

**MINUTES  
TOWNSHIP COMMITTEE  
SPECIAL MEETING  
FEBRUARY 24, 2020**

Mayor Kelly called the Special Meeting of the Township Committee of the Township of Chatham to order at 4:59 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 February 21, 2020; notice was posted on the bulletin board in the main hallway of the Municipal Building on February 21, 2020; and notice was filed with the Township Clerk on February 21, 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**

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

Mayor Kelly said that this meeting was called for the purpose of an Executive Session. He said that a mediation session was held on February 21<sup>st</sup>, and this meeting was the first opportunity for the Township Committee to meet with Attorney Cruz do discuss the mediation status. Mayor Kelly also said that the Township is making progress toward an amended agreement to meet the Affordable Housing obligation. Representatives of the Township and the Fair Share Housing Center have met twice in the past two weeks for mediation discussions, and the mediation was conducted by Special Master Brian Slauch. Mayor Kelly said that the purpose of the mediation is to promote a settlement agreement prior to a hearing before Judge Gaus. Progress has been made, but some issues still need to be worked out. Mayor Kelly said that progress has been made on the request for an extension, and progress has been made regarding the cross motion from the Fair Share Housing Center regarding the Township's immunity from builders remedy lawsuits. Mayor Kelly also said that progress has been made on a schedule for the construction of affordable housing. Because there is still active litigation, Mayor Kelly said that further comment is not possible. However, if further progress is made, Mayor Kelly said that updates will be made public. Mayor Kelly said that he hopes to have updates available at the February 27<sup>th</sup> meeting, and he will be holding informal meetings on Saturday mornings at 10:00 AM at the Municipal Building. Mayor Kelly asked residents to reach out to their State Legislators to ask them to work on a legislative solution.

**Hearing of Citizens**

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

**Executive Session**

**RESOLUTION 2020-P-06  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY,  
AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE  
PUBLIC EXCLUDED**

**WHEREAS, N.J.S.A. 10:4-12** of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
  - a. Litigation: In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
  - b. Litigation: Fair Share Housing Center v. Township of Chatham – Complaint in Lieu of Prerogative Writs and for Declaratory Judgment, Injunctive Relief, and Damage
  - c. Litigation: Christopher & Ashley Felice v. Township of Chatham Docket No. MRS-L-002717-19
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.

Committeewoman Swartz moved to adopt Resolution 2020-P-06 to enter Executive Session at 5:07 PM. Deputy Mayor Ness seconded the motion.

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

The Township Committee returned from Executive Session at 6:58 PM.

Committeewoman Swartz moved to adjourn at 6:58 PM. Committeewoman Ewald seconded the motion, which carried unanimously.

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Gregory J. LaConte  
Municipal Clerk