

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE AGENDA**

April 9, 2020
April 9, 2020 Draft

IN ORDER TO COMPLY WITH THE EXECUTIVE ORDERS SIGNED BY THE GOVERNOR, AND IN AN EFFORT TO FOLLOW BEST PRACTICES RECOMMENDED BY THE CDC, THE TOWNSHIP OF CHATHAM WILL LIMIT THE PUBLIC FROM PHYSICALLY ATTENDING THE TOWNSHIP COMMITTEE MEETING TO BE HELD ON APRIL 9, 2020. PARTICIPATION FOR THIS MEETING WILL BE OFFERED ELECTONICALLY FOR MEMBERS OF THE PUBLIC. TO VIRTUALLY ATTEND THIS MEETING, VISIT THE FOLLOWING WEBSITE OR ENTER THE FOLLOWING MEETING ID:

<https://zoom.us/j/880033824>

Or iPhone one-tap :

US: +13126266799,,880033824# or +19294362866,,880033824#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 929 436 2866 or +1 253 215 8782 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 880 033 824

International numbers available: <https://zoom.us/u/acf17JvZvI>

THE MEETING WILL ALSO BE TELEVISED ON COMCAST 29 AND FIOS 26.

Meeting Called to Order at 5:30 PM

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 April 3, 2020; notice was posted on the bulletin board in the main hallway and on the front door of the Municipal Building on April 3, 2020; and notice was filed with the Township Clerk on April 3, 2020. Notice was also posted on the Township website and sent to *The Alternative Press*.

Flag Salute

Roll call

Approval of Agenda

Reports:

1. Bond Anticipation Note Sale

Public Hearing/Adoption of Ordinances

1. Ordinance 2020-04 Amending Ordinance 2018-22 – Will be deferred to April 23, 2020
2. Ordinance 2020-05 Reducing Open Space Tax

Consent Agenda

1. Resolution 2020-099 Payment of Bills
2. Resolution 2020-100 Approving Meeting Minutes
3. Resolution 2020-101 Approving Executive Session Minutes
4. Resolution 2020-102 Refunding Overpayment of Taxes
5. Resolution 2020-103 Regarding Bond Anticipation Note Sale
6. Resolution 2020-104 Regarding Taxes and Sewer Fees for Block 128 Lot 2

*In accordance with the Open Public Meetings Act, items to be discussed in Executive Session will be made public as soon as known.

Hearing of Citizens/Petitions Note: This is an opportunity for any member of the public to be heard about issues which are not topics scheduled for Public Hearings tonight.

Public participation in the Hearing of Citizens is available at: <https://zoom.us/j/880033824>

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Executive Session* – Resolution 2020-P-10 (If necessary)

Adjourn

*In accordance with the Open Public Meetings Act, items to be discussed in Executive Session will be made public as soon as known.

ORDINANCE 2020-04

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
AMENDING ORDINANCE 2018-22 WHICH ADOPTED A REDEVELOPMENT PLAN
FOR A 3.8 ACRE PORTION OF BLOCK 48.16, LOT 117.27 FOR THE
DEVELOPMENT OF LOW AND MODERATE INCOME HOUSING TO AMEND THE
REDEVELOPMENT PLAN TO PROVIDE THAT THE REDEVELOPMENT AREA
CONSISTS OF TWO (2) PARTS, 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 OF
CHATHAM**

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 low and moderate income housing; 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) low and moderate income 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 3.4 acre parcel which reduced the Redevelopment Area; and

WHEREAS, it was the intent of the Township of Chatham to convey the Redevelopment Area 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 have changed requiring that the Redevelopment Area be divided into two (2) areas, the Part A consisting of 1.04 acres to be conveyed to Southern Boulevard Urban Renewal, LLC and Part B to be retained by the Township for public purposes, including affordable housing; and

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

WHEREAS, it is the purpose of this Ordinance to amend the adopted Redevelopment Plan as described in this Ordinance.

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 Redevelopment Area consists of a 3.8 acre portion of Block 48.16, Lot 117.27 and the designation of the Redevelopment Area, as an area in need of non-condemnation redevelopment, is not changed by this Ordinance.

Section 2. The Redevelopment Area of 3.8 acres is hereby amended to consist 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.

Section 3. All references in the Redevelopment Plan to the Redevelopment Area are hereby amended to provide that the Redevelopment Area shall consist of two (2) parts:

- a. Part A consisting of 1.04 acres, and
- b. Part B consisting of 2.76 acres.

Parts A and B of the Redevelopment Area are shown on the attached "Site Plan Overall" Sheet No. SUB-1, prepared by Paulus, Sokolowski and Sartor, LLC, dated February 19, 2020 ("Plan of Amended Redevelopment Area").

Section 4. All aerial photographs, figures, tax maps and conceptual site plans are hereby replaced with the Plan of Amended Redevelopment Area.

Section 5. All references in the Redevelopment Plan to a three (3) story building are hereby changed to a single, two and one-half (2-1/2) story building.

Section 6. Section 3.3 of the Redevelopment Plan titled "Permitted Uses" is hereby amended as follows:

- a. Section 3.3B is amended to delete 3.3B.2, tot lots, and Section 3.3B.3, walking paths, and replaced with a new 3.3B.2, sidewalks.

Section 7. Section 3.4 of the Redevelopment Plan titled "Bulk, Area and Yard Requirements" is hereby amended as follows:

- a. Section 3.4A.1 is amended by changing 3 acres to 1.04 acres.
- b. Section 3.4A.2 is amended by changing lot frontage from 150 feet to 135 feet.
- c. Section 3.4A.4, distance between Two Principal Buildings on the lot is deleted.
- d. Section 3.4A.5, "Setbacks of Tot Lots or Trash Enclosures" is deleted and replaced with "Setbacks of Trash Enclosures".
- e. Section 3.4A.5a is amended to change the setback for side from 10 feet to 4 feet.
- f. Section 3.4A.6, "Setback of Parking" is amended to change the setback from the side from 4 feet to 0.5 feet.
- g. Section 3.4B.1, Maximum Standards is amended to change "Building Coverage" from 15% to 30%.
- h. Section 3.4B.2 is amended to change "Impervious Coverage" from 30% to 70%.

Section 8. Section 3.6 of the Redevelopment Plan titled "Design Requirements" is hereby amended as follows:

- a. Section 3.6.3 is amended by changing the building façade offsets from every 40 feet to every 45 feet.
- b. Section 3.6.11 is hereby deleted and replaced with:

11. Storage space with a door or other means of separate access containing a minimum of forty (40) square feet of floor area and a minimum volume of three hundred (300) cubic feet shall be provided for each two (2) or three (3) bedroom dwelling unit in the principal building and one hundred sixty (160) cubic feet for each one (1) bedroom unit, within the dwelling unit itself, or in a basement of the building.

Section 9. Section 4.1 of the Redevelopment Plan titled "Outline of Proposed Actions" is hereby amended to delete the second full paragraph as follows:

The existing Skate Park within the Redevelopment Plan Area shall be completely demolished and removed by the designated redeveloper. Since the Skate Park is within a designated wetland buffer area, the land upon which the Skate Park is currently developed will be restored in accordance with the requirements of the

New Jersey Department of Environmental Protection. The cost of such removal and restoration shall be borne by the redeveloper.

Section 10. All building elevations or renderings shall be as approved by the Township Planning Board.

Section 11. A secondary purpose of this Ordinance is to amend the Redevelopment Plan in order for the Redevelopment Plan to be consistent with the preliminary and final site plan approval granted by the Township Planning Board on December 16, 2019.

Section 12. 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 3, 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 13. 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 N.J.S.A. 40A:12A-7e. The Planning Board is directed pursuant to N.J.S.A. 40A:12A-7d to transmit to the Township Committee, within forty-five (45) days after referral, a report finding that the Redevelopment Plan shall be substantially consistent with the Township Master Plan or designed to effectuate the Master Plan or that the Redevelopment Plan is substantially inconsistent with the Township Master Plan or not designed to effectuate the Master Plan.

Section 14. 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 15. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 16. 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.

Introduced: March 12, 2020

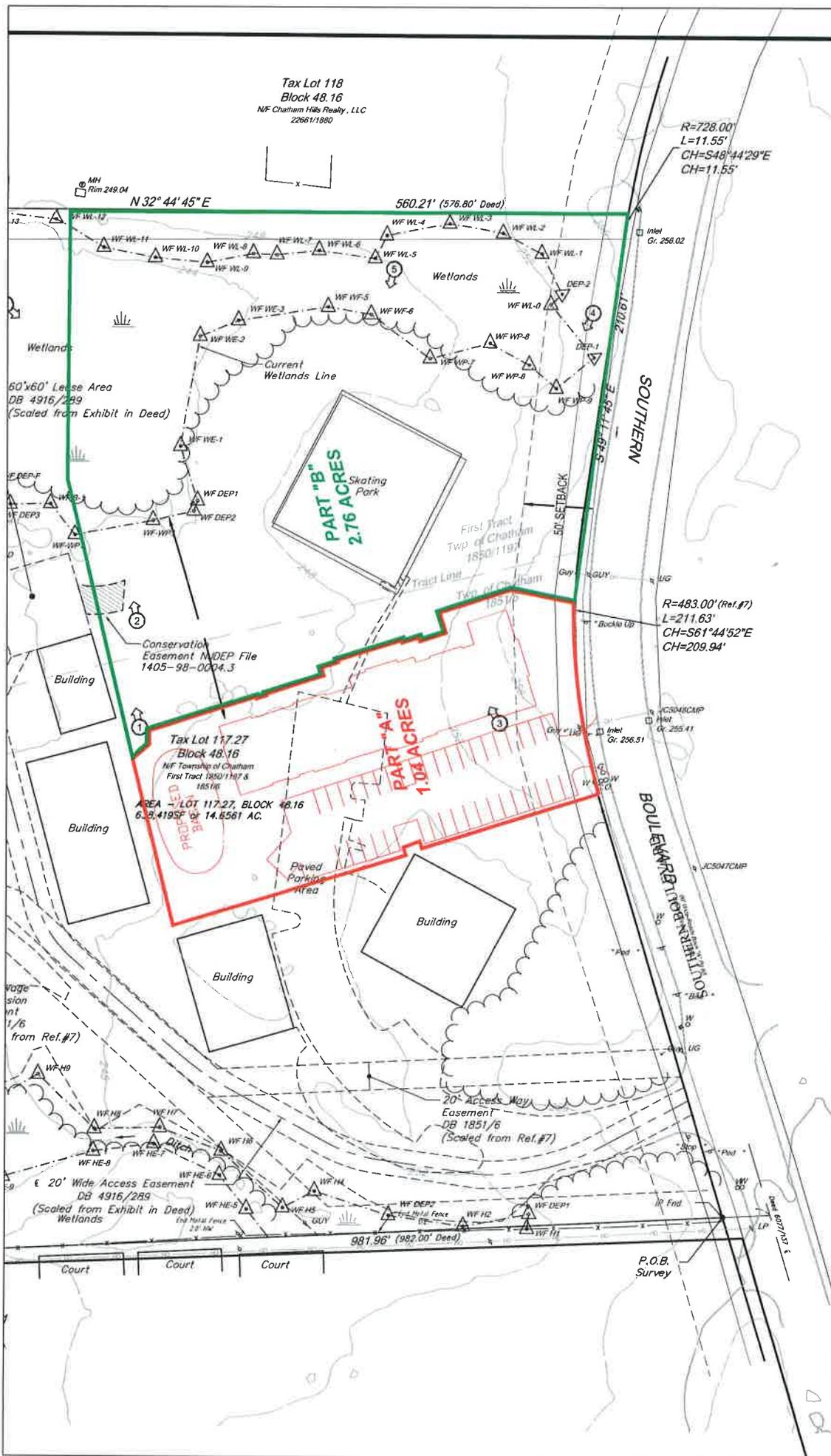
TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

Adopted:

Attest:

BY: _____
Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk



Tax Lot 118
Block 48.16
NF Chatham Hills Realty, LLC
226611880

R=728.00'
L=11.55'
CH=S48°44'29"E
CH=11.55'

R=483.00' (Ref.#7)
L=211.63'
CH=S61°44'52"E
CH=209.94'

Tax Lot 117.27
Block 48.16
NF Township of Chatham
First Tract 1850/1197 &
1851/6
AREA - LOT 117.27, BLOCK 48.16
6,941,952 SF or 14.8561 AC.

PART "B"
Skating Park
2.76 ACRES

PART "A"
1.08 ACRES

Title AMENDED SKATE PARK REDEVELOPMENT PLAN DATE: 3/11/2020	Scale at: ANSI B 1" = 60'
	Security
REFERENCES: Client TOWNSHIP OF CHATHAM COUNTY OF MORRIS, NEW JERSEY BLOCK 48.16, LOT 117.27	Drawing Number
	Rev
Legend:	

ORDINANCE 2020-05

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AMENDING THE PROVISIONS FOR THE FUNDING OF
OPEN SPACE ACQUISITION**

WHEREAS, the Township Committee of the Township of Chatham wishes to reduce the tax levy for the contribution to the Open Space Reserve as set forth at Chapter 2, Article VIII, Section 2-75, Open Space Trust Fund for the tax year 2020;

NOW, THEREFORE, 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, are amended to provide for modifications to Chapter II, Subsection 2-75.2, Funding of the Reserve for Open Space Acquisition, as follows:

1. 2-75.2 Funding of the Reserve for Open Space Acquisition.

The Reserve for Open Space Acquisition shall be funded through the dedication to the fund of an amount of one (\$.01) cent per one hundred (\$100.00) dollars of assessed valuation for the tax levy for the year 2020. The Reserve shall also be permitted to accept donations and testamentary bequests. The funds accumulated within the Reserve may be utilized for the acquisition of land, easements, or development rights in land within the Township, including use for active and passive recreation, the development and maintenance of municipal properties to be used for active and passive recreation, or as a down payment for the issuance of bonds for the same purposes at the discretion of the Township Committee. Any and all interest accruing on said funds shall be placed into the Reserve for Open Space Acquisition. Unless the Township Committee takes further action, the annual tax levy for the Reserve for Open Space Acquisition shall return to two (\$.02) cents per hundred (\$100.00) dollars of assessed valuation commencing with the tax levy for the year 2021.

2. All other provisions of Chapter II, Article VIII, Section 2-75, shall remain unchanged.

3. This ordinance shall take effect as provided by law.

Introduced: March 26, 2020

Adopted:

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

BY: _____
Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2020-099

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 \$2,402,253.56 and the prior month's payroll of \$413,159.60 Current Fund, \$45,477.83 Sewer No. 1, \$9,838.80 Sewer No. 2, and \$12,167.65 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of April 2020, in the amount of \$3,200,207.00 be paid.

Adopted: April 9, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2020-100

**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 March 26, 2020.

Adopted: April 9, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2020-101

**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 March 26, 2020.

Adopted: April 9, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2020-102

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:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
139	16	McKirdy, Riskin, Olson, & DellaPelle, P.C. 201 Littleton Road. Morris Plains, NJ 07950 Property Address- 11 Loantaka Lane South Property Owner- Patel, Mitul J.	\$1,787.00 (2017) State Tax Court Judgment

Adopted: April 9, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Michael J. Kelly, Mayor

RESOLUTION 2020-103

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE TOWNSHIP OF CHATHAM AND AUTHORIZING THE MAYOR, TOWNSHIP CLERK, CHIEF FINANCIAL OFFICER AND OTHER TOWNSHIP OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$10,000,000 BOND ANTICIPATION NOTE, DATED APRIL 9, 2020, PAYABLE APRIL 9, 2021, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED

WHEREAS, the Township of Chatham, in the County of Morris, New Jersey (the "Township") from time to time issues bonds, notes and other obligations the interest on which is excluded from gross income for Federal income tax purposes and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Township to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Township intends to issue a \$10,000,000 bond anticipation note, dated April 9, 2020 and payable April 9, 2021 (the "Note"); and

WHEREAS, the Township desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

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

SECTION 1. The Township Committee hereby covenants on behalf of the Township, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Township (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Township Clerk, Chief Financial Officer and other officials of the Township are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2020.

SECTION 5. It is further determined and stated that the Township has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2020.

SECTION 6. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Township are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2020 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

Adopted: April 9, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2020-104

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY FIXING THE TOTAL AMOUNT OF PRINCIPAL AND INTEREST DUE FOR REAL ESTATE TAXES AND SEWER CHARGES FOR BLOCK 128, LOT 2 AT \$426,806.11 AS OF MARCH 25, 2020 PROVIDED PAYMENT OF THE TOTAL AMOUNT DUE IS MADE BY MAY 29, 2020

WHEREAS, N D Bouzos Family Trust (“Owner”) is the owner of Block 128, Lot 2 as shown on the Tax Map of the Township of Chatham (“Property”); and

WHEREAS, real estate taxes and sewer charges are past due and as of March 25, 2020, with the total principal and interest due was \$426,806.11; and

WHEREAS, the Owner of the Property obtained a loan to pay the full amount, which loan was to close by March 25, 2020; and

WHEREAS, as a result of the COVID-19 State of Emergency the Owner’s lender temporarily suspended closing on loans; and

WHEREAS, because the loan closing was delayed through no fault of the Owner, the Township of Chatham Township Committee desires to fix the amount of principal and interest as of March 25, 2020 in the sum of \$426,806.11 provided that the real estate taxes and sewer charges are paid when due and provided that the amount due is fixed until May 29, 2020 to allow for the loan closing to occur and the Township paid in full; and

WHEREAS, in the event that the total due is not paid in full by May 29, 2020, principal and interest will then begin to accrue as of March 25, 2020 until paid in full.

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 principal and interest in real estate taxes and sewer charges as of March 25, 2020 is fixed at \$426,806.11.
2. This amount shall be fixed until May 29, 2020 provided that the real estate taxes and sewer charges are paid when due.
3. This amount shall be fixed until May 29, 2020 at which time if the fixed amount is not paid in full, then the principal and interest will begin to accrue as of March 25, 2020 until paid in full.
4. This Resolution shall take effect immediately.

Adopted: April 9, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk