

**MINUTES
TOWNSHIP COMMITTEE
SPECIAL MEETING
NOVEMBER 26, 2019**

Mayor Selen called the Special Meeting of the Township Committee of the Township of Chatham to order at 7:33 P.M.

Mayor Selen announced that overflow seating is available in the lunchroom.

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 November 18, 2019; notice was posted on the bulletin board in the main hallway of the Municipal Building on November 18, 2019; and notice was filed with the Township Clerk on November 18, 2019.

The Flag Salute was led by Chatham Middle School student Emily Lambert.

Roll Call

Answering present to the roll call were Committeewoman Ness, Committeewoman Swartz, Committeeman Ritter, Deputy Mayor Kelly and Mayor Selen.

Approval of Agenda

The agenda was approved as written.

Presentation – Affordable Housing

Administrator Hoffmann gave a presentation about affordable housing. He gave background on the Mount Laurel Decision which resulted in the Mount Laurel Doctrine. Administrator Hoffmann said that the Council on Affordable Housing (COAH) was created in 1986, and the First Round Rules were in effect from 1987 to 1993. The Second Round was from 1994 to 1999. Following a period of inactivity, the New Jersey Supreme Court declared COAH to be dysfunctional in 2015, at which time the jurisdiction over affordable housing was returned to the Courts. Administrator Hoffmann said that Township Committee members from 2015 to the present have needed to review the options available to determine what is in the best interest of the Township. In December 2018, the Township Committee authorized settlement of the affordable housing litigation with an obligation of 200 units. The Settlement Agreement includes the 24 units to be built at the Skate Park which will be known as Arbor Green, and the renewal of affordable controls on 72 units at Vernon Grove. There is also a credit of 4 units for a group home, and an 8 unit credit for a Regional Contribution Agreement with the City of Newark. The Township has an obligation for the construction of 74 units on a municipally controlled site or sites due to the options chosen by the Township Committee in 2018. Administrator Hoffmann said that if the Township ignores the affordable housing mandates, then there is a risk of builders remedy lawsuits. Administrator Hoffmann further noted the planned development at Dixiedale, and said that once 70% of the units are built at Dixiedale then the developer will need to begin the affordable housing at the Skate Park site. Administrator Hoffmann further said that the Township has agreed to develop 74 units on a site or sites to be determined. Administrator Hoffmann discussed the income levels needed to qualify for affordable housing.

Administrator Hoffmann discussed the merits of having 65 affordable housing units at the site of the current Municipal Building. He said that the Senior Center will be able to remain, and the Township will also retain ownership of the Mountainview Gym, baseball field and playground. Administrator Hoffmann said that the downside is that municipal offices will need to move, and 9 units will need to be located elsewhere. Administrator Hoffmann further discussed the maintenance issues facing the Municipal Building. He indicated that certain systems are reaching the end of their useful lifetime. He also said that the School District offices moved out of the Municipal Building in January 2019.

Administrator Hoffmann also addressed the upgrades that are needed at the Police Headquarters. He said that questions had come up about potential regionalization of police services, and there were several issues that precluded a regional police detainee holding location when it was investigated with Chatham Borough, Madison Borough and Harding Township. Administrator Hoffmann said that the costs of building a combined building for the Police and Administrative Offices was investigated, and there is an anticipated savings of \$5,000,000 over a 30 year period by having a combined building.

The next steps include:

1. Identifying a developer to build the 74 affordable units.
2. Finding a temporary location for the Senior Center while the construction project is underway.
3. Hiring an architect to design the new Municipal Complex.

Administrator Hoffmann said that the Settlement Agreement is on the Township's website for public review. Administrator Hoffmann also presented the top three alternate sites for the 75 affordable units. He showed a map of a property on River Road, and described the constraints that made this option too costly. Administrator Hoffmann further discussed the factors that make the Municipal Building the best option for development of affordable housing.

Affordable Housing Question & Answer Session

Mayor Selen opened the floor to the public to ask questions about affordable housing. He noted that the Township Committee will not be taking formal action at this meeting. Mayor Selen also noted that speakers will have 5 minutes each, and the Township Clerk will be tracking speaking time. The Township Clerk asked that anyone wishing to speak use the microphone and give their name and address.

1. Bailey Brower, 16 Driftway, asked Committeewoman Swartz if private properties were considered for affordable housing. Committeewoman Swartz said that the Township Committee did a lot of work reviewing various properties. Mr. Brower asked if firm costs for renovating the Municipal Building have been obtained. Committeewoman Swartz said that many estimates have been received. Mr. Brower asked where the Senior Center will be temporarily located during construction. Committeewoman Swartz said that several alternative spaces in the community are being investigated. Mr. Brower commented on the potential traffic impact from the affordable housing. He also suggested that the Township may be able to obtain exceptions to put affordable housing on properties with wetlands and steep slopes.
2. Michael Oien, 3 Hillcrest Avenue, asked if he could read his list of issues that he would like to see the Township Committee more fully discuss. He said that he is unhappy with the perceived lack of openness regarding affordable housing. Mr. Oien further suggested that affordable housing be located closer to the Hickory Shopping Center. He also suggested that the Police Department could be moved to the site of the current Municipal Building. Committeewoman Swartz suggested that Mr. Oien also submit his letter to local media so all residents can see it.
3. Dan Miller, 465 Green Village Road, challenged the Township Committee's transparency. He also asked if he would have to notify neighbors if improvements were made to his home, and if a prepared budget would be necessary. Mr. Miller also asked about several private properties and if they were considered for affordable housing. He further said that a more transparent process would have allowed the public to suggest ideas along the way. Mr. Miller also proposed seeking exceptions to the Green Acres rules to use open space for affordable housing. He also said that the short-sightedness of former Township Committees cannot be undone, but the current Township Committee can avoid be shortsighted themselves.

Committeewoman Swartz addressed the cost of building in areas that are not in the sewer service area. Attorney Cruz said that sanitary sewer service has to be provided to affordable housing.

4. Jared Bilanin, 134 Long Hill Lane, said he owns a development company that builds affordable housing. Mr. Bilanin said that there are alternatives that the Township Committee may not have considered. Deputy Mayor Kelly noted that the affordable controls were extended on the existing units in Vernon Grove for 30 years. Mr. Bilanin suggested that some of the Chatham Hill Apartments be converted to affordable housing. He also said that the State may change the rules over time, which could be to the Township's advantage.
5. Emily Lambert asked about bussing and the impact on the School District. Administrator Hoffmann said that the projections are a maximum of 50 students combined from Dixiedale, Arbor Green and the remaining 74 units.
6. Virginia Aris, 24 Long Hill Lane, asked if the PILOT could be explained. She also questioned the projection for the number of students anticipated. Mrs. Aris also proposed that some of the affordable housing be reserved for senior citizens. Administrator Hoffmann said that the Township is unable to age restrict the affordable units.
7. Rich Matlaga, 36 Dale Drive, said that none of the alternative sites were presented at the last Township Committee meeting. He also commented that at the last meeting there was a Hearing of Citizens after midnight. Mr. Matlaga further said that the Township Committee voted on designating a site, and Committeewoman Swartz had voted against the designation. Mr. Matlaga asked why the Township Committee agreed to the Settlement Agreement if there is a lack of land for building affordable housing. Mayor Selen said that the other sites were discussed in Executive Sessions.

Attorney Cruz explained that since 1999, COAH was unable to adopt Third Round regulations and the Supreme Court abolished COAH in 2015. The Courts further determined that municipal obligations have accrued from 1999. Attorney Cruz said that Chatham Township is like many other municipalities in having been unable to develop an affordable housing plan due to the uncertainty what the regulations would be. Attorney Cruz further noted that the Township was not able to move forward, and was not ignoring affordable housing issues. He further said that the Township's obligation was originally going to be 645 affordable units, which was negotiated down to 387 units, and then further adjusted by the Vacant Land Adjustment and Realistic Development Potential to 200 units. With the credits available to the Township, 98 new units need to be developed. Attorney Cruz noted that the Skate Park land was zoned for affordable housing in 1989, therefore the Township is obligated to allow for development of affordable units at the site. Attorney Cruz further explained the relationship between the Dixiedale development and the Arbor Green development. With the 24 units being developed at the Skate Park, the Township needs to have 74 units built elsewhere. In 2018, the Township Committee decided to meet that obligation with a 100% municipally sponsored affordable housing development. Attorney Cruz stressed that the Township has reduced the need from 645 to 74.

Mr. Matlaga said that the Township entered into a negotiated settlement, and rental units need to be in large chunks. He said that the Township knew that the 74 units would be in one location. Mr. Matlaga asked if the litigation prevents development of additional affordable housing. Attorney Cruz said that the Township's goal is to preserve immunity from builders remedy lawsuits, and the 98 units will satisfy the Township's obligation for the Third Round. Mr. Matlaga asked when the Township has to go back before the Court for approvals. Attorney Cruz said that there is a status update conference call scheduled for December 17th.

8. Ashley Felice, 20 Candace Lane, asked if anyone has studied the financial consequences of giving up the Municipal Building. Mayor Selen said that an analysis was performed by Administrator Hoffmann. Mrs. Felice commented on potential traffic impacts and the potential costs of constructing a new municipal complex. Mrs. Felice asked what would happen if a developer fails to finish the project. Administrator Hoffmann said that the Township would negotiate with another developer to finish the project, and any developer would have to post a performance bond as a financial guarantee that the project will be completed. Attorney Cruz noted that the developers would need to go through a qualification process to obtain funding from a bank. He also said that a municipality will

need to agree to bond for any shortfall when a governing body opts for a municipally sponsored affordable housing development. Attorney Cruz further noted that development fees will reduce the tax impact of the affordable housing development. Mrs. Felice asked if the Township can tell the Court that the Settlement Agreement cannot be fulfilled. Attorney Cruz said that there would be the risk of an additional 350 units being built at the Dixiedale site, and explained the risk of a builders remedy lawsuit. Mayor Selen said that the Township Committee is taking steps to maintain compliance so as to retain local control over zoning regulations. Mrs. Felice said that developers would only look to build in Chatham Township if they would have a financial advantage in doing so.

9. Nancy Style, 97 Ormont Road, asked about the projection of school age children from the proposed development. Administrator Hoffmann said that the projection is 50 students. Mrs. Style asked about the process for selecting a site for affordable housing. Attorney Cruz said that the Township is required to designate a site, and the planning process will still be required. He said that the Court will receive a status update, and the Court will decide if the Township is ready for a compliance hearing. Mrs. Style asked when the Township will be committing to a site. Attorney Cruz said that the commitment will be made at the hearing on December 17th. Mrs. Style asked if the Township Committee will be deciding on December 12th if the current Municipal Building will be the designated site. Mayor Selen said that it is for the Township Committee to make that decision. Mrs. Style said that the public outrage is due to putting the bulk of the affordable housing in one spot.
10. Richard Wallace, 7 Molino Drive, asked how the building of affordable housing on Meyersville Road can be stopped. Committeeman Ritter asked if the Township can change the designated site if a viable alternative is found. Attorney Cruz said that request can be made to the Court, but the Township will need a better reason than “not in my backyard” to make the change.

A resident made a rude remark about Attorney Cruz, and Committeeman Ritter defended Attorney Cruz. He noted all the hard work and sound advice that Mr. Cruz has provided the Township over the years, and that the remark was off base.

Mayor Selen said that if anyone has a better location in mind, they are invited to share it with the Township Committee.

11. Peter Becker, 77 Lisa Drive, said that the Court could deny the Township’s request to change the designated site. Attorney Cruz said that the Court could also reject the designation of the Municipal Building as the site.
12. Mark Hamilton, 132 Highland Avenue, asked if there is an obligation under the Settlement Agreement to designate a site by December 17, 2019. Attorney Cruz said that the site should have been designated back in July 2019. Mr. Hamilton asked how the Township has managed to not yet designate a site. Attorney Cruz said that extensions have been granted, and commitments have been made to provide a site by December 17th. Mr. Hamilton opined that this is a complex issue, and he said the Court may be willing to grant an additional extension. Mr. Hamilton asked about the vote taken at the last Township Committee meeting to designate 58 Meyersville Road as the site. Attorney Cruz said there was a vote to make the designation, and the process needs to begin somewhere. Mr. Hamilton said that the sites should have been made public before a decision was made, and he noted the public’s upset over the perceived lack of transparency. Mr. Hamilton said that the Township’s plan is contrary to the wishes of the people, and he suggested that the Township Committee reconsider the decision that has been made. He further said that some privately owned sites could be considered, and the Township needs more time for further analysis. Mr. Hamilton also said that there have been references to regulations being overturned, therefore the Township should not be in a rush to build affordable housing. He also said that the Township should be willing to fight builders remedy lawsuits.
13. Brent Jenkins, 62 Susan Drive, said that he is an affordable housing developer, and he described the project he participated in for Hoboken. Mr. Jenkins said that Hoboken

stood up for residents during the process. He also said that other municipalities were proactive during the gap period. Mr. Jenkins also said that affordable housing should be planned for and located in a space where schools and businesses are within walking distance. He also said that other solutions may be available that would better fit with the character of the community.

14. Michael Stancampiano, 77 Meyersville Road, asked how it is fair to have affordable housing in his neighborhood. He also asked why the developer at Dixiedale was able to meet their affordable housing obligation offsite. Mayor Selen said that by having the obligation met offsite, the developer is building more affordable units than the standard set-aside would require.
15. Mohamed Selim, 54 Meyersville Road, claimed that his children will suffer due to the presence of affordable housing. He also referenced the slide in Administrator Hoffmann's presentation about the potential residents of the affordable housing, and said that the residents might also include strippers and tax evaders. Mr. Selim also asked if there is a 45 day window to take legal action against a municipal action. Attorney Cruz confirmed that there is a 45 day period to take legal action against a municipal action. He also said that people should be cautious about making assumptions regarding the potential residents of the affordable units, as they will go through the necessary financial and background checks in order to qualify.
16. David Deuchler, 25 Hickory Place Apt. G2, noted that Attorney Cruz has taken a lot of abuse at this meeting, and said that a lot of people do not seem to understand that his role is as an advisor to the Township Committee. Mr. Deuchler said that the advice given moving forward should not be to accept the proposal of designating the Municipal Building for affordable housing, and he said that the topic has not been sufficiently assessed. Mr. Deuchler asked the Township Committee to rescind the decision to designate the Municipal Building site for affordable housing so that more analysis can be conducted. He also reminded the public that it is the Township Committee who are responsible for making the decision, and the public should reach out to the Township Committee to change the decision.
17. Jane Devlin, 420 River Road, said that there might not be so many angry residents at this meeting if the public had been better updated throughout the process. She also said that she hopes that Chatham residents are not opposed to affordable housing because they are not a welcoming community. Mrs. Devlin further noted that she is an example of the type of person who qualifies for affordable housing.
18. Stacey Ewald, 54 Nicholson Drive, said that public input in this process should have begun two years ago. She also asked how likely it is that an alternative site will be found. Administrator Hoffmann said that the Township Committee has reviewed several sites over the past three years, and he is not sure the Township Committee can answer the question based on the criteria required for affordable housing locations. Mayor Selen said he is open to any good idea. Committeewoman Ness said that the Township Committee was given only a small window to find a site, and she is not sure an alternate site can be found. She also said that the Dixiedale developer owns additional land, and is not sure why that was not used for affordable housing. Committeewoman Ness further suggested that perhaps a hybrid approach could be developed. Committeeman Ritter noted that the Dixiedale Property is approved for 53 units rather than the potential of 350 units, and 350 units would have a far more substantial impact on schools and infrastructure. He also said that there is a perceived lack of transparency on this issue, however the Township needs to protect itself against builders remedy lawsuits. Committeeman Ritter used Noe Pond Club as an example of a property that could be subject of a builders remedy lawsuit, and the development potential would be significant. Committeeman Ritter further said that he supports seeking an extension from the Court for further study of this topic. Deputy Mayor Kelly commented on the Township's success in negotiating down the affordable housing obligation. Committeewoman Swartz questioned the likelihood of a builders remedy lawsuit. Mrs. Ewald asked if it would be possible for high density development to occur on half-acre lots if the Township were to lose immunity to builders remedy lawsuits. Attorney Cruz said that .83 acres would be required for that scenario, but there is the possibility that a developer could find a larger

parcel or piece together several smaller parcels for a builders remedy lawsuit. Mrs. Ewald asked about the likely success of winning a builders remedy lawsuit. Attorney Cruz said that municipalities do not have a good record with builders remedy lawsuits, and he noted that those municipalities who went to trial with the Fair Share Housing Center wound up with obligations greater than those for which they had litigated.

19. Chris Felice, 20 Candace Lane, asked if the Municipal Building property has been appraised. Administrator Hoffmann said that the Tax Assessor has given an estimate, however a formal appraisal has not been sought. Mr. Felice asked what the estimate came to. Administrator Hoffmann said that the estimate was approximately \$12 million. Mr. Felice suggested that the Municipal Building be sold to a developer rather than given away, and the proceeds could fund affordable housing elsewhere. Mr. Felice asked about the costs of constructing a new municipal complex. Administrator Hoffmann said that the projection is \$10 to \$12 million. Mr. Felice asked about financing, and Administrator Hoffmann confirmed that bonding would be needed. Mr. Felice said that money raised by selling the current Municipal Building could fund construction of a new municipal complex, to which Administrator Hoffmann pointed out that the Township would still need a site for 75 affordable units.
20. Jenn Mathews, 30 Long Hill Lane, asked if the Township is able to provide a list of all the properties that were considered for affordable housing along with the reasons why those not chosen were deemed not suitable.
21. Chris Kane, 764 River Road, asked why all the affordable housing cannot be built at the Skate Park site, and suggested that the Police Department could be moved to make space for more housing. Administrator Hoffmann said that the land could accommodate more housing if the Police Department were relocated, and relief from the DEP constraints would have to be sought. Mr. Kane asked if a study has been conducted on the impact on neighboring property values when affordable housing is built. Administrator Hoffmann said that there have been studies by Rutgers, but not specifically for Chatham Township. He also said that the Township is working to adhere to a Court-approved settlement agreement. Mr. Kane said that if the Skate Park were used for all the housing, there would be less of an impact on other residents. He also asked if a builders remedy lawsuit is brought against the Township, how could the Township get out of it. Attorney Cruz said that the litigation would be final when the Court makes a decision or the Township reaches a settlement. Mr. Kane asked if the Township has immunity restored following such litigation. Attorney Cruz said that immunity would only be available if the obligation is met. He also said that the Rutgers study that was referenced looks at the impact on schools.
22. Liz Bernich, 55 Johnson Drive, alleged that decisions were made behind closed doors without studies having been performed. She opined that the Municipal Building may have been chosen because there is land buffering the affordable housing from street-view. Mrs. Bernich also said that a lot of good ideas have been shared at this meeting, and suggested that a committee be formed with experts on the subject to address affordable housing. Mrs. Bernich said that the Township Committee members likely do not have the necessary expertise to address affordable housing, and she noted that the Township has been backed into a corner on the matter. She asked the Committee to take to heart the public comments that have been made at this meeting.
23. Genevieve Castelino, 104 Ormont Road, said that she has not seen any architects, engineers or technical experts consulted regarding affordable housing. She also said that the Township Committee has been wrong about everything, and questioned Committeewoman Swartz's suggestion that the Township should risk a builders remedy lawsuit. Mrs. Castelino also asked about availability of Executive Session minutes, and Attorney Cruz said that an OPRA Request can be filed. Mrs. Castelino commented that the Township has a \$15 million budget, and opined that the budget is high enough for residents to understand how government works. She also asked if the Township is coordinating with the Borough regarding meeting affordable housing obligations. Administrator Hoffmann said that there have been some communications with the Borough regarding general issues, however the Settlement Agreement has not been

discussed. Mrs. Castelino reiterated that a committee of professionals should be gathered to advise the Township regarding affordable housing.

24. Doug Pitney, 54 Mountainview Road, said that the selection of the Municipal Building as a site for affordable housing was shocking to him when he learned about it. He also said that he has conducted some due diligence since that meeting. Mr. Pitney said that the Township should publicly consider additional potential sites for the affordable housing prior to entering any redevelopment agreements. He also said that he does not think the Township has been doing any planning for affordable housing. Mr. Pitney further suggested that the current Municipal Building be renovated to accommodate the Police Department and have the affordable housing be located on Southern Boulevard. He also suggested that there are additional properties available.
25. Bhaskar Nair, 700 Fairmount Avenue, said he was not happy to learn about the affordable housing process, and he is appreciative that the Township Committee wants to be more transparent. Mr. Nair asked if the projections from 2008 for building repairs will be updated. Administrator Hoffmann said that the analysis can be updated. Mr. Nair asked if the developer of the affordable housing will be held to the same standard as a homeowner trying to build a new home. Administrator Hoffmann said that they will be held to the same standard, and one of the reasons that the Municipal Building was selected is that the existing foundation can be used. Attorney Cruz said that the footprint will remain the same, however some other reconfigurations may be needed. He also said that if there is a builders remedy lawsuit, there would still be a planning process. However, the Township would lose control over the zoning of the development.
26. Jim Pignatello, 93 Candace Lane, said that it was reported that one of the alternative sites was rejected because the building would be four stories high, and noted that the development at the Municipal Building site will appear to be four stories high from the rear of the building. Administrator Hoffmann said that the property on River Road would have had on-grade parking with four stories above that. He also said that the three stories at the Municipal Building would meet the height ordinance when measured from the front corner.
27. Scott Citron, 49 Mountainview Road, thanked the Township Committee for holding this meeting. He asked if each member of the Township Committee would vote for a delay at the December 12th meeting. Each member of the Township Committee indicated that they would vote to seek an extension.
28. Tina Shen, 10 Jodi Lane, asked why the affordable housing has to be on municipally controlled property, and why there is a limit on the number of stories a building could be. Attorney Cruz said that there are several mechanisms available to municipalities to meet affordable housing obligations. In 2018 a Settlement Agreement was reached that included a municipally-sponsored affordable housing development. He explained that option was chosen to limit the amount of development, as there would be a market component with an inclusionary development. Attorney Cruz stressed that the impact would be much greater with the additional development of a market rate component. Mrs. Shen asked if the 65 units were spread around the Township to sites that are not municipally controlled. Attorney Cruz said that would result in additional market-rate development. Mrs. Shen asked what other mechanisms are under consideration. Attorney Cruz said that the alternatives have to be considered before the Township Committee makes any decision.
29. Drew Quinn, 39 Woodlawn Drive, asked if access to the Municipal Building site from Mountainview Road will still be available if the site is redeveloped for affordable housing. Committeewoman Ness said that the site was considered not only because of the deterioration of the building, but also because the Township would retain the land and the Senior Center would be able to remain at the site. Committeewoman Swartz said that she would advocate for making Mountainview Road a cul-de-sac at the bottom of the hill.
30. Jane Devlin, 420 River Road, said she is confused with what the Township Committee will be voting on at the December 12th meeting. She also said that the Township Committee had stated at the previous meeting that due diligence was performed and 58

Meyersville Road was the only option available. Mrs. Devlin said that the Township Committee is now saying that they will review the rejected options, and asked if they were not thoroughly reviewed previously. Mrs. Devlin also asked if the new Township Committee members taking office in January are being set up for failure, or if they will have to address the failures of the current Township Committee composition. Mrs. Devlin also said she hopes that the Township Committee is not simply placating annoyed residents. She also asked if a list of the rejected properties will be provided to the public.

31. Committeewoman Ness said that the Township Committee can proceed with the current plan, as it is a financially sound plan. She said that the Township can also consider moving the Police Department to 58 Meyersville Road and have more affordable housing built at the Southern Boulevard site. Committeewoman Ness said that those options are the two most reliable options considering the deadlines imposed by Judge Gaus. She also said that the Township should ask the Court for consideration due to all the environmentally sensitive wetlands areas. She also noted that there will be significant costs to make the necessary repairs to the Municipal Building.

Deputy Mayor Kelly said that the Township Committee has higher priorities than developing an exhaustive list of rejected properties. He also stressed that land bought for open space is not available for affordable housing. Deputy Mayor Kelly further noted that the public should not ask the Township Committee to do a second review on rejected properties and then accuse them of not having performed due diligence during the first review. Mrs. Devlin noted that Attorney Cruz had indicated that the Court was not likely to approve an extension, and asked if the Township is likely to find an alternative site. Attorney Cruz said that the Township Committee can reconsider the designation, and he cited the additional items that will be on the December 12th agenda. Attorney Cruz said that the Township will have to analyze any options.

32. David Workman, 19 Susan Drive, asked if the Township has to give approval for the development of affordable housing. Committeewoman Ness said that the Planning Board has already given approval for the affordable housing on Southern Boulevard. Mr. Workman said that he has been in the real estate business for 30 years, and commented on the unanswered questions regarding affordable housing. He said that traffic on Meyersville Road is terrible, and opined that there will be more congestion. Mr. Workman also opined that affordable housing will be out of character on Meyersville Road. He further said that building occurs on wetlands. Mr. Workman also said that the Township can acquire buildings for redevelopment. He also congratulated the Township Committee for having reduced the obligation. Mr. Workman further commented on the availability of public transportation. He also asked if the vote to designate 58 Meyersville was a definitive vote. Attorney Cruz said that all votes are definitive votes, however the Township Committee has the ability to reconsider the action taken. Mr. Workman suggested that affordable housing be built near the Train Station. Committeewoman Ness said that the Borough is considering a site near the Train Station, and addressed the availability of parking for the Train Station.

33. Ruth Connors, 48 Meyersville Road, said that people are looking to have smaller developments for affordable housing, rather than putting it all in one space. She asked that the Township Committee consider spreading out the development rather than putting it in one spot when they reconsider alternatives.

34. Mohamed Selim, 54 Meyersville Road, said that having Mountainview Road become a cul-de-sac would make the Municipal Building site become a less attractive option, as the Tanglewood site was rejected because there was only one point of access. He also suggested that brainstorming sessions be held by the Township's professionals with knowledgeable residents to address this issue. Mr. Selim also suggested that an email distribution list be created so residents can be aware of discussion topics. The Township Clerk pointed out that residents can sign up for website updates, and emails are sent out when agendas are posted.

35. Liz Bernich, 55 Johnson Drive, asked the \$5 million worth of improvements needed at the Municipal Building, and opined that it would cost taxpayers a one-time \$1500 payment to make those repairs. She opined that the \$1500 payment would be less than

the depreciation in property values if 58 Meyersville becomes affordable housing. Mrs. Bernich also asked Attorney Cruz his opinion if the Court will allow the extension. Attorney Cruz said that all the suggestions made at this meeting will need to be evaluated, and he will follow the direction of the Township Committee. Mrs. Bernich asked if public opinion could sway the Court, and what the Court will say if the Township does not have a designated site on December 17th. Attorney Cruz said that the Court is not receptive to the “not in my backyard” argument, the same way that the Court will not see a change in composition on the Township Committee as a factor. He also said that the Township Committee will evaluate public opinion, and he will follow whatever direction that the Township Committee gives him on December 12th.

Deputy Mayor Kelly made a motion to continue the meeting past midnight. Committeewoman Ness seconded the motion, which carried unanimously.

36. Michael Oien, 3 Hillcrest Avenue, thanked the Township Committee for offering to have an advisory committee, and asked about the time frame moving forward. He asked if the Township Committee would commit to letting residents meet with the Township’s professionals to discuss affordable housing options and to understand why certain properties are not viable.
37. David Baesler, 46 Candace Lane, asked if there is a possibility to get an extension from the Court. Attorney Cruz said he will request the extension if the Township Committee directs him to do so, but it is up to the Judge to decide if the extension is granted. Mr. Baesler said that he would prefer to see the Police Department move to the Meyersville Road site. Attorney Cruz said that the hearing on December 17th will include updating the Judge on the Township’s progress, and he does not want to presuppose how the Judge will rule. If the Judge denies a request for an extension, the Township Committee will likely need to consider if they want to move forward with the current plan or to seek alternatives. Attorney Cruz also said that the Judge will want to see that progress is being made.
38. Jessica Romeo, 49 Pine Street, said that because much of the discussion has been in Executive Session, a lot of the information is new to most residents. Mrs. Romeo said that she supports the idea of spreading out the development, but she noted that there would be a larger financial burden on taxpayers to do that. Committeewoman Ness agreed that there are financial considerations in the process. She said that there will be costs to taxpayers regardless what site gets picked, especially since the Township has not been collecting development fees.
39. Teotia Kush, 625 Fairmount Avenue, thanked the Township Committee for being willing to reconsider the designation. He also said that the narrative for the reconsideration does not need to be a “not in my backyard” response. Mr. Kush further suggested that additional options be presented.
40. Rich Matlaga, 36 Dale Drive, said that he is concerned about action being taken after midnight, rather than having continuing discussion. He said that he does not think that the Court will demand a municipality vacate their municipal building to meet an affordable housing obligation. Mr. Matlaga further noted that the Township has spent taxpayer money on open space, and some of that land is not being used much. He asked if the Township could seek relief from the Green Acres restrictions on the open space. Attorney Cruz said that open space is intended to remain open space, and not to be developed at some future period. He also said that it is not a judicial process to remove those restrictions, and the process begins at the DEP. Attorney Cruz addressed the regulation regarding minor and major diversions, said that it would be considered a major diversion requiring the Township to compensate the diversion with many acres. Attorney Cruz said that the Court would likely agree that using open space is not a viable option. Mr. Matlaga said that the Court would then be requiring congestion in one area when there is open space in another area. Attorney Cruz said that the Township Committee had made a policy decision to have a municipally sponsored site or sites for affordable housing, and that option was not imposed by the Court. He said that by choosing a site, the Township would be implementing the Settlement Agreement. Mr. Matlaga said that

there appears to have been a lack of planning by the Township. Deputy Mayor Kelly invited Mr. Matlaga to the Coffee with a Committeeman event.

41. David Workman, 19 Susan Drive, said that there have been a lot of good ideas, and he would like to see an effort to put together reasonable alternatives. He also asked if the Township has professionals working on this, and if the residents will be heard.

Committeeman Ritter moved to adjourn at 12:22 AM. Deputy Mayor Kelly seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk