

**MINUTES
TOWNSHIP COMMITTEE
SPECIAL MEETING
JULY 9, 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, July 9, 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.

Approval of Agenda

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

Executive Session

**RESOLUTION 2020-P-17
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.

Committeewoman Ewald moved to adopt Resolution 2020-P-17 to enter Executive Session at 4:33 P.M. Committeewoman Fondaco seconded the motion.

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

The Township Committee returned to Public Session at 5:32 PM.

Mayor Kelly announced that the Public can participate in the Public Hearings by using the Raise Hand feature on Zoom. He also announced that the Township has upgraded technology systems to better broadcast the Township Committee meeting.

Roll Call

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

Reports

Deputy Mayor Ness reported that the Chatham Joint Recreation Advisory Committee met recently, and was happy to welcome back Carol Nauta who has had an extensive recovery period. The Youth Baseball Program is now holding games, and there have not been any issues with social distancing. Deputy Mayor Ness said that general registration for Youth Sports are down, which is thought to be on account of general uncertainty on how things will work during the COVID Pandemic.

Deputy Mayor Ness reported that Colony Pool has opened as of June 30th. Membership numbers are slightly down from 371 memberships at the same time of year in 2019 to 327 memberships thus far in 2020. She said that there were questions about use of the playgrounds at Colony Pool, and it is not foreseen that the playground will be open due to social distancing limitations. The Snack Shack at Colony Pool will not be opening. However Pool patrons can have food delivered from local restaurants.

Deputy Mayor Ness reported that she has spoken with Chief Miller about having a visitation from Morris County's HopeOne program.

Committeewoman Swartz reported that the Senior Center's Shred Event will be held on July 18th from 9:00 AM to 12:00 PM at the Chatham Middle School parking lot.

Committeewoman Ewald reported that the Board of Health will be meeting on July 14th, and will be discussing noise from commercial leaf blowers. She also reported that she participated in Congresswoman Sherrill's 2020 Census Update, and she encouraged residents to fill out the Census survey. Committeewoman Ewald further encouraged residents to fill out the Tri-Town Cares mental health survey. Committeewoman Ewald also reported that on July 11th there will be a Black Lives Matter Teach-In event at the Chatham Train Station.

Committeewoman Fondaco reported that the Environmental Commission will be giving out seedlings at the Chatham Farmers Market on July 11th. She also noted that Lincoln Landscaping has been retained for an additional year to perform organic lawn care at Township facilities. Committeewoman Fondaco also reported that the Environmental Commission will be seeking locations for installation of electric car chargers.

The Township Clerk thanked the Poll Workers who worked the recent Primary Election. He also thanked DPW employees Greg Genovese, James Alphonse, Ray Clarke and Roger Casale for their assistance in setting up the polling place.

Administrator Hoffmann reported that there are three resolutions on the Consent Agenda pertaining to additional grant funding received by the Township. The Township has received an additional \$40,671.63 for the Safe Routes to School Grant for sidewalks on Lafayette Avenue to

Spring Street. The resolutions pertaining to this funding serve the purposes of accepting the funds, amending the 2020 Budget and modifying the agreement with the engineering firm who is performing the design work. Administrator Hoffmann further reported that there is a resolution on the Consent Agenda for purchase and installation of a new pump at the Southside Sanitary Sewer Pumping Station. Administrator Hoffmann also reported that Audio/Visual Upgrades were installed to improve the quality of the broadcasting of the Township Committee meetings, and he thanked the Township Clerk and Videographer Alex Gonzales for their efforts in overseeing the improvements. Administrator Hoffmann also provided a progress report on the Energy Efficiency Upgrades that are being funded by PSE&G. Additionally, Administrator Hoffmann stated that tree permits are being tracked so that tree replacement can be enforced, and there should be a significant number of trees planted in the Township.

Hearing of Citizens

Mayor Kelly opened the Hearing of Citizens.

1. Dan Miller, 465 Green Village Road, commented on the noise caused by bicyclists and joggers on Green Village Road. He proposed that additional signage requesting bicyclists and joggers be considerate of those around them may help address the issue.
2. Adam Faiella, an attorney representing the owner of 522 Southern Boulevard, asked if he could address resolutions on this meeting's agenda. Mayor Kelly explained that the Hearing of Citizens are open to comment on any matter that does not have an already scheduled dedicated public hearing on the agenda. Mr. Faiella said that a letter was submitted to the Township Administrator shortly before today's meeting stating their position that the resolution authorizing an RFP/RFQ for a developer for 522 Southern Boulevard is premature as the Planning Board has not yet determined that the property is in need of redevelopment. He asked that the Township Committee wait until that determination is made before the Township Committee takes action on Resolution

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

Consent Agenda

RESOLUTION 2020-160

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 \$677,583.53 and the prior month's payroll of \$410,330.51 Current Fund, \$46,306.70 Sewer No. 1, \$9,854.19 Sewer No. 2, and \$15,736.45 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of July 2020, in the amount of \$4,231,942.00 be paid.

RESOLUTION 2020-161

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

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on June 25, 2020.

RESOLUTION 2013-163

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING A SETTLEMENT OF THE TAX APPEALS OF CHATHAM MALL ASSOCIATES., LLC

WHEREAS, Chatham Mall Associates., LLC., has appealed its assessments for the years 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2019 in the Tax Court of New Jersey, Docket Nos. 003312-2011, 000493-2012, 003100-2013, 003082-2014, 004959-2015, 005130-2016, 003674-2017, 003553-2018, and 006298-2019; and

WHEREAS, the Tax Assessor of the Township of Chatham has recommended acceptance of a proposed settlement of these appeals;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the above-referenced tax appeals be settled and the Municipal Attorney shall be authorized to execute a Stipulation of Settlement in the following amounts:

BLOCK: 135
LOT: 22
STREET ADDRESS: 650 Shunpike Road
YEAR: 2011

	Original Assessment	County Board Judgment	Requested 2011 Tax Court Judgment
Land:	\$3,820,000.00	Direct Appeal	\$3,820,000.00
Improvements:	<u>\$3,296,200.00</u>		<u>\$1,880,000.00</u>
Total:	\$7,116,200.00		\$5,700,000.00

BLOCK: 135
LOT: 22
STREET ADDRESS: 650 Shunpike Road
YEAR: 2012

	Original Assessment	County Board Judgment	Requested 2012 Tax Court Judgment
Land:	\$3,820,000.00	Direct Appeal	\$3,820,000.00
Improvements:	<u>\$3,296,200.00</u>		<u>\$1,880,000.00</u>
Total:	\$7,116,200.00		\$5,700,000.00

BLOCK: 135
LOT: 22
STREET ADDRESS: 650 Shunpike Road
YEAR: 2013

	Original Assessment	County Board Judgment	Requested 2013 Tax Court Judgment
Land:	\$3,820,000.00	Direct Appeal	\$3,820,000.00
Improvements:	<u>\$3,296,200.00</u>		<u>\$1,880,000.00</u>
Total:	\$7,116,200.00		\$5,700,000.00

The settlement is for the years 2011, 2012, and 2013 and is contingent upon the withdrawal of the 2014, 2015, 2016, 2017, 2018, and 2019 tax years. Neither party will file a tax appeal for the 2020 assessment on the subject property. The assessment for the 2021 tax year will be set as follows:

Land:	\$3,820,000.00
Improvement:	<u>2,180,000.00</u>
Total:	\$6,000,000.00

The refunds due plaintiff will be disbursed/credited as follows: A check in the amount of \$20,000.00 will be issued to plaintiff within 60 days of the entry of judgment. A credit in the amount of \$31,376 will be applied towards the August 1, 2020 tax bill. A check in the amount of \$20,000.00 will be issued to plaintiff in the First Quarter of 2021. Interest due on any refund will be waived by plaintiff, provided it receives payment of the total refund due within 60 days following the date of entry of Judgment by the Tax Court.

The provisions of the Freeze Act, N.J.S.A. 54:51A-8, shall apply to a final disposition of this case and the entire controversy and of any actions pending or hereinafter instituted by the parties concerning the assessment on the property referred to herein for any Freeze Act years, as permitted by applicable law. No Freeze Act year shall be the basis for the application of the Freeze Act for any subsequent year.

RESOLUTION 2020-164
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF TAXES

WHEREAS, an overpayment of property taxes has been made for the following properties; and
WHEREAS, the Tax Collector has recommended the refund of such overpayment,
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

BLOCK	LOT	NAME & ADDRESS	AMOUNT
48.10	7	Check Payable to:	\$6,546.47

		Bank of America BAC 51204 (reference Memo)	2 nd Quarter 2020
		Mail to: Corelogic Tax Collection Services, LLC P.O. Box 9236 Coppell, TX 75019-9801	
		Property Owner Name & Address: Simonfay, Steven P. & Sally 118 Westminster Rd Chatham, NJ 07928	

RESOLUTION 2020-165

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE AND
INSTALLATION OF A NEW ELECTRIC PUMP FOR THE SOUTHSIDE SANITARY SEWER
PUMP STATION**

WHEREAS, the Southside Sanitary Sewer Pump Station has been in operation since 1974; and,
WHEREAS, in 2019 a significant electrical upgrade was completed on both the Northside and Southside Sewer Pump Stations; and,
WHEREAS, the Southside Sanitary Sewer Pump Station is designed to operate with two (2) Dry Pit Submersible electric pumps; and,
WHEREAS, the two (2) original pumps at the Southside Sanitary Sewer Pump Station were replaced in 1990 and then Pump Number One was rebuilt in 2015 and Pump Number 2 was rebuilt in 2008 at a cost of over \$20,000 per pump and cannot be rebuilt again; and,
WHEREAS, both pumps were scheduled to have electrical upgrades for Invertor Duty so that they could more efficiently operate with the recently installed variable speed drives; and,
WHEREAS, both pumps have recently developed leaks and other problems that have caused Pump Number One to be taken off line; and,
WHEREAS, the Southside Sanitary Sewer Pump Station is now operating on one pump; and,
WHEREAS, there is a sixteen (16) week lead time to order pumps for Sanitary Sewer Pump Stations; and,
WHEREAS, the Township Administrator, Township Engineer and Water Pollution Control Chief Operator are in agreement that a new Dry Pit Submersible Electric Pump is the most cost-effective option to ensure the continued safe operation of the system as well as protect the health, welfare and safety of our residents; and,
WHEREAS, the Chief Operator for the Wastewater Pollution Control Plant has solicited proposals from qualified manufacturers and vendors for quotes to purchase and install a new Dry Pit Submersible Electric pump; and
WHEREAS, three (3) quotes were received with installed prices at \$43,437.29, \$49,890.00 and \$53,000.00; and,
WHEREAS, the best overall value for the Township is Quote Number 20-137 R2 dated June 22, 2020 from PCS (Pump and Process, Inc. 41 Plymouth Street, Fairfield, New Jersey 07004 at a cost of \$43,437.29; and,
WHEREAS, sufficient funds are available for the purchase of the pump and the required installation services in Ordinance 2018-17, Capital Outlay WPC1 Account 0-07-55-512-022 and Capital Outlay WPC2 Account 0-09-55-512-022; and,
WHEREAS, the Chief Financial Officer shall make the appropriate allocation of costs to the three (3) accounts once the project is completed.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, in the County of Morris, and State of New Jersey that the Mayor and Township Clerk are authorized to enter into an agreement to purchase the Dry Pit Submersible Pump from Pump and Process, Inc. of 41 Plymouth Street, Fairfield, New Jersey 07004 in the amount of \$43,437.29; and,
BE IT ALSO RESOLVED, that a total expenditure of \$46,000.00 is authorized for this project.

RESOLUTION 2020-166

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING FEDERAL AID
AGREEMENT WITH NJDOT**

WHEREAS, in January 2018 the Township of Chatham received a Federal Aid Grant through the Federal Aid Highway Program for improvements to Lafayette Avenue and Spring Street; and

WHEREAS, the Township of Chatham has received additional funding of \$40,671.66 from the Federal Highway Administration for Federal Aid Highway Program SRS Lafayette Street and Spring Street; and

WHEREAS, the additional funding is to be used toward the final design work; and

WHEREAS, the receipt of the additional funds requires an amendment to Federal Aid Agreement 2018-DT-DLA-501.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby approves the amendment to Federal Aid Agreement 2018-DT-DLA-501.

RESOLUTION 2020-167

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 additional funding of \$40,671.66 from the Federal Highway Administration for Federal Aid Highway Program SRS Lafayette Street and Spring Street 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 \$40,671.66 which is now available as a revenue from:

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

Federal Aid Highway Program SRS Lafayette Street and Spring Street, and

BE IT FURTHER RESOLVED, that a like sum of \$40,671.66 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Federal Aid Highway Program SRS Lafayette Street and Spring Street.

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

RESOLUTION 2020-168

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING FEDERAL AID AGREEMENT WITH NJDOT APPROVED ENGINEERING FIRM TO COMPLETE DESIGN OF LAFAYETTE AVENUE AND SPRING STREET IMPROVEMENTS

WHEREAS, in January 2018 the Township of Chatham received a Federal Aid Grant through the Federal Aid Highway Program for improvements to Lafayette Avenue and Spring Street; and

WHEREAS, IH Engineers, PC, an engineering firm approved by the NJDOT, was authorized to design this project; and,

WHEREAS, the Township of Chatham has received additional funding of \$40,671.66 from the Federal Highway Administration for Federal Aid Highway Program SRS Lafayette Street and Spring Street; and

WHEREAS, the additional funding is to be used toward the final design work; and

WHEREAS, the receipt of the additional funds requires an amendment to Federal Aid Agreement 2018-DT-DLA-501: and,

WHEREAS, the agreement with IH Engineers, PC must be amended so that the additional and final design work authorized by the NJDOT can be completed.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby approves the amendment to Federal Aid Agreement 2018-DT-DLA-501 and accepts the additional grant funding in the amount of \$40,671.66.

BE IT ALSO RESOLVED, that the agreement with IH Engineers, PC is hereby amended so that the additional grant funding accepted by the Township for this project can be used to pay for the additional and final design work.

Committeewoman Swartz commented on how long it has been since the grant for sidewalks on Lafayette Avenue and Spring Street was first awarded, and the construction has still not commenced. Engineer Ruschke agreed that it is ridiculous how long the process has taken, and noted that the NJDOT had launched the program to expedite the process. He also described his frustration with the process, and said that the project has been stuck in the design phase.

Engineer Ruschke also said that the projects are not complicated, but the Federal process is cumbersome.

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 2020-162
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on June 25, 2020.

Deputy Mayor Ness moved to adopt Resolution 2020-162. Committeewoman Ewald 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 2020-11

ORDINANCE 2020-11
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AMEND SUBSECTION § 30-75.1 ‘ZONE DISTRICTS’ TO INCLUDE A NEW ‘R-3 AFFORDABLE HOUSING RESIDENCES DISTRICT (R-3 AH)’ OF SECTION 30-75 TITLED ‘ZONE DISTRICTS AND ENFOCEMENT’ OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM; TO AMEND SUBSECTION § 30-75.2 TITLED ‘MAP AND SCHEDULE’ OF SECTION 30-75 TITLED ‘ZONE DISTRICTS AND ENFORCEMENT’ OF CHAPTER XXX TITLED ‘LAND DEVELOPMENT’ OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM TO AMEND THE MAP BY DESIGNATING BLOCK 67, LOTS 17 AND 17.01, FRONTING ON HILLSIDE AVENUE, WITHIN THE R-3 AH ZONE; TO AMEND THE SCHEDULE BY ADDING A NEW ‘R-3 AFFORDABLE HOUSING RESIDENCE DISTRICT’; AND TO ADD NEW SUBSECTIONS § 30-79.1 TITLED ‘R-3 AFFORDABLE HOUSING RESIDENCE DISTRICT (R-3 AH) OF SECTION 30-79 TITLED ‘AFFORDABLE HOUSING’ OF CHAPTER XXX, TITLED ‘LAND DEVELOPMENT’ OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM’

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

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

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

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

Section 1. Amend the list of zones in Subsection § 30-75.1 ‘Zone Districts’ to include a new zone titled ‘R-3 Affordable Housing Residence District (R-3 AH)’

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

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

Zone	Primary Use	Maximum Stories	Height (feet)	Minimum Lot Area (square feet)	Maximum Depth of Meas'mts. (feet)	Minimum Lot Width		Minimum Yards (feet)			Side Yards Combined (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.

Attorney Cruz reported that the Planning Board has conducted a Master Plan Consistency Review of Ordinance 2020-11, and while the Ordinance has been deemed inconsistent with the Master Plan, the adoption of the ordinance has been recommended because it promotes Affordable Housing. Attorney Cruz said that a memorandum was submitted to the Township Committee by the Township Planner, and proper notice of the introduction of the Ordinance and the public Hearing have been published and distributed to property owners within 200 Feet and adjoining municipalities.

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

1. James Anderson, 287 Fairmount Avenue, said that he walked the property to be rezoned, and he does not understand what the R-3 zone on Fairmount Avenue has to do with the

site in question. He also raised a concern about the impact of the proposed redevelopment on local wildlife.

Mayor Kelly summarized the Planning Board's rationale for recommending the adoption of the Ordinance, and discussed the preservation of the steep slope by way of a conservation easement. He also said that the proposed Group Home will help the Township meet the Affordable Housing Obligation, which the Planning Board deemed to be a goal on the Master Plan.

2. Dan Miller, 465 Green Village Road, said that he understands what the Township is endeavoring to accomplish with Ordinance 2020-11, however he disagrees with the intent. Mr. Miller said that Ordinance 2020-11 is inconsistent with a previous Township Committee's attempt to address zoning on Woodlawn Drive.

Deputy Mayor Ness addressed the request that the Township Committee had received in 2018 to review inconsistent lots in the R-4 zone, and the Planning Board's subcommittee never submitted any reports.

Engineer Ruschke said that the site is presently zoned as R-1A, and Ordinance 2020-11 will create a modified R-3 zone.

Mr. Miller said that the ordinance appears to be a reversal of policy from 2019.

3. Mark Hamilton, 132 Highland Avenue, asked if meetings will move back to 7:30 PM. He also said that in 2019 the Planning Board said that four lots for the site would be too many, and yet in 2020 when Affordable Housing was considered, five lots will be allowed. Mr. Hamilton said that he does not understand why the Township allow for Affordable Housing. He also asked if the Township has coordinated with Chatham Borough.

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

Committeewoman Swartz opined that four lots would be too dense for the site on Hillside Avenue, and she does not support allowing five lots. Committeewoman Swartz also said that she supports development of Group Homes, however she feels it is hypocritical to allow Affordable Housing.

Deputy Mayor Ness opined that the development of 53 units at Dixiedale without on-site Affordable Housing is ridiculous, and she noted that the Developer was willing to build additional Affordable Housing at the Skate Park site.

Mayor Kelly commented on the conservation easement proposed for the subject site. He also said that procedurally the Township Committee will need to consider a Reasons Resolution before taking action on Ordinance 2020-11.

RESOLUTION 2020-146

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS OUTLINING THE REASONS FOR ENACTING ORDINANCE NO. 2020-11

WHEREAS, the Township Committee of the Township of Chatham referred ORDINANCE NO. 2020-11 (the "Ordinance") to the Planning Board for statutory review pursuant to N.J.S.A. 40:55D-26; and

WHEREAS, the Planning Board determined that the Ordinance is inconsistent with the Land Use Plan ("LUP") because the intensity of permitted development is 20,000 square feet per unit which is substantially greater than 100,000 square feet per unit as provided for in the LUP; and

WHEREAS, despite this inconsistency, the Planning Board found that the Ordinance, which requires that 20% of the total number of lots created will be conveyed to either the Township of Chatham or a qualified group home developer, advances the objective of the LUP to promote a balance of housing types for all segments of the population; and

WHEREAS, the Planning Board further found that the Ordinance advances the affordable housing objectives of the 2008 Housing Plan Element and Fair Share Plan ("HEFSP") and assists Chatham Township in meeting its constitutionally mandated fair share obligation with the creation of a group home as required by the R-3 AH Zone standards; and

WHEREAS, having reviewed the May 28, 2020 Review Memorandum prepared by the Board Planner, Frank Banisch, P.P., as well as his testimony regarding same, the Planning Board recommended adoption of the Ordinance provided it was revised to expand the extent of the steep slope conservation easement to include all lots to be subdivided and to include all slope areas of 20% or greater remaining after completion of the grading required for construction, in said conservation easement; and

WHEREAS, the Township Committee concurs with the findings of the Planning Board that the Ordinance promotes a balance of housing types for all segments of the population in accordance with the LUP and provides affordable housing with a minimal impact on neighborhood character and community services in accordance with the HEFSP;

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

1. Pursuant to N.J.S.A. 40:55D-62, the Township Committee hereby sets forth its reasons, as stated above, for the adoption of Ordinance 2020-11 (a copy of which is attached hereto as **Exhibit A**), as it substantially advances objectives of the adopted Chatham Township Master Plan.
2. The reasons outlined in this Resolution are sufficient to enact said Ordinance despite any inconsistencies with the LUP and HEFSP and the Township Committee hereby adopts Ordinance 2020-11 for the reasons set forth herein.
3. This Resolution shall take effect immediately.

Mayor Kelly stated that the Reasons Resolution is required because the Ordinance was found to be inconsistent with the Master Plan, and he noted that the Planning Board recommended that the Ordinance be adopted for the reasons stated in the Resolution.

Committeewoman Ewald said that Resolution 2020-146 summarizes why the Planning Board believed that Ordinance 2020-11 should be adopted, and she said that the rationale is to advance goals of the Master Plan.

Committeewoman Ewald moved to adopt Resolution 2020-146. Committeewoman Fondaco seconded the motion.

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

Deputy Mayor Ness moved to adopt Ordinance 2020-11. Committeewoman Fondaco seconded the motion.

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

Ordinance 2020-12

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 explained that Ordinance 2020-12 conveys a portion of the Skate Park site to Southern Boulevard Renewal LLC for the development of Affordable Housing. He noted that the development is related to the Dixiedale development, and the number of affordable units to be built exceeds the usual set aside.

Mayor Kelly opened the Public Hearing on Ordinance 2020-12.

1. Monika Pundalik, 7 Joseph Street, asked if she could comment on Ordinance 2020-11. Mayor Kelly said that comments should be focused on Ordinance 2020-12, and Mrs. Pundalik will have an opportunity for general comments at a later time.

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

Deputy Mayor Ness moved to adopt Ordinance 2020-12. Committeewoman Ewald seconded the motion.

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

Introduction of Ordinances

Ordinance 2020-13

ORDINANCE 2020-13

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING ORDINANCE 2020-11 CREATING A NEW “R-3 AFFORDABLE HOUSING RESIDENCE DISTRICT (R-3 AH)” BY CLARIFYING THAT THE GROUP HOME LOT WILL BE CLEARED AND LEVELED TO ALLOW FOR THE CONSTRUCTION OF A GROUP HOME ON THE LOT

WHEREAS, on July 9, 2020, the Township Committee of the Township of Chatham adopted Ordinance 2020-11; and

WHEREAS, the purpose of this Ordinance is to amend Section 4 of Ordinance 2020-11 to clarify that the group home lot will be cleared and leveled to prepare it for the construction of a group home; and

WHEREAS, Section 4 of Ordinance 2020-11 is amended to delete the last sentence: “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”; and

WHEREAS, the deleted portion of Section 4 of Ordinance 2020-11 is replaced with: “The lot is to be conveyed cleared and leveled with a flat surface achieved by bulldozing and installing retaining walls to create the flat surface, including a driveway cut and a tracking pad, ready for the construction of a ranch style group home, with utilities, including sanitary sewer and water, available in the street, and a sidewalk, which lot shall be conveyed to the group home developer or the Township of Chatham for \$1 at the Township’s option.”

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. Section 4 of Ordinance 2020-11 adopted on July 9, 2020, the last sentence, is hereby amended to delete: “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” and replaced with: “The lot is to be conveyed cleared and leveled with a flat surface achieved by bulldozing and installing retaining walls to create the flat surface, including a driveway cut and a tracking pad, ready for the construction of a ranch style group home, with utilities, including sanitary sewer and water, in the street, and a sidewalk, which lot shall be conveyed to the group home developer or the Township of Chatham for \$1 at the Township’s option”.

Section 2. 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 2 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 3. 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 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. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. 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.

Deputy Mayor Ness moved to introduce Ordinance 2020-13. Committeewoman Ewald seconded the motion.

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

Public Hearing on Ordinance 2020-13 will be scheduled for August 13, 2020.

Resolutions

Attorney Cruz explained that Resolution 2020-169 authorizes the Planning Board to conduct a preliminary investigation to determine if 522 Southern Boulevard is an area in need of condemnation redevelopment. He noted that the resolution only authorizes a review of the property, and the Planning Board will have a public hearing regarding the preliminary investigation on July 20th. Attorney Cruz also said that use of the word “condemnation” is a procedural matter at this stage. He said that if the Planning Board determines that the site is an area in need of condemnation redevelopment, the matter will come before the Township Committee again to make the formal determination.

Attorney Cruz also said Resolution 2020-170 authorizes the Township Administrator and Township Attorney to seek a solicitation from developers to redevelop 522 Southern Boulevard. Attorney Cruz acknowledged Mr. Faiella’s comments earlier asking the Township Committee not to take action on the resolution and his opinion that the resolution is premature, and Attorney Cruz stated that the resolution is a procedural matter that can move forward.

Attorney Cruz also said that Committeewoman Swartz is recused from participating in the discussion and voting on Resolution 2020-169 and Resolution 2020-170.

RESOLUTION 2020-169

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP OF CHATHAM PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE LAND KNOWN AS BLOCK 128, LOT 2 AS SHOWN ON THE TOWNSHIP OF CHATHAM TAX MAP AND COMMONLY KNOWN AS 522 SOUTHERN BOULEVARD QUALIFIES AS AN AREA IN NEED OF CONDEMNATION REDEVELOPMENT

WHEREAS, the Township Committee of the Township of Chatham hereby authorizes the Township of Chatham Planning Board to undertake a preliminary investigation to determine whether the land known as Block 128, Lot 2 as shown on the Township of Chatham Tax Map and commonly known as 522 Southern Boulevard qualifies as an area in need of condemnation redevelopment; and

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the Local Redevelopment and Housing Law sets forth specific procedures for establishing an area in need of redevelopment; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-6*, prior to the Township Committee of the Township of Chatham making a determination as to whether a particular study area qualifies as an area in need of redevelopment, the Township Committee must authorize the Township of Chatham Planning Board, by

Resolution, to undertake a preliminary investigation to determine whether the subject area meets the criteria of an area in need of redevelopment as set forth in *N.J.S.A.* 40A:12A-5; and

WHEREAS, the New Jersey Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

WHEREAS, as required by the amendment to *N.J.S.A.* 40A:12A-6, the Legislature has directed that the Resolution authorizing the Planning Board to undertake a preliminary investigation state whether the redevelopment area determination shall authorize the Township to use all of those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (“Non-Condemnation Redevelopment Area”) or whether the redevelopment area determination shall authorize the municipality to use all of those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (“Condemnation Redevelopment Area”); and

WHEREAS, the redevelopment area determination shall authorize the Township of Chatham to use all of the powers provided by the Legislature for use in a redevelopment area, including condemnation, thus designating it a Condemnation Redevelopment Area; and

WHEREAS, the Township Committee of the Township of Chatham wishes to direct the Township of Chatham Planning Board to undertake a preliminary investigation to determine whether the proposed study area known as Block 128, Lot 2 as shown on the Township of Chatham Tax Map and commonly known as 522 Southern Boulevard and depicted on the attached aerial photograph qualifies as an area in need of condemnation redevelopment pursuant to *N.J.S.A.* 40A:12A-5.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, that the Township of Chatham Planning Board is hereby directed to conduct the necessary preliminary investigation, including the holding of a public hearing, to determine whether the study area identified above and depicted on the attached aerial photograph is an area in need of condemnation redevelopment under the criteria set forth in *N.J.S.A.* 40A:12A-1 *et seq.*; and

BE IT FURTHER RESOLVED that the Planning Board is hereby authorized to utilize the services of Frank Banisch, P.P., of Banisch Associates, Inc., to perform the preliminary investigation.

BE IT FURTHER RESOLVED that the Planning Board shall submit its findings and recommendations to the Township Committee in the form of a Resolution with supporting documentation.

Committeewoman Fondaco moved to adopt Resolution 2020-169. Deputy Mayor Ness seconded the motion.

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

RESOLUTION 2020-170

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP ADMINISTRATOR AND ATTORNEY TO PREPARE AND SOLICIT REQUESTS FOR PROPOSALS OR REQUESTS FOR QUALIFICATIONS FOR A REDEVELOPER FOR BLOCK 128, LOT 2, AS SHOWN ON THE TOWNSHIP OF CHATHAM TAX MAP AND COMMONLY KNOWN AS 522 SOUTHERN BOULEVARD

WHEREAS, the Township of Chatham has a need to solicit Requests for Proposals or Requests for Qualifications as the Township Administrator and Attorney determine for a redeveloper of Block 128, Lot 2 as shown on the Township Tax Map and more commonly known as 522 Southern Boulevard; and

WHEREAS, the Township Administrator and Attorney will prepare the RFP or RFQ consistent with applicable law, including establishing criteria for a recommendation of an award to the Township Committee; and

WHEREAS, the Township’s Administrator and Attorney shall review the responses to the RFPs or RFQs and make a recommendation to the Township Committee.

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 of Chatham Administrator and Attorney are hereby authorized to prepare and solicit responses to a Request for Proposals or Request for Qualifications for a redeveloper for Block 128, Lot 2 as shown on the Township Tax Map and more commonly known as 522 Southern Boulevard.
2. This Resolution shall take effect immediately.

Deputy Mayor Ness moved to adopt Resolution 2020-170. Committeewoman Ewald seconded the motion.

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

RESOLUTION 2020-171

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP ATTORNEY TO FILE SUIT AGAINST THE BANK OF AMERICA TO CLOSE AN ACCOUNT IN THE NAME OF THE GLENWOOD HOUSING CORPORATION AND TURN OVER THE FUNDS IN THAT ACCOUNT TO THE TOWNSHIP AS THE SUCCESSOR IN INTEREST TO THE CORPORATION

WHEREAS, the Glenwood Housing Corporation was created to administer the affordable controls at Vernon Grove; and

WHEREAS, the Certificate of Incorporation for Glenwood provides that once Glenwood ceases functioning that any funds the Corporation may have are to be transferred to the Township of Chatham as Glenwood's successor in interest; and

WHEREAS, Glenwood has ceased functioning, with the Township's Administrative Agent Piazza & Associates serving in that capacity; and

WHEREAS, Glenwood has an account with the Bank of America; and

WHEREAS, the Township requested that the Bank turn over these funds to the Township as Glenwood's successor in interest but the Bank will not do so without a court order; and

WHEREAS, any money received by the Township from the Glenwood account will be deposited in the Township's Affordable Housing Trust Fund to promote affordable housing within the Township.

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 Attorney is hereby authorized to file suit against the Bank of America for an order directing that the Bank turn over any funds in the Glenwood Housing Corporation account to the Township.
2. This Resolution shall take effect immediately.

Attorney Cruz explained that the Glenwood Housing Corporation used to be the administrative agent for the Township's Affordable Housing Program, and that responsibility was transferred to Piazza & Associates in 2010. Mr. Cruz said that the Glenwood Housing Corporation had been authorized to deposit funds into a separate account. The charter for the Glenwood Housing Corporation states that if the corporation is no longer functioning, it can be dissolved with any funds being turned over to the Township. Attorney Cruz stated that Resolution 2020-171 authorizes him to file suit against Bank of America to have the funds in the Glenwood Housing account turned over to the Township. He said that he had reached out to the Bank of America requesting that the funds be remitted to the Township, and the position of Bank of America was that they would not turn over the funds without a court order. Attorney Cruz noted that Bank of America was correct to take that position to ensure that the funds are turned over properly. He also said that there will not be any specific claim other than for the funds to be turned over to the Township, and the funds once received will be deposited in the Affordable Housing Trust Fund.

Deputy Mayor Ness asked if the funds could have been voluntarily turned over by the Glenwood Housing Corporation. Attorney Cruz said that could have happened, and he does not know why it did not happen. The Township Clerk indicated that the Glenwood Housing Corporation Trustees have not met since the mid-1990's. Deputy Mayor Ness asked how much money is in the account. Attorney Cruz said the account is about \$72,000. Administrator Hoffmann said that most of the trustees have passed away, and the Township Clerk said that the remainder live out of state.

Committeewoman Ewald asked if the funds were collected for maintenance of Vernon Grove. Attorney Cruz said that the funds were generated from the sale and resale of properties.

Deputy Mayor Ness moved to adopt Resolution 2020-171. Committeewoman Fondaco 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. Paul Heitlinger, 27 Lake Road, asked why the Township Committee is seeking to condemn the property at 522 Southern Boulevard. Mayor Kelly said that the Township is still seeking to make an amicable purchase of the property at a fair market value before condemnation is pursued. He also said that the Township is following the procedure of authorizing an investigation if the property is in need of condemnation redevelopment. Attorney Cruz said that the NJ Fair Housing Act gives municipalities the authority to condemn property for Affordable Housing. He also said that the Township is not precluded from engaging in negotiations for the purchase of the property, and condemnation will only be used if necessary. Mr. Heitlinger asked if condemnation will be used if the Township is unable to come to terms with the property owner. Attorney Cruz said that the Township Committee has indicated an intent to condemn if necessary, however there are several steps before that point.
2. Kim Flynn, 2 Daniel Street, said that there is a lot of confusion with Affordable Housing, and her neighborhood wants to be heard. Mrs. Flynn also said that her neighbors support the building of Affordable Housing, however they would prefer that fewer units be built at 522 Southern Boulevard. She also asked for assurance that wetlands and environmental concerns be protected.

Mayor Kelly addressed the approval process for ordinances and resolutions. He also said that the environmental concerns addressed by Mrs. Flynn will be addressed by the Planning Board.

3. Dan Miller, 465 Green Village Road, said that the noise ordinance should be enforced in the morning when bicyclists and joggers are making a lot of noise. Mr. Miller asked why the Township is publicly discussing negotiations for 522 Southern Boulevard when usually negotiations are kept private in Executive Session. He also said that he supports privacy for property acquisition negotiations.

Attorney Cruz said that the Township Committee's actions have been consistent with applicable law and transparency. He also said that there are certain steps which are required to be taken publicly, and he noted that negotiation terms have not been publicly discussed.

4. Gennady Uzkiy, 39 Lake Road, said that he is pleased with the level of transparency demonstrated by the Township Committee. He also said that he is concerned about the potential environmental impact of the redevelopment of the Charlie Brown's site. He also asked if the Township has been in touch with Madison to see if they will be developing housing in the area of Shunpike Road.

Mayor Kelly said that environmental studies will be conducted when the application process is before the Planning Board. Deputy Mayor Ness noted how lengthy the process was for Dixiedale and Arbor Green when those applications were before the Planning Board. She also said that the Township can follow up with Madison to see what plans they may have for the Madison side of Shunpike Road. Committeewoman Swartz commented on the Township's history of considering the environmental impact of stormwater drainage.

5. Monika Pundalik, 7 Joseph Street, said that neighbors in the Sunset Lake neighborhood are concerned about the number of Affordable Housing units rather than the presence of Affordable Housing. She also said that she and her neighbors would like the same opportunity to be heard that other neighborhoods had. Mrs. Pundalik also asked if condemnation will affect the implementation plan.
6. Fran Leff, 12 Joseph Street, said that she does not think that the Township Committee or Township Engineer care about Sunset Lake. She also said that she and her neighbors are concerned about the potential impact that the development of Affordable Housing at 522 Southern Boulevard may have on the Sunset Lake neighborhood. Mrs. Leff also opined that the drainage system is not sufficient.

Mayor Kelly said that the concerns of the Sunset Lake residents and the need for an adequate buffer are being considered by the Township Committee. He also said that this development is still in a very preliminary phase, and he reiterated Deputy Mayor Ness's comment that similar projects had many hearings before the Planning Board.

Committeewoman Swartz said that the Township Committee is interested in having the public attend meetings in person once the Pandemic is enough under control that such meetings can be held safely, and she said that she can sense frustration in the voices of residents who are participating via Zoom. Deputy Mayor Ness said that she and Mayor Kelly met with the residents of the Sunset Lake neighborhood, and some good information came from the meeting that can be helpful at the Planning Board. She also said that if there are drainage issues, they should be discussed and addressed.

7. Mrs. Pundalik asked if the Implementation Plan is expedited if 522 Southern Boulevard is condemned. Mayor Kelly said that Eminent Domain is a power that municipalities have to acquire property after determining fair market value. He said that it is his opinion that condemnation is an alternative way to acquire property, and that mechanism is separate from the Implementation Plan.

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

Other Business

Committeewoman Swartz suggested that the Township Committee should start meeting at 7:30 PM again soon. Attorney Cruz noted that the Township Committee recently adopted a resolution to amend the Annual Notice, and meetings through August have been noticed to have a 5:30 PM start time for public session. The Township Clerk indicated that the July 23rd meeting and August 13th meeting have 5:30 PM start times, and a special meeting for August 27th has not been formally noticed yet. Deputy Mayor Ness said that the reason for staying with the 5:30 PM start time was due to the length of some recent Township Committee meetings so that a sufficient amount of business could be conducted. Committeewoman Swartz indicated that many residents are back to commuting, and a 5:30 PM start time is difficult for some residents.

Administrator Hoffmann reported that the Health Officer has conducted a walk-through of the Municipal Building to assist with determinations as to when the Building can be reopened to the public and what precautionary steps will need to be taken. Administrator Hoffmann also said that plexiglass has been installed in those offices that have counter space. Determinations will need to be made on how to begin having the public attend Township Committee meetings in person. Committeewoman Ewald asked if a Township Committee meeting could be held in a different venue so as to allow the public to attend the meeting in person, noting that televising a meeting would not be possible in a different venue.

The Township Clerk asked that anyone watching on TV who has any feedback on the audio improvements can contact him with suggestions.

Deputy Mayor Ness moved to adjourn at 7:59 PM. Committeewoman Ewald seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk