearing. He said that more development may be needed so that some of the environment can be protected. Mr. Klarlund said that retaining walls at the Affordable Housing site will be destructive. He suggested that the Skate Park be removed and the Dixiedale approval be overturned to free up space for Affordable Housing.
12. Tom Tether, 115 Huron Drive, said that the presentation was not posted to the Township website prior to being presented. He also asked if Committeewoman Swartz was in attendance at the meeting. Mr. Tether also asked why Committeewoman Swartz is still recused from discussion of the River Road site. He then asked when the public will see detailed financial plans for the development, what the Walter's Group contribution to the development will be, and what the Walter's Group revenue profit and return will be. Mr. Tether also asked if the Township is at risk to cover any cost overruns. Mr. Tether further asked about compliance of the project with the RSIS standards, and who would ensure compliance with those standards. Mr. Tether also addressed the Master Plan, and said that the project is the antithesis of proper planning. He asked if the Township Committee is afraid that the project will serve as a precedent for further development in violation of the Master Plan.

Attorney Cruz addressed the recusal of Committeewoman Swartz. He said that if the circumstances regarding the recusal have changed, he will review the matter.

Administrator Hoffmann said that the project is still at the concept phase, and has not yet been engineered. There will be a better sense of the project costs once the application is ready to be submitted to the Planning Board. Attorney Cruz said that part of the Settlement Agreement and the Court Hearing process would be for the developer to submit pro formas that would itemize construction costs. He added that the presentation at this meeting is a concept plan, and the intent is not to work out the engineering at this time. The site plan for the development would be submitted to the Planning Board for approval, at which time the application would be considered in relation to the Redevelopment Plan.

Engineer Ruschke addressed the monitoring of steep slopes and tree removal. He said that he and the Construction Official would be monitoring the site, and the work would be phased systematically to minimize how much of the slope is exposed at any particular time.

Regarding the potential for the site setting a precedent for future development, Mayor Kelly said that the question would be best addressed to the Township Planner at a Planning Board meeting.

13. Mark Hamilton, 132 Highland Avenue, said that the presentation at tonight's meeting was difficult to understand. He also said that the community seems to be in agreement that the River Road site is a poor choice of site, and asked why the Township is moving forward with the site. Mr. Hamilton acknowledged the threat of the Township losing immunity from Builder's Remedy lawsuits, and said that is why the Township has selected the River Road site. Mr. Hamilton said that the Walters Group profit would be more than just the contractor's fees previously described. He also said that it sounds like the Township is gambling \$7 million to \$8 million on the hope that the Walters Group will be able to get tax credits.

Deputy Mayor Ness asked Attorney Cruz to review the timeline of steps that need to be taken in order for the Township to be able to apply for Tax Credits in the next cycle. Attorney Cruz noted that a site was supposed to have been selected by July of 2019, and numerous extensions have been granted. He said that the Township has proposed timelines for the extensions that the Court has approved, and the Fairness Hearing is scheduled for August. Mayor Kelly said that the Township had disagreed with the Fair Share Housing Center when they wanted additional requirements that the Township would have to notify the Court and FSHC if actions would not be taken at a Township Committee meeting so that a hearing could be scheduled. Mayor Kelly said that the Township held its ground and reserved the right to reschedule meetings if additional hearings were needed. Mayor Kelly also addressed the statement by Mr. Hamilton that the Township is moving forward with the River Road site solely to avoid the threat of a Builder's Remedy lawsuit. He pointed out that the Fair Share Housing Center had filed litigation to challenge the approval of the Dixiedale site over how the Affordable Housing component would be met, and the litigation could have resulted in a larger amount of development had the Township not been able to settle the matter. Deputy Mayor Ness said that when a municipality loses control of zoning regulation in a Builder's Remedy lawsuit, the property in question becomes much more valuable when zoning regulations are no longer applicable. She also said that the River Road site would be among the first properties that a developer would seek out in a Builder's Remedy lawsuit. Attorney Cruz clarified that a Builder's Remedy lawsuit would be for development of private property rather than municipal property. Deputy Mayor Ness asked the potential of the River Road site being involved in a Builder's Remedy lawsuit if the Township fails to comply with the Affordable Housing plan. Attorney Cruz said that the Settlement Agreement calls for a municipally sponsored Affordable Housing development, and the Township will be in breach of the Agreement if such development does not occur. If there is a Builder's Remedy lawsuit, the Township would lose control of its own zoning regulations.

14. Gary Sagendorf, New Providence, said that the selection of the River Road site seems desperate. He said that the site should never have been selected. Mr. Sagendorf asked if the Township would allow a private developer to build a four-story structure on the site. Mr. Sagendorf also asked about use of condemnation on private property, and said that condemnation of commercial property should be an option. Mr. Sagendorf asked how many projects the Walters Group have built on steep slopes, and what concerns them about the River Road site. Mr. Sagendorf asked about the proposed building height, and what considerations have been made to ensure that the Fire Department will be able to navigate trucks on the property.

Mr. DeDuca said that the Walters Group has not built on a slope as steep as the River Road site. He said that he is confident that the project can be built, citing the nearby Cardinal Hill Apartments as evidence that the slope can be built upon. Building height will likely be about 40 feet, but Mr. DeDuca was unable to commit to an exact number.

Regarding Fire Department access, Mr. DelDuca said that the building will have to be built according to code so that it will be safe for residents.

15. Tom Evans, 21 Birch Hill Drive, asked what conceptual plans the Township has for sewers for the River Road site. Committeewoman Ewald said that initially the Township was looking to have sewer service provided by way of an easement to Huron Drive. She said that there is also the possibility of extending the sewer line on River Road, which would potentially offer sewer service to other residents on River Road. A third option is to connect the site to the sewer line on Kincaid Lane. Engineer Ruschke said that consideration is being given to having a separate public hearing regarding sewers so that the residents on River Road could offer feedback. He noted that if sewers are extended on River Road, there would be a mandatory hookup.

16. James Lee, 34 Hilltop Terrace, asked if the Township would have to cover shortfalls if the tax credits are not received. He also asked why the developer would not step up to cover a portion of the shortfall.

Mr. DelDuca said that the Walters Group cannot share in the shortfall. He explained how the cash flow for such projects work, and the developer would lose money if they contributed to cover for shortfalls if the tax credits are not received. Committeewoman Ewald asked about the potential of the affordable units becoming market-rate units after 45 years. Mr. DelDuca said that after 45 years, additional tax credits can be sought and affordable controls can be extended.

17. Carmela Sagendorf, 472 River Road, said that her thoughts were previously expressed by Gary Sagendorf.

Seeing no public comment, Mayor Kelly closed the Public Hearing and announced that it will be reopened at the June 25, 2020 meeting.

#### 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. Stewart Carr, 3 Crestwood Drive, asked if he could comment on the prior ordinance. Mayor Kelly said that comments in this public hearing must pertain to Ordinance 2020-07. Mr. Carr asked if the Township is boxed in with the current site selections.

2. Matt Capone, 7 Hilltop Terrace, asked why all the Group Homes are in a particular neighborhood. Mayor Kelly said that there is a significant distance between the different sites, and the Township Committee does not want to negatively impact residents. He also said that a Group Homes functions similar to a single-family home. Mayor Kelly also disagreed with the premise that the Township Committee is packing all the Affordable Housing in a particular area. Deputy Mayor Ness noted that the Township needs to be cost effective when selecting properties.
3. Dan Miller, 465 Green Village Road, said that there are properties available that the Township did not consider. Mr. Miller also said that the Township should not be spending money on Group Homes at this time. He further opined that Group Homes and Affordable Housing will impact neighboring property values, and tax abatements will not make up for a loss in equity. Mr. Miller expressed his opposition to Affordable Housing, and said that money should instead be spent to help people who were negatively affected by the COVID-19 Pandemic.

Mayor Kelly said he believes that this is the right to spend money on Group Homes and Affordable Housing, as many of the front line workers who are addressing the COVID-19 Pandemic would be eligible to live in Affordable Housing. Deputy Mayor Ness invited Mr. Miller to contact Administrator Hoffmann with specific properties that are available so that they can be considered. Committeewoman Ewald addressed the availability of sewer service, and said that residents will be able to give input.

Seeing no further public comment, Mayor Kelly closed the Public Hearing and announced that it will be reopened at the June 25, 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, reiterated that he does not think this is the right time to spend money on Group Homes and Affordable Housing. He also said that he does not oppose Group Homes and they do enhance a community need. Mr. Miller also said that tax abatements will not make up for a loss in equity. He further noted his respect for First Responders. Regarding sewers, Mr. Miller said that there is usually a requirement to hook up within three years, and some residents may have recently installed a new septic system.

Administrator Hoffmann said that there have not been tax appeals or loss of property values related to the current Group Home on Fairmount Avenue.

Seeing no further public comment, Mayor Kelly closed the Public Hearing and announced that it will be reopened at the June 25, 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, by and for the Township, including, but not limited to, improvement of municipal property located on Gibbons Place (designated as Block 138, Lot 4 on the Tax Assessment Map of the Township) for affordable housing purposes. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$200,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$200,000, and (4) \$10,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$190,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$35,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$10,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purpose. The sum of \$10,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$190,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$190,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of fifteen years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$190,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 12. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

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

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

1. Prasanth Anan, 589 Fairmount Avenue, said that there are a lot of Group Homes proposed to be concentrated in a small area, and the concentration will lower neighboring property values. Mr. Anan asked why Gibbons Place and the Skate Park are not being selected for Group Homes.

Mayor Kelly said that the Court-Appointed Special Master rejected the Skate Park site for a Group Home, as it would need to be in an area zoned for single-family homes. Mayor Kelly said that the Gibbons Place site is being considered.

2. Dan Miller, 465 Green Village Road, said that he found a Fairmount Avenue home on Zillow that is for sale. He asked why the Bond Ordinance for Gibbons Place would be issued if the property is not going to be used.

Seeing no further public comment, Mayor Kelly closed the Public Hearing and announced that it will be reopened at the June 25, 2020 meeting.

#### 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 ENFORCEMENT' 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

\*\* - all slope areas of 20% or greater remaining after completion of the grading required for construction shall be included in conservation easements.

**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 said that the Planning Board conducted a Master Plan Consistency Review, and determined that Ordinance 2020-11 is inconsistent with the Master Plan. The Planning Board also recommended an amendment to the ordinance regarding steep slopes, and he read the amended language. Attorney Cruz said that that the Planning Board recommends that Ordinance 2020-11 be adopted with the amendment, noting that although it is inconsistent with the Master Plan it advances other goals of the Master Plan. Attorney Cruz advised that instead of opening the public hearing at this meeting, the ordinance should be amended with a public hearing at a later date. Attorney Cruz further noted that a Reasons Resolution will be needed at the time of adoption of the ordinance.

Committeewoman Ewald asked about the language of the amendment, and said that the Planning Board did not specify the language. She also said that the Planning Board's concern was to place the whole steep slope area in a conservation easement, and she expressed a concern that the amended language is too ambiguous. Engineer Ruschke said that only one of the proposed lots would be large enough to subdivide, and there are already ordinances that would protect the steep slopes. He also addressed steep slope protections and the variance process. Administrator Hoffmann said that it was the intent of the Planning Board to protect the whole steep slope area.

Attorney Cruz said that Ordinance 2020-11 will be reviewed again by the Planning Board if the Township Committee decides to make the amendment. He also asked Engineer Ruschke to comment if protecting slopes greater than 15% would put the applicant in the position of having to apply for a variance. Engineer Ruschke clarified his earlier comments. Mayor Kelly said that he is not comfortable deviating from the Planning Board's recommendation at this time, and would prefer to have more input from the Planning Board before the ordinance is amended any further.

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

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

Public Hearing for Ordinance 2020-11 will be scheduled for June 25, 2020.

### **Hearing of Citizens**

Mayor Kelly opened the Hearing of Citizens.

1. Jacqui Ferrito, 449 River Road, said that Mayor Kelly wrote in an article on TAP Into Chatham that the Township Committee is listening to the public. Mrs. Ferrito asked him to clarify the comment, as there has not been any public support for Affordable Housing during public meetings. Mrs. Ferrito also asked Mayor Kelly to address comments made about the Affordable Housing liaison position, and said that he had identified himself as being the liaison at a prior meeting. Mrs. Ferrito asked if there is a potential that he might vote against a Planning Board application if he does not think the the Township has any leeway regarding Affordable Housing.

Attorney Cruz said that matters pertaining to recusals form Planning Board proceedings have already been addressed by the Planning Board Attorney, and he said that per Statute the Mayor must serve as a Planning Board member. Attorney Cruz said that the

Municipal Land Use Law anticipates that the Class I, Class II and Class III will have to make policy decisions and also vote on matters in their role as Planning Board members.

Mayor Kelly clarified that he is the Affordable Housing Liaison in 2020, however he did not serve in that role when the Settlement Agreement was being negotiated. Attorney Cruz added that the Court would require that the Mayor and Administrator participate in mediation if and when there is an impasse between the Township and the Fair Share Housing Center.

Mayor Kelly addressed the fact that the Township Committee is listening to the public, and pointed out that this meeting has gone on for almost 6 hours due to the volume of public hearing. Mayor Kelly said that he takes strong exception to the idea that the Township Committee has not listened to the public.

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

Deputy Mayor Ness moved to adjourn at 11:24 PM. Committeewoman Fondaco seconded the motion, which carried unanimously.

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Gregory J. LaConte  
Municipal Clerk