

**MINUTES
TOWNSHIP COMMITTEE
SPECIAL MEETING
JUNE 25, 2020**

Mayor Kelly called the Special Meeting of the Township Committee of the Township of Chatham to order at 4:30 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 12, 2020; notice was posted on the bulletin board in the main hallway of the Municipal Building on June 12, 2020; and notice was filed with the Township Clerk on June 12, 2020.

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, Deputy Mayor Ness and Mayor Kelly. Committeewoman Swartz joined the meeting following Executive Session.

Committeewoman Ewald, Committeewoman Fondaco and Committeewoman Swartz participated in the meeting via Zoom.

Executive Session

**RESOLUTION 2020-P-16
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
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.

Mayor Kelly announced that the Township Committee will return to Public Session at 5:30 PM.

Deputy Mayor Ness moved to adopt Resolution 2020-P-16 to enter Executive Session at 4:34. Committeewoman Ewald seconded the motion.

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

The Township Committee returned to Public Session at 5:33 PM.

Roll Call

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

Mayoral Statement

Mayor Kelly noted that those viewing this meeting through Zoom can participate in Public Hearings by using the Raise Hand option.

Mayor Kelly said that the Township Committee is announcing a change in direction regarding the selection of a site for Affordable Housing. He indicated that the River Road site will be replaced with 522 Southern Boulevard, which is the current location of Charlie Brown's Steakhouse. Mayor Kelly stated that this evening's agenda will include a resolution for an appraisal of the property so that the owner can be fairly compensated. Mayor Kelly said that discussions with the owners have been ongoing for the past 8 months, and a sale price has not yet been reached. He also said that Township officials will be meeting with representatives of the Fair Share Housing Center as well as the Special Master to seek approval of the site. Mayor Kelly said that there is a general agreement with the Special Master and the Fair Share Housing Center that 522 Southern Boulevard is a better location than the River Road site, however numerous details need to be sorted out. Mayor Kelly stated that the Township Committee never stopped looking for the best site at which to meet the Township's Affordable Housing Obligation. Discussions have been held with the owners of several properties, many of which are in the vicinity of Charlie Brown's. However, none of the other property owners were willing to sell their land to the Township. Mayor Kelly said that the owners of 522 Southern Boulevard recently expressed an interest in negotiating with the Township. He also stated that three ordinances on tonight's Agenda pertaining to possible Group Homes at 587 Fairmount Avenue, 76 Southern Boulevard and a site on Gibbons Place will be tabled. The financing from those ordinances will instead be used toward the purchase of 522 Southern Boulevard. A bond ordinance toward the purchase of 490 River Road will be voted upon at this meeting following a public hearing, and the Township Committee intends to use the River Road site for two Group Homes. The third Group Home will be located on Hillside Avenue on a site to be donated to the Township by Sun Homes/Sterling Properties. Mayor Kelly said that the Township's Affordable Housing plans are subject to the approval of Judge Gaus, and the current Settlement Agreement will need to be amended to include the changes and a new timeline.

Approval of Agenda

Deputy Mayor Ness moved to add Resolution 2020-159 to the Agenda. Committeewoman Ewald seconded the motion, which carried unanimously.

Reports

Deputy Mayor Ness said she is glad that the Township is now able to publicly discuss 522 Southern Boulevard as an alternative site for Affordable Housing. She thanked those professionals who have participated in the Affordable Housing process. Deputy Mayor Ness also provided updates on projects at Colony Pool. The target date for opening Colony Pool is June 30th. Deputy Mayor Ness thanked Colony Pool Manager Lauren Hauser for preparing an operations manual based on the State's directives. She said that membership numbers are anticipated to be lower than last year, which helps for social distancing but is problematic regarding revenues. Deputy Mayor Ness also discussed the pro-rated membership fees for the 2020 Colony Pool season. She also thanked all those who have worked toward opening Colony Pool.

Committeewoman Swartz noted the high level of effort the Department of Public Works puts in toward opening Colony Pool. She also reported that the Senior Center will be holding the Shred Event on July 18th at the Chatham Middle School from 9:00 AM to 12:00 PM.

Committeewoman Fondaco thanked Mayor Kelly, Administrator Hoffmann and all others who participated in the effort to move the site selection for Affordable Housing to 522 Southern Boulevard.

Committeewoman Ewald asked about the opening of the Recycling Center. Committeewoman Swartz said that the Recycling Center is now open, and the schedule will be posted on the Township website. She also commented on the self-service procedures during the Pandemic.

Committeewoman Ewald thanked Township residents for their participation in the Affordable Housing process. She also thanked Mayor Kelly, Administrator Hoffmann and the Township Professionals for working toward a solution for Affordable Housing. Committeewoman Ewald also commented on the resources made available by Tri-Town Cares. She further reported that on July 11th there will be a Black Lives Matter Teach-In at the Chatham Train Station. Committeewoman Ewald further commented that several business are reopening, and there are several restaurants that have outdoor dining.

Administrator Hoffmann reported that the Consent Agenda contains items for which the Township may be reimbursed or will save money over time. He also reported that new LED lights were installed at the Police Department as part of PSE&G's Energy Efficiency Grant Program, and further upgrades will be made at both the Police Headquarters and Municipal Building. Administrator Hoffmann further reported that practices have begun for youth sports, and games are anticipated to begin on July 6th. Administrator Hoffmann also commented on Consent Agenda resolutions pertaining to Police 3rd Party Scheduling, leases for new photocopiers, e-ticketing software for the Police Department and funds owed to the Township by the Green Acres program. The Township has also begun participation in a new energy procurement program which has led to cost savings. Administrator Hoffmann also reported that the newly designed Township website is coming along well, and the Township is seeking pictures from residents to be used on the site.

Committeewoman Swartz thanked Open Space Chairman Joe Basralian and Administrator Hoffmann for pursuing Open Space Funding. Administrator Hoffmann said that the Township will be applying for additional funding that is owed to the Township.

Deputy Mayor Ness commented on cost-saving measures, and said that she would like for Administrator Hoffmann to give a presentation on cyber-security measures at a future meeting.

The Township Clerk provided information pertaining to the voting procedures for the July 7th Primary Election, stressing that voting will be primarily through Vote By Mail Ballot.

Administrator Hoffmann reported that Gramco will be installing A/V upgrades which will address the audio issued during Township Committee meetings in which Zoom is used, and thanked the Township Clerk for following up on this matter.

Deputy Mayor Ness congratulated the Township's Videographer Alex Gonzales on the first anniversary of her employment with the Township.

Consent Agenda

RESOLUTION 2020-147 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 – May
Police Department – May
Construction Official – May
Tax Collector – April, May

RESOLUTION 2020-148
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 June 11, 2020, June 12, 2020 and June 19, 2020.

RESOLUTION 2020-150
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT
CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE
NOE AVENUE RESURFACING PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2021-Noe Avenue Resurfacing-00229 to the New Jersey Department of Transportation on behalf of the Township of Chatham

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Chatham and that their signature constitutes the acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 2020-151
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY, AUTHORIZING AN AGREEMENT WITH VISUAL COMPUTER SOLUTIONS, INC.,
FOR ADMINISTRATIVE SERVICES FOR POLICE ADDITIONAL DUTY

WHEREAS, the Township of Chatham on May 15, 2020 solicited quotes for the provision of administrative services related to extra duty police details including requests for service, scheduling of work, payroll, invoicing, financing accounts payable and collecting of payments; and

WHEREAS, responses for the Invitation to Quote were due by Thursday, June 11, 2020 by 4 p.m. and

WHEREAS, three (3) companies responded to the Invitation to Quote and all submitted complete proposals, and

WHEREAS, the Chief of Police and senior officers of the Department evaluated the three (3) proposals; and

WHEREAS, the Visual Computer Solutions (VCS) proposal provides the best value to the Township since it will integrate seamlessly with current Police Department Scheduling System (POSS) and the Township's payroll system; and

WHEREAS, the value of the annual cost of the service provided by VCS based on 2019 extra duty details is approximately \$22,500 which is below the July 1, 2020 public contracts bid threshold of \$44,000; and

WHEREAS, the VCS system can begin operation on July 1, 2020

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the Mayor is authorized to sign an agreement with VCS to provide administrative services related to extra duty police details with an effective start date of July 1, 2020.

RESOLUTION 2020-152
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE INSTALLATION
AUDIO/VISUAL UPGRADES FOR TELEVISIONING TOWNSHIP COMMITTEE MEETINGS

WHEREAS, due to the COVID-19 Pandemic, Governor Murphy signed Assembly Emergency Bill 3850 which authorizes a public body to conduct a meeting and public business, cause a meeting to be open to the public, vote, and receive public comment by means of communication or other electronic equipment during a state of emergency, public health emergency, or state of local disaster emergency; and

WHEREAS, the Township Committee has continued to televise meetings while the public and some Township Officials participate in the meetings via the Zoom platform; and

WHEREAS, a price quotation was submitted by Gramco Business Communications 1149 Bloomfield Ave., Clifton, New Jersey 07012 for an amount not to exceed \$3,920.00 to install the necessary Audio/Visual upgrades to the telecommunications system; and

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

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

WHEREAS, this project can be completed before the end of July 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 Gramco Business Communications is authorized to and install the necessary Audio/Visual Upgrades in the Municipal Building as outlined in their proposal dated June 10, 2020.

RESOLUTION 2020-153
AUTHORIZING THE EXECUTION OF A 60 MONTH LEASE AGREEMENT WITH ATLANTIC TOMORROW'S OFFICE AND MUNICIPAL CAPITAL FINANCE FOR COPIER MACHINES

WHEREAS, the Township of Chatham currently has four (4) copier machines from Konica Minolta that are currently leased and are now on a month to month contract; and

WHEREAS, The Township of Chatham is also authorized by law to request quotes and purchase goods or services from vendors under the Public Contracts Law; and

WHEREAS, Public Contracts Law 40A:11-4 requires that every contract awarded by the contracting agent for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the governing body; and

WHEREAS, based on the Township's analysis of copier options, the use of a lease through a state approved purchasing cooperative provides the best overall value to the Township; and

WHEREAS, The Township of Chatham received two (2) quotes through the cooperative related to replacing those copier machines that have come off of their sixty (60) month lease contract; and

WHEREAS, Atlantic Tomorrow's Office, with the lease available through Middlesex County Regional Educational Services Commission (MERS) (now known as the Educational Services Commission of New Jersey) using the Municipal Capital Finance component, provided the overall best price for goods and services listed;

WHEREAS, entering into an agreement with Atlantic Tomorrow's Office would save the Township of Chatham approximately eleven thousand dollars (\$11,000) over the life of the sixty (60) month contracts;

WHEREAS, the Township of Chatham ("Township") desires to enter into an Agreement to lease Savin machines under the terms specifically set forth in a Lease Agreement by and between the Township and Atlantic Tomorrow's Office/Municipal Capital Finance;

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 Township hereby authorizes the execution of a Lease Agreement by and between the Township of Chatham and Atlantic Tomorrow's Office/Municipal Capital Finance pursuant to the terms for the lease of the copier machines specifically set forth in the Atlantic Tomorrow's Office/Municipal Capital Finance Lease Terms submitted.
2. The Mayor and Township Clerk, are authorized to sign the agreement on behalf of the Township.
3. Other officers, professionals and employees of the Township, as directed by the Township Administrator, are authorized to take the steps necessary to implement this Resolution.
4. The foregoing award is subject to the certification of availability of funds by the Chief Financial Officer of the Township.
5. This Resolution shall take effect on or after August 1, 2020.

RESOLUTION 2020-154
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING AN AGREEMENT WITH CSI TECHNOLOGY FOR THE ACQUISITION, INTSTALLATION AND USAGE OF ETICKETING TECHNOLOGY 2020

WHEREAS, the Township of Chatham in 2019 began evaluating the use of eTicketing technology and software; and

WHEREAS, previous evaluations showed that the Township did not have full coverage for cellphone service and data transmission as well as the upgraded Township technology infrastructure required to use this platform; and

WHEREAS, the Township's technology platform has been upgraded and cell phone service now reaches 100% of the Township's area, and

WHEREAS, eTicketing prevents handwriting and transcription errors, saves staff hours since tickets no longer have to be entered into two (2) different software systems for Police Officers and Municipal Court staff; and

WHEREAS, the Township's 2020 Capital Plan and Capital Ordinance 2020-06 includes funding for eTicketing for implementation; and

WHEREAS, the CSI Technology eTicketing software will work with the technology in the Township's current Police vehicles as well as those that are on order; and

WHEREAS, the CSI Technology eTicketing software is also used by three (3) other municipalities who participate in the Shared Municipal Court; and

WHEREAS, the eTicketing program can be implemented on or after July 1, 2020 depending on the availability of hardware, software, training and installation.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the Mayor is authorized to sign an agreement with CSI Technology Group as outlined in this resolution and their proposal dated October 14, 2019 which will be attached to this resolution and on file in the Township Clerk's Office

BE IT ALSO RESOLVED, that the anticipated first year cost of this project will be \$17,000 which is under the Public Contracts Law July 1, 2020 bid threshold of \$44,000.

RESOLUTION 2020-155

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2020 BUDGET

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham has received \$21,057.76 from the State of New Jersey Clean Communities Account Fund and wishes to amend its 2020 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2020 in the sum of \$21,057.76 which is now available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:

Clean Communities Program, and

BE IT FURTHER RESOLVED, that a like sum of \$21,057.76 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Clean Communities Program.

BE IT FURTHER RESOLVED, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

RESOLUTION 2020-156

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ACCEPTING GREEN ACRES FUNDS FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Chatham has previously obtained a grant of \$3,482,057.01 from the State to fund the following project(s):

#1405-98-003 Chatham Open Space Acq; and

WHEREAS, the State and the Township of Chatham intend to increase Green Acres funding by \$467,253.00; and

WHEREAS, the applicant is willing to use the State's funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

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:

1. The Mayor of the Township of Chatham is hereby authorized to execute an agreement and any amendment thereto with the State known as Chatham Open Space Acq. and;
2. The applicant has its matching share of the project, if a match is required, in the amount of \$3,949,310.01.

3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

RESOLUTION 2020-157

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM RESTORING HOURS FOR FIRE SUB-CODE OFFICIAL EFFECTIVE JULY 1, 2020

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

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

WHEREAS, based on the Fire Sub-Code Official's request the Township adopted Resolution 2020-112; and

WHEREAS, Governor Murphy issued Executive Order No. 142 on May 13, 2020 which authorized the resumption of non-essential construction

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

1. The Fire Sub-Code Official's hours will remain at 3 hours per week until the July 1, 2020 pay period.
2. If after July 1st, the Township Administrator believes based on an evaluation of the Construction Permits issued that there is sufficient work to restore the Fire Sub-Code Officials previous hours, he is authorized to do so. Or, at a later date when additional hours for inspection are needed.

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

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

RESOLUTION 2020-149

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 June 12, 2020 and June 19, 2020.

Committeewoman Ewald moved to adopt Resolution 2020-149. Deputy Mayor Ness seconded the motion.

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

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

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

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

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

Committeewoman Ewald moved to table Ordinance 2020-08. Committeewoman Fondaco seconded the motion.

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

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.

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

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

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. Joe Basralian, 24 Fairfax Terrace, thanked the Township Committee for moving the Affordable Housing site to Southern Boulevard. Mr. Basralian also commented on Open Space opportunities.
2. Paul Payton, 67 Candace Lane, thanked the Township Committee for announcing the selection of 522 Southern Boulevard for Affordable Housing, and thanked the Township Committee for their efforts.
3. Tom Tether, 115 Huron Drive, thanked the Township for listening to residents and finding 522 Southern Boulevard as an alternative to the River Road site for Affordable Housing.
4. Pat Murray, 107 Huron Drive, thanked the Township Committee for their efforts in working toward the change in site of the Affordable Housing.
5. Nils Klarlund, 544 River Road, asked how Block 62, Lots 70 & 71 will be used by the Township. Mayor Kelly said that the intention is to use the lots for one Group Home on each lot, and he described how Group Homes work. He also noted that the Group Homes would serve special needs residents. Committeewoman Ewald noted that the presentation from Nouvelle Homes and the Walters Group are available on the Township website.

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

Deputy Mayor Ness moved to adopt Ordinance 2020-10. Committeewoman Fondaco seconded the motion.

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

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 (l)	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	50(8) 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.

The Township Clerk explained that although the Legal Notice was sent to the Daily Record with a request for publication on June 15th, the advertisement was not run until the 16th. As such, the notice did not meet the 10-day requirement, and needs to be republished for a new Hearing date. As notice was mailed to residents within 200 feet about a hearing at this meeting, the Township Clerk advised that a Public Hearing should still occur tonight.

Mayor Kelly opened the Public Hearing on Ordinance 2020-11.

1. James Anderson, 287 Fairmount Avenue, said that his home overlooks the site on Hillside Avenue for which a rezoning request was submitted. Mr. Anderson said he was previously unaware that development of this area had been proposed. He raised a concern about the impact of the proposed development on wildlife. Mr. Anderson further said that he has not seen any plans for what has been proposed for the site.

Engineer Ruschke said that the concept plan is on file with the Construction Department and copies can be requested. He also said that the proposed lots are consistent with the R-3 zone, and the developer is proposing to build the homes closer to the roadway so that a substantial portion of the steep slopes can be preserved with deed restrictions.

Mayor Kelly said that the Planning Board expressed the same concerns that Mr. Anderson has raised. Mayor Kelly discussed the steps taken in the concept plan to address those concerns, and said that a conservation easement is planned to protect the area closest to where Mr. Anderson's home is located.

Committeewoman Ewald said that the Planning Board has linked related documents to the meeting agenda.

Committeewoman Swartz said that in 2019 the Planning Board thought that four homes at the subject location was too many, and said that she is curious why the Planning Board now thinks that 5 homes would be appropriate. Mayor Kelly said that both approaches were to preserve the steep slopes, and the current plan's steep slope protections are greater than the plan submitted in 2019. Committeewoman Ewald commented on the additional protections of the steep slopes, the use of existing R-3 zoning which is prevalent throughout town, and the reduced intensity of the proposed development relative to the 53 townhome Dixiedale development that is planned across the street.

2. Pat Murray, 107 Huron Drive, said that he listened to the Planning Board meeting when they voted to support rezoning of the Hillside Avenue site into five lots. He said he asked the Planning Board if they would support the request if Affordable Housing was not a factor. Mr. Murray said that Mayor Kelly stated at the Planning Board meeting that the Township has a fiduciary responsibility to approve the rezoning because of the State mandate for Affordable Housing. Mr. Murray asked what changed between November 2019 and June 2020 whereby the Planning Board members changed their minds from thinking that four lots were not suitable and five lots are suitable. Mr. Murray also asked if anyone from the Township Committee approached the developer to ask if they would submit a new request for five lots with the intention of giving one of the lots to the Township, or if the idea was the Developer's.

Mayor Kelly commented on allegations made by Mr. Murray in a Letter to the Editor that were not based on any facts. He said that the members of the Township Committee and the Planning Board have not accepted any special favors, and they are all hard working volunteers. Mayor Kelly also opined that the current rezoning request is a reasonable request that protects the steep slopes. Regarding Mr. Murray's question about what has changed, Mayor Kelly cited the approval of the development of 53 condos at the Dixiedale property, and he opined that the Dixiedale development changes what is appropriate in that area.

Attorney Cruz said that the rezoning request was submitted to him by the Developer through their attorney, and he brought it to the attention of the Township Committee. He said that it is a standard procedure for the Township Committee to choose to refer the request to the Planning Board for review before taking action.

Seeing no further public comment, Mayor Kelly closed the Public Hearing and announced that it would be reopened at the July 9, 2020 meeting.

Introduction of Ordinances

ORDINANCE 2020-12

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE CONVEYANCE OF A PORTION OF CERTAIN REAL PROPERTY LOCATED ON SOUTHERN BOULEVARD SHOWN AS BLOCK 48.16, LOT 117.27 ON THE TOWNSHIP TAX MAP AND COMMONLY KNOWN AS THE SKATE PARK TO SOUTHERN BOULEVARD URBAN RENEWAL, LLC

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 affordable housing units; 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) affordable housing 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 parcel to be conveyed to Southern Boulevard Urban Renewal, LLC; and

WHEREAS, it was the intent of the Township of Chatham to convey the new parcel 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 changed requiring that the Redevelopment Area be divided into two (2) areas, 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 for public purposes, including affordable housing; and

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

WHEREAS, on May 28, 2020, the Township Committee of the Township of Chatham adopted Ordinance 2020-04 amending the Redevelopment Plan to provide that the Redevelopment Area consists 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.

WHEREAS, in accordance with the New Jersey Supreme Court’s decision in South Burlington County NAACP v. Mount Laurel, 67 N.J. 151 (1975), the Township has a constitutional obligation to provide for affordable housing; and

WHEREAS, on December 13, 2018, the Township settled its Mount Laurel obligation by entering into a Settlement Agreement with the Fair Share Housing Center, Inc., which Agreement was amended on January 10, 2019 and March 12, 2020; and

WHEREAS, Southern Boulevard Urban Renewal, LLC is the designated redeveloper of the Redevelopment Area and qualifies as an urban renewal entity; and

WHEREAS, the Township desires to convey to Southern Boulevard Urban Renewal, LLC Part A of the Redevelopment Area to construct twenty-four (24) affordable housing units as approved by the Township Planning Board; and

WHEREAS, the Local Lands and Buildings Law at N.J.S.A. 40A:12-21(l) expressly authorizes a municipality to convey municipally-owned lands or buildings at private sale and for nominal consideration to “[a]ny duly incorporated urban renewal corporation organized pursuant to P.L. 1991, c.431 (c. 40A:20-1 et seq.) for the purpose of constructing housing for low or moderate income persons or families or persons with disabilities”; and

WHEREAS, the Township finds that conveying Part A to Southern Boulevard Urban Renewal, LLC will further the general health, safety and welfare of Township residents by assisting the Township to meet its constitutional obligation to provide a realistic opportunity for the development of affordable housing; and

WHEREAS, Part A is not otherwise needed for any other municipal purposes; and

WHEREAS, as authorized by N.J.S.A. 40A:12-21(l), the Township now wishes to convey, and Southern Boulevard Urban Renewal, LLC wishes to accept Part A for the development of twenty-four (24) affordable housing units.

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 WHEREAS clauses to this Ordinance are incorporated as if more fully set forth herein.

Section 2. Pursuant to N.J.S.A. 40A:12-21(l) and any other applicable laws, the Township is hereby authorized to convey Part A, designated as a portion of Block 48.16, Lot 117.27 as shown in the Amended Redevelopment Plan, to Southern Boulevard Urban Renewal, LLC for the amount of one

(\$1.00) dollar for the purpose of building twenty-four (24) affordable housing units to assist the Township in satisfying a part of the Township's affordable housing obligation subject to all applicable requirements of N.J.S.A. 40A:12-21 and the following conditions:

- a. That twenty-four (24) affordable housing units be constructed and deed restricted for a period of thirty (30) years from the initial occupancy;
- b. That the Property shall be deed restricted for low-low, low and moderate income qualified family rental units by a deed consistent with the form of deed restriction contained in the Uniform Housing Affordability Control regulations; and
- c. That the development of the Property shall meet all of the applicable requirements of the Council on Affordable Housing, including UHAC, and the Superior Court of New Jersey for affordable housing credit.

Section 3. That the Township Mayor, Administrator, Engineer and Attorney, and all other appropriate officers, employees, consultants and professionals, are hereby authorized and directed to prepare and execute any and all documents and instruments necessary, and undertake, or cause to be undertaken, any and all acts necessary, to effectuate the terms and purposes of this Ordinance.

Section 4. 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 5. This Ordinance shall take effect upon passage and publication as provided for by law.

Attorney Cruz said that Ordinance 2020-12 pertains to Affordable Housing at the Skate Park site. He said that under the original Redevelopment Plan, a larger portion of land was to be conveyed to the Developer, Southern Boulevard Urban Renewal, LLC. The Redevelopment Plan has been amended to have a smaller portion of the site conveyed to the Developer, and the Township will retain an additional portion of the site. Attorney Cruz said that the portion to be conveyed will be the location of the Arbor Green Development, which will be built at the sole cost of the Developer. Attorney Cruz noted that Resolution 2020-158 will authorize him and Engineer Ruschke to appear before the Planning Board to represent the Township Committee when the Board reviews the proposed subdivision of the property consistent with the amended Redevelopment Plan.

Deputy Mayor Ness moved to introduce Ordinance 2020-12. 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 2020-12 will be scheduled for July 9, 2020. The Township Clerk noted that the July 9th meeting will be held at 5:30 PM.

Resolutions

RESOLUTION 2020-158

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP ATTORNEY AND ENGINEER TO APPEAR BEFORE THE PLANNING BOARD ON BEHALF OF THE TOWNSHIP FOR A REVIEW OF THE SUBDIVISION OF A PORTION OF BLOCK 48.16, LOT 117.27 AS SHOWN ON THE TOWNSHIP TAX MAP CONSISTENT WITH ORDINANCE 2020-04 AMENDING THE SKATE PARK REDEVELOPMENT PLAN TO ALLOW THE REDEVELOPMENT AREA TO BE SUBDIVIDED INTO PARTS A AND B AND FOR THE TOWNSHIP TO RETAIN PART B

WHEREAS, the Township of Chatham is the owner of Block 48.16, Lot 117.27 on Southern Boulevard ("Property"); and

WHEREAS, on December 13, 2018, the Township Committee adopted Ordinance 2018-22 ("Redevelopment Plan") providing for the redevelopment of a portion of the Property for affordable housing units ("Redevelopment Area"); and

WHEREAS, on May 28, 2020, the Township Committee adopted Ordinance 2020-04 amending the Redevelopment Plan to allow for the division of the area identified in the Redevelopment Area into Part A to be conveyed to Southern Boulevard Urban Renewal, LLC for the construction of twenty-four (24) affordable housing units and Part B to be retained by the Township; and

WHEREAS, in order to effectuate the conveyance to Southern Boulevard Urban Renewal, LLC and for the Township to retain a portion of the Redevelopment Area, the Redevelopment Area has to be subdivided.

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

1. That the Township of Chatham Attorney and Engineer are hereby authorized to prepare the necessary request and plans to be filed with the Planning Board to subdivide the Redevelopment Area into Parts A and B consistent with Ordinance 2020-04.
2. That the review be conducted pursuant to Thornton v. Village of Ridgewood, 17 N.J. 499 (1955), because the provision of a 100% affordable housing development promotes a public purpose.
3. That this Resolution shall take effect immediately.

Deputy Mayor Ness moved to adopt Resolution 2020-158. Committeewoman Fondaco seconded the motion.

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

RESOLUTION 2020-159

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

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

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

WHEREAS, it is estimated that these services are below the bidding threshold of \$44,000 as of July 1, 2020 under the Local Public Contracts Law; and

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

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

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

Committeewoman Fondaco moved to adopt Resolution 2020-159. Deputy Mayor Ness seconded the motion.

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

Hearing of Citizens

Mayor Kelly opened the Hearing of Citizens.

1. Nicole Hagner, 396 River Road, said she is pleased to hear that the River Road site is no longer being pursued for Affordable Housing, and she cited reasons why the River Road site would be an inappropriate location. Ms. Hagner said that 522 Southern

Boulevard is an appropriate site, and she suggested that there still be a commercial component in the complex. Ms. Hagner asked if there are plans to have commercial space in the development, and said that that commercial space will make the development more desirable. Ms. Hagner also asked if the Township Committee has given consideration to the potential impact of the Affordable Housing development on the neighboring residential area. Ms. Hagner further commented that the use of the River Road site for Group Homes is a better use, and she asked if there will be a presentation of a concept plan so that neighbors can know what is planned.

Mayor Kelly said that there is an intention to have 522 Southern Boulevard be a mixed use with some retail space available. However there are not yet any conceptual designs for that property. Regarding notice to neighbors, Mayor Kelly said that the first announcement of the planned use of 522 Southern Boulevard was just made at this meeting for the first time. Mayor Kelly also said that the timetable for Group Homes on River Road still needs to be developed and submitted to the Court for approval. He also said that a public presentation will be planned.

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

Committeewoman Swartz commented on the need to maintain the substantial tree buffer between the Charlie Brown's parking lot and the Sunset Lake neighborhood. Engineer Ruschke said that he prepared a rough sketch of what could be laid out at the site, and he took into account a significant buffer. He also said that there are wetlands behind Juniper Village, which will involve wetlands buffers.

Committeewoman Swartz moved to adjourn at 7:23 PM. Deputy Mayor Ness seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk