

**MINUTES  
TOWNSHIP COMMITTEE  
REGULAR MEETING  
JANUARY 30, 2020**

Mayor Kelly called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:30 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 January 3, 2020; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 3, 2020; and notice was filed with the Township Clerk on January 3, 2020.

Mayor Kelly led the Flag Salute.

**Roll Call**

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

**Approval of Agenda**

Mayor Kelly noted that the Agenda includes updates on various Affordable Housing matters. He noted that the Township Committee will not be taking action on any of the reports to be given at this meeting. Mayor Kelly stated that the Township Committee has heard from the public that more information needs to be provided. The agenda includes three resolutions pertaining to Affordable Housing. Mayor Kelly noted that the Agenda also has two opportunities for the public to give comment.

Committeewoman Swartz asked that Resolution 2020-058 be removed from the Consent Agenda for a separate discussion and vote. Deputy Mayor Ness asked that Resolution 2020-059 be removed from this meeting's Agenda for consideration at a future meeting.

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

**Reports**

Committeewoman Fondaco reported that the single-use plastic bag ordinance goes into effect on March 1, 2020. The Township and Borough Environmental Commissions are collecting reusable bags for distribution to residents who need them, and there are several collection sites where people can drop off extra bags they may have. The Chatham Township Environmental Commission is also seeking new members for the Green Team to work on Sustainable Jersey Certification. There will be a tree seedling giveaway event at the Tanglewood Compost Center on April 12<sup>th</sup> from 9:00 AM to 12:00 PM. Committeewoman Fondaco further reported that a local Boy Scout Troop has rerouted the trail at the Green Village Pond to create a loop with two bridges. There will be a cleanup at the trail on April 18<sup>th</sup>. Committeewoman Fondaco also said that the Miele Trust has granted a conservation easement on their portion of the Rolling Knolls Landfill to be kept as open space. Committeewoman Fondaco further reported that Amy Mason of the Environmental Commission has submitted a sample ordinance for energy aggregation of electrical service.

Committeewoman Fondaco reported that the Chatham Township Historical Society received a grant in 2019 from the Morris County Historical Preservation Trust, and it is being used for the preservation plan for the Red Brick Schoolhouse. Funds are also being raised for a headstone for the grave of Madame Bey and her husband. On February 23<sup>rd</sup> there will be a presentation at the Municipal Building about John & Abigail Adams.

Committeewoman Swartz reported that she and Mayor Kelly met with PSE&G about their upcoming Roseland-Pleasant Valley Overhead Wire Project. The old latticework towers will be removed from the transmission right-of-way. Committeewoman Swartz said that PSE&G

purchased the Ferber Property, which will be used as a staging area during the term of the project. Following completion of the project, PSE&G intends to have the property be preserved and unused. Committeewoman Swartz further reported that the Senior Center held a donor party to honor those who have provided financial support. On April 25<sup>th</sup>, the Senior Center will be holding a Shred Event.

Committeewoman Ewald reported that the Board of Health met in January, and the next meeting is scheduled for February 11<sup>th</sup>. Committeewoman Ewald provided information on the various environmental health issues that the Board of Health addressed. She further reported that the Public Health Nurse, Marlene Dolan, has indicated that flu shots are still available. Regarding the coronavirus, Committeewoman Ewald reported that there are daily updates on the JDDOH and CDC websites. Committeewoman Ewald further reported that the Municipal Alliance met recently, and she provided information on their mission. MACC is also seeking additional volunteers, and also needs a new chairperson. The Mayors Wellness Committee has also met recently, and will meet again on February 11<sup>th</sup>. Committeewoman Ewald further reported that the next meeting of the Senior Citizens Advisory Committee is scheduled for February 20<sup>th</sup>.

Deputy Mayor Ness reported that the Joint Court met recently, and she noted that the Joint Court included both Chatham, Madison, Morris Township and Harding. Deputy Mayor Ness reported that the Joint Court's budget went down. The Township's share is based on the percentage of the case load, and that also decreased. Deputy Mayor Ness reported that a copy of the 2017 Southern Boulevard Road Traffic Survey was received from Morris County, and the County has been asked to update it for 2020. She also reported on the HopeONE Program being run by the Morris County Sheriff's Office. Deputy Mayor Ness further promoted Colony Pool, and said that there are two vacancies on the Colony Pool Advisory Committee.

Mayor Kelly commented on PSE&G's use of the Ferber Property, and said that the Open Space Committee had their eye on that site. He noted that PSE&G's intent to preserve the property at no cost to the Township is a great accomplishment. Mayor Kelly said that the use of the Ferber Property as a staging area for PSE&G's monopole project will be subject to Planning Board review. Mayor Kelly further reported that the Library of the Chatham Trustees had developed a Construction Plan, which has been on hold while investigating a new State grant program.

Engineer Ruschke noted that the PSE&G application will be before the Zoning Board rather than the Planning Board.

Administrator Hoffmann commented on suicide prevention and mental health awareness. Administrator Hoffmann also commented on an anticipated petition from residents on Longwood Avenue regarding student parking on the street. He noted that he observed the effect of the on-street parking on the quality of life in that neighborhood. Administrator Hoffmann further reported that the 2019 Concession Stand vendor for Colony Pool has opted not to return for 2020, and there is a resolution on the Consent Agenda authorizing an RFQ for the 2020, 2021 and 2022 seasons. Administrator Hoffmann also addressed the resolutions on the Consent Agenda for the Energy Auction. He also commented on the formation of an organization called MUSE (Morris, Union, Somerset, Essex) for municipal administrators to meet and discuss common issues. Administrator Hoffmann also said that the Hearing of Citizens is for public comment, and the Township Committee will consider public comments. He also said that decisions made by the Township Committee are a group effort made by public vote.

### **Hearing of Citizens**

Mayor Kelly opened the Hearing of Citizens.

1. Fran Drew, 32 Inwood Road, said that in 2014, 2015, 2016 and 2017 she spoke at Township Committee meetings in opposition to a second sidewalk on Lafayette Avenue. She said she thought it had then become a dead issue because the Township had not collected the funds in time. Mrs. Drew invited the Township Committee members to observe pedestrian traffic on Lafayette Avenue at 3:15 PM when Lafayette Avenue School lets out. Mrs. Drew opined that the presence of the sidewalk will create additional safety hazards, and said that the Safety Study conducted by the Township supports her assessment that Lafayette Avenue is already safe. Mrs. Drew also said that

former Township Administrator Tom Ciccarone was opposed to the installation of a new sidewalk, and he had advised motorists to slow down.

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

**Introduction of Ordinances**

Ordinance 2020-01

**ORDINANCE 2020-01  
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,  
STATE OF NEW JERSEY, AMENDING CHAPTER VI OF THE TOWNSHIP CODE TO  
AMEND THE ANNUAL RENEWAL FEE FOR LIQUOR LICENSES**

**BE IT ORDAINED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Revised General Ordinances of the Township of Chatham, 1995, are hereby amended in pertinent part to modify subsection 6-3.7 of Chapter VI, Alcoholic Beverage Control, to increase the renewal fees for plenary retail consumption licenses and plenary retail distribution licenses as follows:

**1. 6-3.7 License Fees, Maximum Number.**

The annual fees of licenses for the sale or distribution of alcoholic beverages in the Township shall be as follows:

<i>Class of License</i>	<i>Annual Fee</i>	<i>Number</i>
Plenary Retail Consumption License	\$2,500.00	3
Plenary Retail Distribution License	\$2,500.00	2

2. All other terms and provisions of subsection 6-3.7, Chapter VI, Alcoholic Beverage Control, of the Township Code shall remain unchanged.
3. This ordinance shall take effect as provided by law.

The Township Clerk provided background that the Township Committee began the process of raising the liquor license renewal fees toward the maximum of \$2,500 at the same time that the ordinance was amended to allow for an additional Plenary Retail Consumption License. He said that Ordinance 2020-01 is the continuation of that process, and will bring both fees up to the maximum renewal fee allowed by NJSA 33:1-12.

Committeewoman Ewald asked about the number of active licenses. The Township Clerk said that there are two consumption licenses and 2 distribution licenses. If the Township Committee decides to issue a third consumption license, there is a process per statute to be followed.

Committeewoman Swartz moved to introduce Ordinance 2020-01. 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 for Ordinance 2020-01 will be scheduled for February 13, 2020.

Ordinance 2020-02

**ORDINANCE 2020-02  
ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE  
OF NEW JERSEY, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up

to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township Committee of the Township of Chatham in the County of Morris finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Committee hereby determines that a 1% increase in the budget for said year, amounting to \$117,688.56 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Chatham, in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Township of Chatham shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$411,909.96, and that the CY 2020 municipal budget for the Township of Chatham be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Committeewoman Swartz moved to introduce Ordinance 2020-02. Deputy Mayor Ness seconded the motion.

Committeewoman Ewald asked for clarification of the purpose of the Cap Bank Ordinance. Administrator Hoffmann said that it allows a municipality to set money aside in an annual budget for emergency purposes. He also said that the figure is based on a three-year average.

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

Public Hearing for Ordinance 2020-02 will be scheduled for February 13, 2020.

### **Consent Agenda**

#### **RESOLUTION 2020-048 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 – December  
Tax Collector – December  
Police Department – December

#### **RESOLUTION 2020-049 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 January 2, 2020, January 7, 2020 and January 16, 2020.

**RESOLUTION 2020-050**

**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 January 7, 2020 and January 16, 2020.

**RESOLUTION 2020-051**

**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 CHRISTOPHER AND ASHLEY FELICE**

**WHEREAS**, Christopher & Ashley Felice (“Taxpayers”), the owners of Block 36, Lot 16 on the Township of Chatham’s Tax Assessment Maps, commonly known as 20 Candace Lane (“Property”), filed appeals of its 2018 and 2019 tax assessments in the Tax Court of New Jersey, Docket Nos.: 007036-2018 & 005914-2019; and

**WHEREAS**, the Township Committee of the Township of Chatham, County of Morris, State of New Jersey met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor Special Tax Appeal Attorneys; and

**WHEREAS**, the Property was assessed at \$2,444,100 for each year under appeal; and

**WHEREAS**, the subject property was purchased in June of 2017 for \$2,150,000; and

**WHEREAS**, an acceptable settlement of the aforesaid tax appeal has been negotiated which reduces the total tax assessment levied upon the Property for 2018 and 2019; and

**WHEREAS**, the 2018 total tax assessment, based upon said reduction, will be \$2,150,000 instead of \$2,444,100 for the Property; and

**WHEREAS**, the 2019 total tax assessment, based upon said reduction, will be \$2,050,000 instead of \$2,444,100 for the Property; and

**WHEREAS**, Taxpayers have agreed that any refunds due shall be without interest provided the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment; and

**WHEREAS**, the Township Committee leaves the allocation between land and improvements of the aforesaid tax assessment reduction to the Township of Chatham’s Tax Assessor’s discretion with the direction that the same be set so as to be most beneficial to the Township; and

**WHEREAS**, the aforesaid reduction has no general application to other properties within the Township of Chatham as a result of the aforesaid specific fact situation; and

**WHEREAS**, the Township Committee makes this settlement with Taxpayers without prejudice to its dealing with any other Chatham Township’s taxpayers’ request for tax assessment reduction; and

**WHEREAS**, the Mayor and Township Committee have reviewed a copy of the proposed Stipulation of Settlement, which is annexed hereto and incorporated herein by this reference.

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

1. The Township of Chatham’s Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$2,150,000 total tax assessment for the 2018 Tax Year and a \$2,050,000 total tax assessment for the 2019 Tax Year, for Block 36, Lot 16, which is most beneficial to the Township of Chatham and advise the Township Attorney of that allocation.
2. The Special Tax Appeal Attorney is authorized to execute a Stipulation of Settlement relative to the tax appeal of Christopher & Ashley Felice (“Taxpayers”) Docket Nos.: 007036-2018 & 005914-2019, which reduces the total tax assessment on Block 36, Lot 16 from \$2,444,100 to a total tax assessment of \$2,150,000 for the 2018 Tax Year and a total tax assessment of \$2,050,000 for the 2019 Tax Year; and which further

provides that any refunds due shall be without interest provided the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment.

3. The settlement outlined above shall be without prejudice to the Township of Chatham's dealings with any other Township taxpayers' request for tax assessment reductions.

**RESOLUTION 2020-052**

**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 FREDERICK EYNON & THERESA GREIS**

**WHEREAS**, Frederick Eynon/Theresa Greis ("Taxpayers"), the owners of Block 83, Lot 29 on the Township of Chatham's Tax Assessment Maps, commonly known as 22 Maple Street ("Property"), filed appeals of its 2018 and 2019 tax assessments in the Tax Court of New Jersey, Docket Nos.: 004800-2018 & 005877-2019; and

**WHEREAS**, the Township Committee of the Township of Chatham, County of Morris, State of New Jersey met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor Special Tax Appeal Attorneys; and

**WHEREAS**, the Property was assessed at \$2,200,000 for each year under appeal; and

**WHEREAS**, the subject property was purchased in April of 2017 for \$1,875,000; and

**WHEREAS**, an acceptable settlement of the aforesaid tax appeal has been negotiated which reduces the total tax assessment levied upon the Property for 2019; and

**WHEREAS**, the Taxpayers have agreed to withdraw their 2018 tax appeal; and

**WHEREAS**, the 2019 total tax assessment, based upon said reduction, will be \$2,100,000 instead of \$2,200,000 for the Property; and

**WHEREAS**, Taxpayers have agreed that any refunds due shall be without interest provided the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment; and

**WHEREAS**, the Township Committee leaves the allocation between land and improvements of the aforesaid tax assessment reduction to the Township of Chatham's Tax Assessor's discretion with the direction that the same be set so as to be most beneficial to the Township; and

**WHEREAS**, the aforesaid reduction has no general application to other properties within the Township of Chatham as a result of the aforesaid specific fact situation; and

**WHEREAS**, the Township Committee makes this settlement with Taxpayers without prejudice to its dealing with any other Chatham Township's taxpayers' request for tax assessment reduction; and

**WHEREAS**, the Mayor and Township Committee have reviewed a copy of the proposed Stipulation of Settlement, which is annexed hereto and incorporated herein by this reference.

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

1. The Township of Chatham's Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$2,100,000 total tax assessment for the 2019 Tax Year for Block 83, Lot 29, which is most beneficial to the Township of Chatham and advise the Township Attorney of that allocation.
2. The Special Tax Appeal Attorney is authorized to execute a Stipulation of Settlement relative to the tax appeal of Frederick Eynon/Theresa Greis ("Taxpayers") Docket Nos.: 004800-2018 & 005877-2019, which reduces the total tax assessment on Block 83, Lot 29 from \$2,200,000 to a total tax assessment of \$2,100,000 for the 2019 Tax Year; and which further provides that any refunds due shall be without interest provided the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment.
3. The settlement outlined above shall be without prejudice to the Township of Chatham's dealings with any other Township taxpayers' request for tax assessment reductions.

**RESOLUTION 2020-053**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM REFUNDING CONSTRUCTION PERMIT FEE**

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

**WHEREAS**, the project for which the permit was issued was cancelled; and

**WHEREAS**, the fee collected for the permit was \$229.00; and

**WHEREAS**, twenty percent (20%) of the total charge was for plan review, and is therefore being deducted from the refund;

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

<u>NAME</u>	<u>PERMIT #</u>	<u>AMOUNT</u>
Vivint Solar Inc 1800 W. Ashton Blvd. Lehi, UT 84043	19-0209	\$183.00

**RESOLUTION 2020-054**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING A REQUEST FOR QUALIFICATIONS (RFQ) OR REQUEST FOR PROPOSAL (RFP) FOR CONCESSION SERVICES AT THE COLONY POOL**

**BE IT RESOLVED**, by the Township Committee of the Township of Chatham that authorization is given to solicit quotes or prepare an RFP for food and other related concessions at the Colony Pool for up to a three (3) year period commencing in 2020.

**RESOLUTION 2020-055**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AWARDED A PROFESSIONAL SERVICES CONTRACT FOR COAH PROGRAM ADMINISTRATIVE AGENT.**

**WHEREAS**, in 2010 the Township of Chatham entered into an agreement with Piazza & Associates to act as an Administrative Agent to provide affordable housing compliance and monitoring services; and,

**WHEREAS**, the agreement automatically renewed each year unless one of the parties provided sixty (60) days notification prior to the end of the calendar year; and,

**WHEREAS**, the Township requested and received an updated proposal for the services required: and,

**WHEREAS**, the Township Committee desires to renew said agreement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that a professional service contract is hereby awarded to Piazza & Associates, Inc. in accordance with a proposal submitted and on file in the Office of the Township Clerk.

**RESOLUTION 2020-056**

**RESOLUTION OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE PURCHASE OF ELECTRICITY (MAIN LOADS) SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE**

**WHEREAS**, the Township of Chatham conducted a review and determined that it might receive better electricity rates if it participated in an online auction; and,

**WHEREAS**, the Township of Chatham has evaluated Energy Consultants and determined to move forward with the EMEX Reverse Auction in order to procure electricity for it approximately thirty (30) meters that comprise its main load; and

**WHEREAS**, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

**WHEREAS**, the Township of Chatham utilized the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

**WHEREAS**, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

**WHEREAS**, the auction was conducted pursuant to the Act; and,

**WHEREAS**, the Township of Chatham participated in an online energy auction on January 30, 2020 with eleven (11) energy companies participating; and,

**WHEREAS**, the best value for the Township of Chatham appears to be a twenty-four (24) month contract beginning in June of 2020 when the Township's current contract ends; and,

**WHEREAS**, the Township of Chatham is currently paying from 08.155 to 11.99 cents per kilowatt hour (kWh); and,

**WHEREAS**, the auction price received on January 30, 2020 is at 0.07490 per kWh, which will result in a projected annual savings of \$48,174.97, or 21.73%, and equates to a projected twenty-four (24) month savings of \$96,349.93.

**NOW THEREFORE BE IT RESOLVED**, that the Township of Chatham authorizes the Township Administrator to complete his due diligence review and if appropriate sign a contract with the participating supplier Hudson Energy that submitted the winning bid in the EMEX Reverse Auction.

**RESOLUTION 2020-057**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING MEMBER TO THE COLONY POOL ADVISORY COMMITTEE**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following appointment be made effective immediately:

Colony Pool Advisory Committee

Term Expires

Mark Lois

December 31, 2020

**RESOLUTION 2020-060**  
**RESOLUTION OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE PURCHASE OF ELECTRICITY (STREET LIGHTS) SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE**

**WHEREAS**, the Township of Chatham conducted a review and determined that it might receive better electricity rates if it participated in an online auction; and,

**WHEREAS**, the Township of Chatham has evaluated Energy Consultants and determined to move forward with the EMEX Reverse Auction in order to procure electricity for it approximately thirty (30) meters that comprise its main load; and

**WHEREAS**, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

**WHEREAS**, the Township of Chatham utilized the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

**WHEREAS**, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

**WHEREAS**, the auction was conducted pursuant to the Act; and,

**WHEREAS**, the Township of Chatham participated in an online energy auction on January 30, 2020 with eleven (11) energy companies participating; and,

**WHEREAS**, the best value for the Township of Chatham appears to be a sixty (60) month contract beginning in June of 2020 when the Township's current contract ends; and,

**WHEREAS**, the Township of Chatham is currently paying over 06.00 cents per kilowatt hour (kWh); and,

**WHEREAS**, the auction price received on January 30, 2020 is at 0.04730 per kWh, which will result in a projected annual savings of \$1,773.74, or 16.81%, and equates to a projected sixty (60) month savings of \$8,868.71.

**NOW THEREFORE BE IT RESOLVED**, that the Township of Chatham authorizes the Township Administrator to complete his due diligence review and if appropriate sign a

contract with the participating supplier Hudson Energy that submitted the winning bid in the EMEX Reverse Auction.

Mayor Kelly said that the resolution renewing the contract with Piazza & Associates for the management of the Township's Affordable Housing Program. The Township Clerk noted that the original contract was entered into in 2010.

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

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

**RESOLUTION 2020-058**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**CHATHAM APPROVING PAARI INITIATIVE**

**WHEREAS**, the Chatham Township Police Department has requested authorization from the Township Committee to take part in a new initiative, Hope One Project - PAARI (Police Assisted Addiction and Recovery Initiative); and,

**WHEREAS**, the Township's Public Safety Committee has met with the Chief of Police to review this initiative and is in agreement with the Chief's recommendation to participate in this valuable program; and,

**WHEREAS**, the mission is to aid those actively seeking police assistance when struggling with opiate or other substance use disorders to obtain resources and access to treatment; and

**WHEREAS**, the Township of Chatham's PAARI initiative enables police officers to immediately offer a pathway to recovery by providing a Certified Peer Recovery Specialist and a safe, private environment to discuss the help needed; and

**WHEREAS**, non-judgmental support and immediate and ongoing assistance by a professional Peer Recovery Specialist will have a positive impact on the recovery and healing of an individual as well as their family; and

**WHEREAS**, the Chatham Township Police Department partnering with the School District, Inter-Faith Leaders, and the Municipal Alliance recognize the disease of addiction as a nationwide epidemic; and

**WHEREAS**, the Chatham Township Committee plays a vital role in assisting the Chatham Township Police Department through joint crime, drug and violence prevention efforts in the Township of Chatham and is supporting the PAARI Initiative; and

**WHEREAS**, it is essential that all citizens of the Township of Chatham be aware of the importance of drug addiction and crime prevention programs and the impact that addiction recovery and advocacy will have on their quality of life as well as reducing crime, drugs, and violence in the Township of Chatham.

**NOW, THERFORE, BE IT RESOLVED**, that we, the Township Committee of the Township of Chatham, Morris County, New Jersey, fully support the Chatham Township Police Department and the community groups partnering with them in their implementation of the PAARI. Initiative and for taking a leadership role in creating a positive impact on individuals and their families struggling with addiction, thus, providing a clear path to recovery.

Committeewoman Swartz moved to adopt Resolution 2020-058. Deputy Mayor Ness seconded the motion.

Committeewoman Swartz said that the PAARI Program is designed to combat opiate addiction, and is part of Sheriff Gannon's Hope One program. She also read aloud the resolution into the record. The Township Clerk reported that Ms. Gonzalez prepared a video on the Hope One Program for a class, and she has offered to share it with the Township Committee.

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

## Presentations

Mayor Kelly said that contrary to what has recently been posted on yard signs, the Township does not face pending development of 200+ new units of affordable housing. Mayor Kelly also said that claims have been made on social media that municipalities do not have to spend money to build affordable housing. He explained the potential extra development that would have occurred if the Township Committee had opted for inclusionary development, which would put further strain on the Township's infrastructure. Mayor Kelly said that the Township will avoid certain ongoing costs by spending some money up front for a municipally sponsored 100% affordable development.

### Affordable Housing Litigation Status Update

Attorney Cruz said that on January 10, 2020 he submitted on behalf of the Township a motion seeking relief for an extension for Affordable Housing compliance. He also summarized the Cross Motion submitted by the Fair Share Housing Center. Attorney Cruz said that the Cross Motion is available on the Township Website. He also indicated that he is preparing the Township's response to the Cross Motion, which is due to be submitted to the Court by February 7<sup>th</sup>. On February 14<sup>th</sup> there will be a hearing on the Township's motion for the extension.

Committeewoman Ewald said that it is her understanding that the Fair Share Housing Center has requested that the Township be stripped of immunity from builders remedy lawsuits. Attorney Cruz confirmed that the cross motion requests that action from Judge Gaus.

### Update on Four (4) Cost Options Related to Renovations of Police and Municipal Buildings

Administrator Hoffmann said that the public and the Township Committee requested information be gathered on cost estimates on the necessary improvements on current municipal facilities, as well as appraisals on the value of those facilities.

Administrator Hoffmann said that the costs for the four options considered are as follows:

1. Renovating the Existing Police Headquarters – \$2,509,000
2. Updating the Municipal Building at 58 Meyersville Road – \$4,773,000
3. Combining Administrative and Police Facilities at 58 Meyersville Road – \$7,254,000
4. Combining Administrative and Police Facilities at 401 Southern Boulevard – \$10,929,000

Administrator Hoffmann noted that Options 1 & 2 would need to be paired, which is a total estimated cost of \$7,282,000. He also said that making the Municipal Building more energy efficient will be investigated.

Engineer Ruschke said that the 2008 report was reviewed, and simply adjusting for inflation would not give an accurate cost estimate of the necessary improvements. He also said that some of the projects in the 2008 report were performed, and others were added in as the building has continued to deteriorate.

Administrator Hoffmann said that he took Mr. Damato up on his offer to assist in obtaining cost estimates, and they met on January 15<sup>th</sup> with both an HVAC and window professional.

Committeewoman Swartz said that it is unlikely that all the necessary repairs will be done at the same time. Engineer Ruschke agreed that some repairs are a higher priority than others, and Administrator Hoffmann said that both the Municipal Building and Police Headquarters have similar needed improvements. Deputy Mayor Ness noted that the work to be done are repairs rather than voluntary improvements. Engineer Ruschke said that there are fundamental repairs that are needed.

Administrator Hoffmann said that an appraisal of the Police Department including one acre of land was conducted. The land was valued at \$1,307,000 and the building was valued at \$334,000 because it is a 45-year old municipal structure. The total appraisal value is \$1,641,000 for both the building and the land.

Administrator Hoffmann said that an appraisal of the Municipal Building was also performed. He said that the processes looked at the highest and best use of the property, which was determined to be residential housing of up to 7 buildable lots. The value of the property for residential use was appraised as \$2,900,000 which would include demolition of the current building. Administrator Hoffmann said that the property was also appraised for use for Affordable Housing with the Senior Center and the Gym being retained. The appraisal for the Affordable Housing scenario is \$1,138,000 with 65 affordable units. If the number of affordable units were reduced, the appraisal would also be reduced by \$17,500 per unit. The property was also appraised for present conditions, with an approximate land value of \$2,000,000 and building value of \$4,913,000 for a combined value of \$6,913,000.

### **Resolutions**

Attorney Cruz commented that the resolution on the Consent Agenda to renew the contract with Piazza & Associates is a routine item because it is the renewal of an existing contract, and the resolution did not require a separate vote.

Attorney Cruz said that Resolution 2020-045 approves a Spending Plan. He said that the Spending Plan establishes how development fees will be used for Affordable Housing costs. Attorney Cruz said that Resolution 2020-046 requests permission to establish a dedication-by-rider account in which development fees would be deposited. The account would be used as a trust for Affordable Housing costs to be spent in accordance with the Spending Plan. Attorney Cruz also explained that Resolution 2020-047 establishes the Township Committee's intent to bond to cover the shortfall in payment of the Affordable Housing construction costs not covered by development fees.

#### **RESOLUTION 2020-045**

#### **RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ADOPTING A SPENDING PLAN REGARDING THE COLLECTION AND DISTRIBUTION OF FUNDS FOR AFFORDABLE HOUSING FROM THE TOWNSHIP AFFORDABLE HOUSING TRUST FUND**

**WHEREAS**, the Township of Chatham adopted a Development Fee Ordinance for the collection of development fees and other income to use to address municipal affordable housing obligations; and

**WHEREAS**, the Development Fee Ordinance establishes an Affordable Housing Trust Fund that includes development fees, payments from developers and other income as may be realized for use in connection with implementation of the Township's December 13, 2018 affordable housing Settlement Agreement with the Fair Share Housing Center, Inc. addressing the Township's affordable housing obligations and for the purposes of rehabilitation of affordable units, construction of new units, affordability assistance and administration of the Township's affordable housing plan; and

**WHEREAS**, through the judicial process, the Township entered into the FSHC Settlement Agreement which fully addresses the Township's Third Round affordable housing obligations; and

**WHEREAS**, a Preliminary Fairness and Compliance Hearing was held on February 22, 2019, during which the FSHC Settlement Agreement was approved, and said approval was memorialized by an Order entered by the Superior Court of New Jersey, Law Division, on the same date; and

**WHEREAS**, the Township is under the jurisdiction of the Superior Court as a result of the Township's declaratory judgment action, filed July 7, 2015, seeking, among other things, a judicial declaration that its Housing Plan Element and Fair Share Plan, to be adopted and amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine"; and

**WHEREAS**, the Township is desirous of seeking approval of a Spending Plan from the Superior Court for the collection and distribution of affordable housing trust funds in connection with fulfilling the Township's affordable housing obligations; and

**WHEREAS**, the Township prepared a Spending Plan consistent with the Council on Affordable Housing regulations, the FSHC Settlement Agreement and the Superior Court's February 22, 2019 Order.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of Township of Chatham, County of Morris, State of New Jersey, hereby approves the Spending Plan, dated January, 2020 that is attached hereto and made a part hereof, and requests that the Superior Court review and approve the Township's Development and Fee Ordinance and Spending Plan, so that the Township may collect and expend funds in its Affordable Housing Trust Fund.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that this Resolution is conditioned upon Superior Court approval of the Development Fee Ordinance and Spending Plan.

Committeewoman Ewald moved to adopt Resolution 2020-045. Deputy Mayor Ness seconded the motion.

Committeewoman Ewald asked if the development fee ordinance would apply to developments such as Rose Valle if such developments do not have an affordable component. Attorney Cruz said that it would apply in such cases, and the developer would make a Payment In Lieu Of. He noted that in such circumstances, the Township would then need to find a location for the construction of the appropriate amount of affordable units, and would need to weigh the value of the payment compared with the value of the affordable units. Committeewoman Ewald also asked about the unmet need, and if the Payment In Lieu Of would still be an option. Attorney Cruz said that the Township has two mechanisms for meeting the unmet need. One is the Fairmount Commons overlay, and the other is the Township-wide set aside of 20% (15% if rental units).

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

#### **RESOLUTION 2020-046**

#### **RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR DEVELOPMENT FEES REQUIRED BY THE FAIR HOUSING ACT OF 1985, N.J.S.A. 52:27D-301 ET SEQ.**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

**WHEREAS**, the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. provides for receipt of development fees by the municipality to provide for the operating costs to administer this act; and

**WHEREAS**, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Development Fee Trust are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

**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 Committee does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Fair Housing Act of 1985.
2. The Township Clerk of the Township of Chatham, County of Morris, is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Deputy Mayor Ness moved to adopt Resolution 2020-046. Committeewoman Ewald seconded the motion.

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

#### **RESOLUTION 2020-047**

#### **RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, OF INTENT TO FUND SPENDING PLAN SHORTFALL**

**WHEREAS**, pursuant to the substantive regulations of the New Jersey Council on Affordable Housing, certain portions of the December 13, 2018 affordable housing Settlement Agreement between the Township of Chatham and the Fair Share Housing Center, Inc. require a financial commitment by the Township; and

**WHEREAS**, pursuant to COAH regulations, the Township must resolve to address any shortfall in the funding of affordable housing programs, including its willingness to incur bonded indebtedness, if necessary, to provide the funds required for the timely implementation of the affordable housing mechanisms.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that, to the degree that the funds required for the implementation of the aforesaid mechanisms are not available at the time they are needed from all available affordable housing funding sources, the Township will provide the funding needed for any shortfall through appropriations in the Township's annual budget, bonding, or any other legal means, with the understanding that future contributions to the Affordable Housing Trust Fund may be used to reimburse the Township for such costs.

Committeewoman Ewald moved to adopt Resolution 2020-047. 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. Richard Matlaga, 36 Dale Drive, asked where the Township is in the thought process on the potential properties for the Affordable Housing. Mayor Kelly said that the Township Committee is moving forward with gathering information, and the Committee is not ready to narrow down the options. Mayor Kelly noted that the hearing on the extension is scheduled for February 14<sup>th</sup>. Mr. Matlaga asked what would happen if the Dixiedale Property is delayed and the Township loses immunity for builders remedy lawsuits. Attorney Cruz said that it would be unfair to speculate what might occur in the litigation, noting that the cross motion from the Fair Share Housing Center was only recently submitted. He also said that the relief sought by the Fair Share Housing Center includes a request that the Township be stripped of builders remedy immunity. Mr. Matlaga commented about the goals and objectives, and noted that the Township Committee discussed a 30-year debt plan which would extend for the same amount of time as the affordable controls. Mr. Matlaga asked that when the goals and objectives are posted on the Township website, they should be in a form that are easy for the public to read. Mr. Matlaga further commented on the proposed lack of parking at the Arbor Green development.
2. Sarah Fechtner, 3 Rolling Hill Drive, asked if the Township is non-compliant by not having a sally port at the Police Headquarters. Administrator Hoffmann said that the Township has a waiver until October 2021, after which the Township would be out of compliance. Mrs. Fechtner asked if the sally port is necessary for the Township to be able to detain prisoners. Administrator Hoffmann said that an additional extension has been requested, but the Department of Corrections has not yet responded. Mrs. Fechtner asked if the Township has reached out to neighboring towns for a shared service opportunity. Administrator Hoffmann said the in the past, police chiefs have discussed the potential for a regional holding area, and it was not workable because each municipality sending a detainee would also need to have an officer remain at the facility which would take an officer away from their patrol duties. He also said that bringing detainees to County facilities is not always an option. Mrs. Fechtner said she wants to point out that upgrading the Police Headquarters is something that the Township has to do.
3. Matt Kahn, 2 Country Club Drive, asked if there is any update on the DEP waiver for the Skate Park site. He asked if there is any sense how soon the Township might receive that waiver if it is needed. Mayor Kelly said that there is not an update at this time, and

Engineer Ruschke said that the Township has only had a concept meeting with the DEP. Attorney Cruz added that it is a separate matter from the Township's request for an extension for affordable housing compliance. Mr. Kahn asked about the cost of upgrading the Police Headquarters relative to the cost of the appraised value. Mayor Kelly said that the numbers are still being analyzed. Mr. Kahn commented on the suggestion that the Township risk giving up immunity from builders remedy lawsuits, and he spoke against taking that chance. He cited Florham Park as a municipality that would have faced development of 4100 units if they had list their builders remedy immunity. Mr. Hoffmann noted that the Police Department's appraisal was based on the age of the building and that it is in use 24 hours a day.

4. William Kolb, 33 Sandy Hill Road, said that it will be a difficult decision for the Township Committee to decide where to put affordable housing. He also said that most residents would agree that they do not want the affordable housing built near them. Mr. Kolb suggested that the obligation be met in several locations rather than putting all the units on one site.
5. Jackie Munsey, Rolling Hill Drive, asked about the gun range. Deputy Mayor Ness said that there are not currently plans to relocate the gun range.
6. David Workman, 19 Susan Drive, asked if the gun range could be relocated to a more rural site. Mayor Kelly said that the gun range is an important asset. Administrator Hoffmann noted that the Township allows other municipalities to use it as well. He also said that the Township has not presently looked into relocating the gun range, however it could be considered in the future. Deputy Mayor Ness said it would not be an unreasonable request for another municipality to house a gun range. Mr. Workman asked about the alternative sites for Affordable Housing, said that the Township does not have much time to make a decision. Mayor Kelly said that adequate information is needed before a decision is made. Deputy Mayor Ness commented on the number of factors that go into a decision on a location for affordable housing, and some options are interdependent on a multitude of factors. Mr. Workman agreed that the solution has to be well thought out, and pointed out that the public has only been aware of the potential sites for the past few months. Mr. Workman said that the alternative sites have to be explored.
7. Mike Stancampiano, 77 Meyersville Road, asked if consideration had been given to adding a second storey to the Municipal Building, and keeping the first floor as the current municipal offices with a smaller number of affordable units on the second floor. Mayor Kelly said that portions of what Mr. Stancampiano suggested are being explored.
8. Jen McNally, 19 Ferndale Road, asked if the property recently purchased by PSE&G could have been used for affordable housing. Mayor Kelly said that it would not be an option, as it is outside of the sewer service area. Mrs. McNally asked why the Fair Share Housing Center responded the way they did to the Township's motion. Mayor Kelly suggested that Mrs. McNally read the cross motion submitted by the Fair Share Housing Center, which is posted on the Township website. Mrs. McNally said that she had been told that the Township ran out of money for several capital projects, and asked where the money had been spent. She also asked if there is a punch list of projects that need to be accomplished. Deputy Mayor Ness commented on the small turnout at the Township Committee meeting at which goals and objectives were discussed, and encouraged residents to attend future meetings at which future plans are being considered.
9. Paul Payton, 67 Candace Lane, advocated for moving the Police Department to Meyersville Road.
10. Costa Koulogiannis, 99 Susan Drive, asked what information is publicly available, and when the Township Committee anticipates being able to share more information on the options under consideration. Mayor Kelly said that he expects more information to be available after the February 14<sup>th</sup> hearing. Deputy Mayor Ness said that the Township Committee does not want to give incomplete information. She also noted that she has plenty of questions of her own on the information currently available. Mr. Koulogiannis asked if the Township Committee is further along than they had been a few weeks ago. Mayor Kelly commented on the progress the Township is making, and the need to

demonstrate good faith to the Court. Committeewoman Ewald said that she continues to advocate for releasing information to the public, and noted that there is a disadvantage to piecemeal release of information. Administrator Hoffmann noted that there are two developers that the Township is working with to sort through the available options. He also said that the Township had received calls from State and County agencies about what steps the Township might take.

11. King Jang, 8 Warwick Road, said that regarding affordable housing, the wrong answer at the right time would be better than the right answer at the wrong time. Mr. Jang warned that the consequences of unnecessary delay would be worse than the financial cost of compliance.
12. Jake Surowiecki, 67 Johnson Drive, spoke in favor of moving the Police Department to the Municipal Building. He also said that the Municipal Building is not so old as to be obsolete. Mr. Surowiecki also said that builders would be willing to build on several sites if the Township is willing to pay them to do so.
13. Scott Citron, 49 Mountainview Drive, said that the only finite proposal seems to be the three-storey building at 58 Meyersville Road. Mayor Kelly said that there are several options, and the Township Committee is not yet ready to discuss specific sites. Mr. Citron asked if the Township could be forced to build the proposed building at 58 Meyersville Road despite the objections of neighborhood residents. Administrator Hoffmann said that the Arbor Green development is the only development that has been locked down and approved. Committeewoman Swartz paraphrased Mr. Citron's point that if the Township runs out of time, the only site that the Township Committee has acted to designate thus far is 58 Meyersville Road. Mr. Citron asked if the Township Committee could vote to rescind the designation of the Municipal Building site.
14. Doug Bixby, 27 Thornley Drive, asked if he heard correctly that the Dixiedale proposal was rejected. Attorney Cruz said that the Planning Board approved the Dixiedale application, and the Affordable Housing component of that project is the Arbor Green Development. Attorney Cruz also said that the Fair Share Housing Center is seeking to prevent those approvals from moving forward. Mr. Bixby asked what the Township's plan is if those approvals are prevented by the Court. Attorney Cruz said that the Township Committee is considering several options, and a complete package will be presented once prepared. Mr. Bixby said that objections need to be anticipated, and contingency plans need to be developed. Mayor Kelly noted that the various motions are posted on the Township website, and the Township's response is being developed. Deputy Mayor Ness noted that the cross motion from the Fair Share Housing Center was only recently received, and it will take time to consider an appropriate response. She also said that the cross motion does not reflect all the steps that the Township has taken toward compliance. Committeewoman Ewald noted that the cross motion includes references to statements made by former Township Committee members, and those statements are being used against the Township.
15. Erin Burgo, 21 Candace Lane, said that she wrote a letter to the editor about youth sports events held at the Mountainview Gym. She read the letter aloud. Mrs. Burgo asked if the social impacts of projects are considered. Administrator Hoffmann said that the gym and wrestling room would remain if the Municipal Building becomes affordable housing, however there would be a temporary lack of access for approximately 18 months. Deputy Mayor Ness noted that efforts are being made to accommodate all the programs that are currently housed in the Mountainview Gym. Mrs. Burgo said that it will be hard for parents to explain to their children that they did not make the basketball team, and she asked that consideration be given to the children who already live in Chatham Township. Mayor Kelly said that there are several constituencies who are being considered.
16. Scott Burgo, 21 Candace Lane, asked if all the variables to be considered are publicly available. Mayor Kelly said that multiple matrices of options are being considered, each with multiple variables and factors, but unfortunately it is not publicly available yet. Mr. Burgo asked if all the necessary professionals have been retained for the affordable housing efforts, or are there still outstanding tasks. Mayor Kelly said that some responses are still pending, but he is not aware of any efforts that have not yet been initiated. Mr.

Burgo said that both a location and a committed developer are needed. Attorney Cruz said that a memorandum of understanding with a developer will be needed. Mr. Burgo asked if the Township will have to start the process all over again in 2025. Attorney Cruz explained that the Third Round rules were supposed to have been issued by COAH in 1999, however all the versions of the rules developed by COAH were declared invalid. He said that the Fourth Round will begin in July 2025, and it is unknown if the NJ State Legislature will find a comprehensive solution to address affordable housing for the whole state by then. Until that time, every municipality is dealing with affordable housing separately. Attorney Cruz also said that it was the NJ Supreme Court that originally ruled that providing a realistic opportunity for affordable housing is a municipal obligation, and COAH's role was to set consistent rules to be applied statewide.

17. Gerry Nigro, 475 River Road, said that she lives across the street from one of the proposed locations for affordable housing. She asked about a septic system being installed on the property next to hers, and how the septic repairs will affect her property value. Mrs. Nigro noted that the notice she received was from the DEP. The Township Clerk said that the Board of Health approved the septic application in question back in December, and the notice that Mrs. Nigro received was in reference to a GP24 Permit application that the Board of Health required the applicant to submit. The septic application was in connection with a pending real estate transaction, and a family is planning to buy the house.
18. John Stricko, 156 Noe Avenue, thanked the Township Committee for the cost estimate information for renovations and new construction of municipal facilities. He opined that a new structure would cost a lot more than proposed. Mr. Stricko said that the Police Department is strategically located, and serves a functional purpose in the present location. He warned that moving the Police Department to Meyersville Road would remove an important deterrent, and would affect response times.
19. Brian Benson, 10 Driftway Street, agreed with Mr. Stricko's comments about the Police Department. He also said that it is great that more than two locations are being considered, and advocated for a multi-site solution.
20. Vicky Aloia, 37 Rolling Hill Drive, asked about the Dixiedale Development. Attorney Cruz explained that the Fair Share Housing Center requested relief in their cross motion, and the Judge is expected to render a decision after the February 14<sup>th</sup> hearing. Mayor Kelly elaborated on the process.
21. Christina Mott, 22 Nicholson Drive, asked about the cost estimates that were presented about facility upgrades and construction. Administrator Hoffmann clarified the figures and the options.
22. Mohamed Selim, 54 Meyersville Road, asked what options are available to the Township if the Judge's ruling is unfavorable. Attorney Cruz said that will depend on the specific ruling, and he reiterated the difficulty in speculation.
23. Costa Koulogiannis, 99 Susan Drive, asked what happens if there is not a developer willing to build what the Township proposes. Mayor Kelly said that a range of options are being considered. Attorney Cruz said that the Township's obligation would remain. Engineer Ruschke noted that any site could be developed depending on how much money the Township is willing to spend. Committeewoman Swartz said that the Township would be able to find a willing developer if the Township is willing to pay them.
24. Heidi Harting, 9 Dale Drive, asked if there is anything the community can do to show support for moving forward to help convince the Court that the Township is acting in good faith. Mayor Kelly thanked Mrs. Harting for the offer. Administrator Hoffmann noted that affordable housing issues have to be addressed legislatively at the State level. Committeewoman Swartz said that it needs to be stressed that the Legislature needs to address affordable housing prior to the Fourth Round.

25. Rich Matlaga, 36 Dale Drive, said that in November when a site was selected, the tone of the meeting was hostile and the public felt like the selection was sprung on them. He thanked the Township Committee for the more open process since that time. Mr. Matlaga further noted that this time of year is when Girl Scout cookies are being sold.

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

Deputy Mayor Ness moved to adjourn at 10:58 PM. Committeewoman Ewald seconded the motion, which carried unanimously.

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Gregory J. LaConte  
Municipal Clerk