

**TOWNSHIP OF CHATHAM**  
**TOWNSHIP COMMITTEE AGENDA**  
**JULY 23, 2020**  
July 22, 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 JULY 23, 2020. PARTICIPATION FOR THIS MEETING WILL BE OFFERED ELECTONICALLY OR BY TELEPHONE FOR MEMBERS OF THE PUBLIC. THE MEETING WILL ALSO BE TELEVISED ON COMCAST 29 AND FIOS 26. TO VIRTUALLY ATTEND THIS MEETING, VISIT THE FOLLOWING WEBSITE OR ENTER THE FOLLOWING MEETING ID:**

**Please click the following to join the webinar:** <https://us02web.zoom.us/j/88258274041>

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**Webinar ID:** 882 5827 4041

International numbers available: <https://us02web.zoom.us/j/88258274041>

For Phone Users, to Raise Hand during Public Hearing, press \*9.

### **Meeting Called to Order at 4:30 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 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.

**Flag Salute**

**Roll call**

**Approval of Agenda**

**Executive Session** – Resolution 2020-P-18

1. 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

### **Return to Public Session at 5:30 PM**

**Reports:**

**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. Directions for public participation are listed above.

### **Consent Agenda**

1. Resolution 2020-172 Receipt of Reports
2. Resolution 2020-173 Approving Meeting Minutes
3. Resolution 2020-174 Approving Executive Session Minutes
4. Resolution 2020-175 Authorizing Sewer Connection for 11 Sunset Drive

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

## **Resolutions**

1. Resolution 2020-176 Authorizing Amended Settlement Agreement Fixing the Township's Affordable Housing Fair Share Obligation for the Period from 1987 Through 2025
2. Resolution 2020-177 Endorsing the Township's 2020 Housing Element & Fair Share Plan
3. Resolution 2020-178 Authorizing the Mayor and Clerk to Sign an Affordable Housing Agreement with Nouvelle Housing Solutions, Inc.

## **Hearing of Citizens/Petitions (Time Permitting)**

## **Adjourn**

**RESOLUTION 2020-172**

**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 – June  
Police Department – June  
Construction Official – June  
Tax Collector – June

Adopted: July 23, 2020

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

\_\_\_\_\_  
Gregory J. LaConte, Clerk

By \_\_\_\_\_  
Michael J. Kelly, Mayor

DRAFT

**RESOLUTION 2020-173**

**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 July 9, 2020.

Adopted: July 23, 2020

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Michael J. Kelly, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

DRAFT

**RESOLUTION 2020-174**

**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 July 9, 2020.

Adopted: July 23, 2020

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Michael J. Kelly, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

DRAFT

**RESOLUTION 2020-175**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING SEWER CONNECTION FOR 11 SUNSET DRIVE**

**WHEREAS**, the Township Engineer has certified that all applications requirements for 11 Sunset Drive, Block 61, Lot 16 including the payment of the administrative review fee have been met and that sewer capacity is available; and

**WHEREAS**, in a memo dated July 20, 2020 the Township Engineer outlined various conditions for the approval of a sewer connection for 11 Sunset Drive, Block 61, Lot 16;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that it hereby, approves the issuance of a sanitary sewer permit for 11 Sunset Drive, Block 61, Lot 16 subject to the conditions set forth by the Township Engineer.

Adopted: July 23, 2020

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Michael J. Kelly, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**RESOLUTION 2020-176**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP MAYOR AND CLERK TO SIGN THE JULY 23, 2020 AMENDED SETTLEMENT AGREEMENT FIXING THE TOWNSHIP'S AFFORDABLE HOUSING FAIR SHARE OBLIGATION FOR THE PERIOD FROM 1987 THROUGH 2025**

**WHEREAS**, on July 7, 2015, the Township of Chatham filed a declaratory judgment action seeking to fix the Township's affordable housing fair share obligation for the period 1987 through 2025; and

**WHEREAS**, the Township filed that declaratory judgment action in conformance with the New Jersey Supreme Court decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015) ("Mount Laurel IV"); and

**WHEREAS**, Mount Laurel IV designated the Fair Share Housing Center, Inc. ("FSHC"), as an interested party in all declaratory judgment actions seeking to fix municipal affordable housing fair share obligations for the period 1987 through 2025; and

**WHEREAS**, the Township and FSHC negotiated a Settlement Agreement fixing the Township's affordable housing fair share obligation for the period 1987 through 2025; and

**WHEREAS**, on December 13, 2018, the Township Committee authorized the December 13, 2018 Settlement Agreement; and

**WHEREAS**, on January 10, 2019, an Amended Settlement Agreement correcting a block and lot designation in the December 13, 2018 Settlement Agreement was executed; and

**WHEREAS**, since December 13, 2018, circumstances changed which required that the December 13, 2018 Settlement Agreement be amended; and

**WHEREAS**, on March 12, 2020, the FSHC and Township negotiated and entered into the March 12, 2020 Amended Settlement Agreement designating Block 62, Lot 71 commonly known as 482 River Road as the site for the 100% municipally sponsored affordable housing development; and

**WHEREAS**, since March 12, 2020, circumstances changed which required that 492 River Road be replaced with Block 128, Lot 1 commonly known as 522 Southern Boulevard as the site for the 100% municipally sponsored affordable housing development; and

**WHEREAS**, the FSHC and Township negotiated the July 23, 2020 Amended Settlement Agreement effectuating that change subject to approval by the Superior Court of New Jersey at a

Fairness and Preliminary Compliance Hearing tentatively scheduled for September 17, 2020 at 1:30 P.M.; and

**WHEREAS**, the Township Committee is of the opinion that the July 23, 2020 Amended Settlement Agreement is in the best interest of the residents of the Township because it eliminates uncertainty in the outcome of and expense of further litigation.

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

1. That it is in the best interest of the residents of the Township to enter into the July 23, 2020 Amended Settlement Agreement in substantially the form attached, with the final form to be approved by the Township Administrator and Attorney.
2. That the Township Mayor and Clerk are hereby authorized to sign the July 23, 2020 Amended Settlement Agreement.
3. That the Township Mayor, Administrator, Clerk, Planner, Engineer and Attorney are authorized to take all steps necessary to effectuate the July 23, 2020 Amended Settlement Agreement.
4. That this Resolution shall take effect immediately upon adoption.

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Chatham that a copy of this Resolution and the July 23, 2020 Amended Settlement Agreement be posted on the Township website and placed on file and available for public inspection in the office of the Township Clerk and submitted to the Superior Court of New Jersey in anticipation of the September 17, 2020 Fairness and Preliminary Compliance Hearing.

Adopted: July 23, 2020

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Michael J. Kelly, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**RESOLUTION 2020-177**

**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ENDORSING THE TOWNSHIP'S 2020 HOUSING ELEMENT & FAIR SHARE PLAN**

**WHEREAS**, on December 13, 2018, the Township of Chatham entered into a Settlement Agreement with the Fair Share Housing Center, Inc., fixing the Township's affordable housing obligation for the period from 1987 through 2025; and

**WHEREAS**, on January 10, 2019, the Township and FSHC entered into the an Amended Settlement Agreement to correct a block and lot designation; and

**WHEREAS**, on February 22, 2019, the Superior Court of New Jersey, Law Division, Morris County, entered an Order on Fairness and Preliminary Compliance, approving the Settlement Agreement; and

**WHEREAS**, on March 12, 2020, the Township and FSHC entered into the March 12, 2020 Amended Settlement Agreement which, among other things, designated Block 62, Lot 71 commonly known as 482 River Road as the 100% municipally sponsored affordable housing site; and

**WHEREAS**, on June 25, 2020, the Township Committee announced at a Township Committee meeting that the River Road property was being replaced with Block 128, Lot 1 commonly known as 522 Southern Boulevard as the site for the 100% municipally sponsored affordable housing development and that the Court Appointed Special Master and Fair Share Housing Center, Inc. were receptive to this change subject to an Amended Settlement Agreement and approval of Judge Michael C. Gaus; and

**WHEREAS**, the prior Settlement Agreements require the Township to adopt a Housing Element and Fair Share Plan; and

**WHEREAS**, in compliance with the prior Settlement Agreements the Township authorized Francis J. Banisch, III, P.P., A.I.C.P., to prepare the "Housing Element and Fair Share Plan, Chatham Township, Morris County, July 2020", an element of the Master Plan; and

**WHEREAS**, on July 20, 2020, the Township of Chatham Planning Board, upon notice and a public hearing, adopted the 2020 Housing Element and Fair Share Plan; and

**WHEREAS**, a true copy of the Township of Chatham Planning Board Resolution adopted on July 20, 2020 is attached; and

**WHEREAS**, on July 23, 2020, the Township Committee by separate Resolution authorized the Mayor and Clerk to sign the July 23, 2020 Amended Settlement Agreement replacing 482 River Road with 522 Southern Boulevard as the site for the 100% municipally sponsored affordable housing development; and

**WHEREAS**, the Township Committee desires to endorse the 2020 Housing Element and Fair Share Plan in anticipation of a Fairness and Preliminary Compliance Hearing tentatively scheduled for September 17, 2020 at 1:30 P.M. before the Superior Court of New Jersey.

**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 2020 Housing Element and Fair Share Plan is hereby endorsed.
2. The Township of Chatham Attorney is hereby authorized to submit the 2020 Housing Element and Fair Share Plan to the Superior Court of New Jersey in support of the Fairness and Preliminary Compliance Hearing.
3. That this Resolution shall take effect immediately.

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Chatham that a copy of this Resolution and the adopted 2020 Housing Element and Fair Share Plan be posted on the Township website and placed on file and available for public inspection in the office of the Township Clerk.

Adopted: July 23, 2020

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Michael J. Kelly, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**RESOLUTION 2020-178**

**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR AND CLERK TO SIGN AN AFFORDABLE HOUSING AGREEMENT WITH NOUVELLE HOUSING SOLUTIONS, INC.**

**WHEREAS**, on July 23, 2020, the Township Committee of the Township of Chatham authorized the July 23, 2020 Amended Settlement Agreement with the Fair Share Housing Center, Inc.; and

**WHEREAS**, that Amended Agreement provides that the Township may designate up to fifteen (15) group home bedrooms on a site or sites owned or to be acquired by the Township; and

**WHEREAS**, the Township owns Block 62, Lot 71 and is under contract to purchase Block 62, Lot 70 both fronting on River Road; and

**WHEREAS**, the Township rezoned Block 67, Lots 17 and 17.01 fronting on Hillside Avenue for up to five (5) lots, with one (1) lot to be donated to the Township for a group home; and

**WHEREAS**, it is the intention that the group homes on River Road and Hillside Avenue be used as residences for the developmentally disabled; and

**WHEREAS**, it is the intention of the Township to convey the River Road and Hillside Avenue lots to a not-for-profit entity to construct and lease the group homes to a not-for-profit provider of services to the developmentally disabled; and

**WHEREAS**, the Fair Housing Act, N.J.S.A. 52:27D-325 authorizes the Township, notwithstanding the provisions of any other law regarding the conveyance, sale or lease of real property, to convey the River Road and Hillside Avenue properties, by Resolution, at a private sale to a not-for-profit entity provided that there is a contractual guarantee that the housing units, will remain available to low and moderate income households for a period of at least thirty (30) years commencing upon the first occupancy of each group home; and

**WHEREAS**, Nouvelle Housing Solutions, Inc. is a not-for-profit corporation experienced with the construction and leasing of group homes for the developmentally disabled; and

**WHEREAS**, the Township desires to designate Nouvelle Housing Solutions, Inc. as the developer of the group homes on River Road and Hillside Avenue lots for the developmentally disabled and authorize the Mayor and Clerk to sign an Affordable Housing Agreement.

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

1. That it is in the best interest of the residents of the Township to designate Nouvelle Housing Solutions, Inc. as the group home developer.
2. That the Township Mayor and Clerk are hereby authorized to sign the Affordable Housing Agreement in substantially in the form attached, with the final form to be approved by the Township Administrator and Attorney.
3. That the Township Mayor, Administrator, Clerk, Planner, Engineer and Attorney are authorized to take these steps necessary to effectuate the Affordable Housing Agreement.
4. That this Resolution shall take effect immediately.

Adopted: July 23, 2020

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

\_\_\_\_\_  
Gregory J. LaConte, Clerk

By \_\_\_\_\_  
Michael J. Kelly, Mayor

**RESOLUTION 2020-P-18**

**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.

Adopted: July 23, 2020

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

\_\_\_\_\_  
Gregory J. LaConte, Clerk

By \_\_\_\_\_  
Michael J. Kelly, Mayor