MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
DECEMBER 12, 2019

Mayor Selen called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:31 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 4, 2019; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 4, 2019; and notice was filed with the Township Clerk on January 4, 2019.

Mayor Selen invited Chatham High School student Megan Alperowitz to lead the Flag Salute.

Roll Call

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

Approval of Agenda

Deputy Mayor Kelly moved to approve the agenda. Committeewoman Swartz seconded the motion, which carried unanimously.

Recognition

The Township Clerk presented plaques to Mayor Selen and Committeeman Ritter in honor of their service to the Township Committee.

Committeewoman Swartz spoke on behalf of Committeeman Ritter's service to the Township Committee, and also noted his service to the community by spearheading an Out of the Darkness Suicide Prevention Walk and also the Chatham Turkey Trot. Committeewoman Swartz further noted Committeeman Ritter's leadership of the Township Committee during his time as Mayor.

Mayor Selen thanked Committeeman Ritter for his service to the Township.

Deputy Mayor Kelly spoke on behalf of Mayor Selen's service to the Township. He noted Mayor Selen's welcoming style and his support for Township volunteers.

Mayor Selen thanked the Township Committee and former Mayor Kevin Sullivan for the opportunity to work with them. He said that he is sure the incoming Township Committee members will continue to work for the betterment of the Township.

Resolution

RESOLUTION 2019-216
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE ACCEPTANCE OF A GRANT FOR $100,000 FROM THE CHATHAM ATHLETIC FOUNDATION

WHEREAS, the Chatham Athletic Foundation (CAF) has faithfully served the recreation needs of the children of both Chatham Borough and Chatham Township, and,

WHEREAS, the CAF has met its goals and will cease to operate as of December 31, 2019, and,

WHEREAS, the CAF in 2018 agreed to contribute $100,000 towards improvements to Nash Field, and,

WHEREAS, a project and backup plan that will benefit youth recreation programs have been agreed to,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Chatham accepts the grant of $100,000 from the CAF and agrees that the funds will

be used for improvements to Nash Field in the Township or, will be allocated for youth sports programs that use the athletic resources of the Township and,

BE IT FURTHER RESOLVED, that the Township Committee expresses it profound appreciation and thanks to all members of the CAF for the years of dedicated support both financial and physical that they have provided to youth programs in both Chatham Borough and Chatham Township.

Committeewoman Swartz commented on the contributions of the Chatham Athletic Foundation to recreational facilities, as well as their dedication to youth sports. She also commented on time she spent at Nash Field when her children were involved in youth sports.

Committeewoman Ness commented on the history of the Chatham Athletic Foundation.

Deputy Mayor Kelly offered his thanks to the Chatham Athletic Foundation for the work they do.

Committeeman Ritter commended the Chatham Athletic Foundation for their work on behalf of the Township and the Borough, and commented that they have shown what citizens can do when they work together to solve problems.

Committeewoman Swartz moved to adopt Resolution 2019-216. Committeeman Ritter seconded the motion.

Roll call: Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Aye; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

Tom Winter from the Chatham Athletic Foundation thanked the past and present members of the Township Committee, as well as the residents of the Township and the Borough, for their support of the Foundation over the years.

Reports

Committeeman Ritter said that it is bittersweet to have his term of office come to an end later this month. He encouraged residents to get involved in local government and community initiatives.

Committeewoman Swartz reported that the Madison-Chatham Coalition is starting a series of podcasts by medical professionals about substance abuse issues. Committeewoman Swartz also reported that there has been a lot of controversy over JCP&L's tree removal program. She noted that a recent storm that left 100,000 customers without power could have affected many more customers had the tree maintenance not been performed. Committeewoman Swartz thanked JCP&L for their efforts to keep power running.

Committeewoman Ness reported that the Environmental Commission is working toward Silver Certification for Sustainable Jersey, and an Earth Day Work Day will be held in April. A seedling sale will also be held in 2020. Committeewoman Ness said that Environmental Commission member Jessica Romeo was asked to testify before the State Legislature on behalf of ANJEC regarding a proposed bill regarding plastic bags. Committeewoman Ness also gave an update about the Rolling Knolls remediation, and the EPA and US Fish & Wildlife Association have different standards for remediation.

Deputy Mayor Kelly noted that the Township is seeking volunteers for various boards and committees, and he said that there are spots open on the Board of Health, Zoning Board, Library Board of Trustees, Open Space Committee, Colony Pool Committee, Community Garden Committee and the Municipal Alliance. Deputy Mayor Kelly also said that there will be a Coffee with a Committeeman session on Saturday.

Regarding affordable housing, Deputy Mayor Kelly said that there are not any action items on tonight's agenda regarding site selection. He further noted that the Township Committee has considered the input from the public at the last meeting, and an extension will be requested from the Superior Court. Deputy Mayor Kelly also commented on the Township's negotiation process

that reduced the obligation from the Fair Share Housing Center's initial demand of 647 units to 387 units, which was further reduced to a realistic development potential of 200 units. He further noted that the Settlement Agreement has been available on the Township website for the past year. Deputy Mayor Kelly also said that steps will be taken to demonstrate the Township's good faith when requesting an extension, and he noted the items on this meeting's agenda that are part of that process. He further noted that if development fees are not collected, then the costs to the Township will be funded by all Chatham Township taxpayers. Deputy Mayor Kelly also addressed the proposal that the Township risk a builders remedy lawsuit, and explained that the Township could then face multi-family housing development without regard for the Township's zoning regulations.

Administrator Hoffmann thanked Committeeman Ritter and Mayor Selen for their service to the Township and for their assistance to him over the past year. He also acknowledged the Chatham Athletic Foundation for their grant to the Township for Nash Field improvements.

Attorney Cruz commented on Resolution 2019-217 and explained its purpose and actions. He also highlighted proposed dates in the draft resolution.

Hearing of Citizens

Mayor Selen opened the Hearing of Citizens.

1. Megan Alperowitz, Shunpike Road, asked that the section of Shunpike Road that includes Cougar Field be designated a School Zone. She cited the safety concerns facing students walking to Cougar Field for sports practices. Ms. Alperowitz also said that there is a survival rate of 15% for people hit by cars travelling 40 MPH, compared with a survival rate of 95% for pedestrians hit by cars travelling at 20 MPH. Ms. Alperowitz asked that flashing signage be installed on Shunpike Road between Rose Terrace and Driftway to alert drivers to the presence of school children, and that the flashing lights be activated during games, practices and events at Cougar Field. Ms. Alperowitz also presented a petition supporting her request.

   Committeewoman Swartz applauded Ms. Alperowitz for her efforts to raise awareness of safety issues on Shunpike Road. She also said that the Township Committee will discuss sending a letter to the County requesting that Ms. Alperowitz's suggestions be enacted. Administrator Hoffmann also commended Ms. Alperowitz for not only identifying a problem but also presenting viable solution that considers short-term and long-term impacts.

2. Jane Devlin, 420 River Road, asked that those who speak about affordable housing have compassion on the potential residents of affordable housing, and to not refer to them as "those people." She also asked that those who oppose having affordable housing in their neighborhood be honest as to why they oppose it.

3. Ashley Felice, 20 Candace Lane, asked if the Township Committee will be rescinding the designation of the Municipal Building site for affordable housing. Attorney Cruz said that the Township Committee will be requesting an extension, and the designation will be reconsidered but will not be rescinded at this meeting. Mrs. Felice asked why a resolution is necessary to request the extension. Attorney Cruz said that the deadline to implement the Settlement Agreement has passed, and he believes it is important to formally present what has transpired and more formally request the extension. Mrs. Felice asked if there is a law requiring the Township to build affordable units. Attorney Cruz said that there is a Constitutional obligation to provide mechanisms for affordable housing, and one of the options chosen by the Township Committee was to select a municipally sponsored 100% affordable development. He noted that the obligation could have been met through inclusionary zoning, which would result in much more development. Mrs. Felice asked if the Dixiedale development is being held up. Deputy Mayor Kelly said that it has not been held up, and the Planning Board is anticipated to approve the memorialization resolution for the approval at the next meeting. He also said that there is additional design work to be done by the developer before they can break ground.

4. Michael Oien, 3 Hillcrest Avenue, thanked the Township Committee for having a more open process, and thanked Deputy Mayor Kelly for his Coffee with a Committeeman meetings. Mr. Oien asked that an advisory group be formed, and commented that the proposed schedule would not allow much time for additional findings. Deputy Mayor Kelly said that there are additional public meetings before the Township will be taking further action on a designation. Committeeman Ritter suggested that a subcommittee be created. Mr. Oien asked about using open space for affordable housing. Attorney Cruz said that he will address that suggestion following the public comment session.

5. Jeanette Reed, 10 Scenery Hill Drive, thanked the Township Committee for helping resolve a matter they had with a builder on their street.

6. Paul Payton, 67 Candace Lane, commented on Ms. Alperowitz's proposal, and cited flashers used in Summit that may be an appropriate option to follow through with her suggestions. He also asked if the standard to qualify for affordable housing is $75,000 annual income. Attorney Cruz said that the 2018 income limits are included in the Settlement Agreement, and the qualification considers household income and household size. He also said that the qualification limit in Morris County is higher because Morris County has a high median income. Mr. Payton said that the residents on this side of town have to deal with the current traffic congestion during rush hour, and there is not much room to expand streets. He further noted that Chatham Borough is proposing to build 200 units at the intersection of Watchung Ave and River Road and additional development by the current Post Office, and that traffic will also impact the Township.

7. Nancy Styple, 97 Ormont Road, thanked Mayor Selen and Committeeman Ritter for their service, and thanked the Township Committee for considering public input. Mrs. Styple asked if the Township Committee will be reevaluating new sites by February 13th, and if an affordable housing expert will be hired. Mayor Selen said that other sites will be evaluated. Deputy Mayor Kelly said that the Township does have a Township Planner. Mrs. Styple suggested hiring an expert who is not a public planner.

8. Rich Matlaga, 36 Dale Drive, said that the motion to designate 58 Meyersville Road for affordable housing was not in the form of a resolution. He also said that in November 2017, the Township had a credit from prior affordable housing rounds but now there is a deficit. Mr. Matlaga opined that the realistic development potential assumes that 1200 condos are built to get 200 affordable units. Mr. Matlaga asked if there was any counsel as to where the 74 municipally sponsored units would be built at the time that the Township Committee approved the Settlement Agreement. Deputy Mayor Kelly said that at the time, the Township Committee thought that there was a viable site on River Road that was in tax foreclosure. He said that a developer was hired to provide conceptual plans for the site, and two concepts were presented having a four-story and five story building respectively. Mr. Matlaga said that the Township should not give away land for developers to make money. He also said that whatever is built needs to be properly accommodated. Mr. Matlaga also said that the agreement to build 74 units was not a good decision. He also asked why the Township agreed to rental units.

9. Jared Bilanin, 134 Long Hill Lane, said that it is not realistic to have additional sites ready for consideration by February 13th. He said that the Township should seek a six month period to consider alternatives.

10. Donna Leyens, 21 Woodmont Drive, thanked the Township Committee for their service to the Township. She also asked if the Township is considering more than 24 affordable units on Southern Boulevard. Mayor Selen said that it is an available option. Mrs. Leyens asked how many units might go there. Deputy Mayor Kelly said that the Township has to find a location for 74 units, and the first step for the Southern Boulevard site is to seek a waiver from the DEP to build in the wetlands buffer area. Mrs. Leyens asked if a traffic study was conducted for the Meyersville Road site, and if one will be conducted for Southern Boulevard. Deputy Mayor Kelly said that a traffic study would be part of the Planning Board application process. Mrs. Leyens said that traffic on Southern Boulevard impacts the ability to turn left off of Woodmont Drive at certain times of day. She also asked about the environmental impact of building on wetlands. Deputy Mayor Kelly said that the Township is not considering building on wetlands, and

the meeting with the DEP was about building in a transition area. He said that the area in question is where the Skate Park is located, and has been treated as a lawn for a long time and is not affecting the wetlands.

11. Stacey Ewald, 54 Nicholson Drive, said that she would like to see information passed along to the public as often as possible. She also asked if any suggestions regarding affordable housing have been taken off the table, for example if market-to-affordable is not an option. Deputy Mayor Kelly said that market-to-affordable is still an option, however that option is complicated by the need to arrive at a dollar amount that is fair to both the property owner and to taxpayers. Mrs. Ewald asked if a multi-location approach is being considered. Mayor Selen said that all options are being considered.

12. David Workman, 19 Susan Drive, thanked Deputy Mayor Kelly for all the studies being performed. He also asked if an appraisal will be conducted on the Meyersville Road site. Deputy Mayor Kelly said that an appraisal will be conducted. Mr. Workman asked why the Township's professionals did not conduct various studies over the past year. Mayor Selen said that the Township Planner did perform high level analysis. He also said that there are considerations beyond just numbers. Deputy Mayor Kelly noted that an expert performed an analysis on the Municipal Building's needs in 2008, and projections have been extrapolated from that study. He said that the Township Committee has opted to seek updated figures. Deputy Mayor Kelly further noted that on this evening's bill list there are approximately $30,000 in affordable housing costs, and he is concerned about the Township's future costs regarding affordable housing. Mr. Workman said that more time is needed for affordable housing matters to be worked out, and asked if more time can be requested. He further thanked Mayor Selen and Committeeman Ritter for their service to the Township.

13. Rez Esteves, 126 Southern Boulevard, said that the Township is facing more traffic and higher taxes. She asked if the Township will request more time to address affordable housing, and how much time can be obtained. Attorney Cruz said that the proposed extension schedule was developed by himself and Administrator Hoffmann based upon the time anticipated to be needed for more information to be gathered. He also reiterated that the Township is under a Court-mandate that has already passed, and any timeline will need to be approved by the Court. Committeeman Ritter asked if any Township Committee members had reviewed the proposed timeline previous to this meeting, and Attorney Cruz said that they had not. Committeeman Ritter asked what the Court can say if the Township asks for a longer extension, and Attorney Cruz said that the Court can deny the request. Mrs. Estevez asked what happens if all the available land is too steep to build upon, and if there is not land available to develop. Attorney Cruz said that it would be unfair to the Township Committee to make speculation on hypothetical situations. He also said that the Township would have to go back to the Court and Fair Share Housing Center to demonstrate that there is not any available land. Attorney Cruz further noted that the Vacant Land Adjustment is how the Township reduced the obligation to a realistic development potential of 200, and it will be up to the Court to determine how the Township will have to proceed further. Mrs. Estevez opined that public participation in a public meeting is not public involvement.

14. Rich Rein, 11 Rolling Hill Drive, asked about the December 17th deadline, and if there is a December 16th meeting instead. Attorney Cruz said that on December 16th there is a Planning Board meeting at which the resolutions will be memorialized for the approval of the Dixiedale and Arbor Green applications. He said that on December 17th, a conference will be held with Judge Gaus to update him on the Township's progress, at which time a request will be made for an extension. Mr. Rein asked what happens if the Township's request for an extension is denied, and if the Township will lose immunity to builders remedy lawsuits. Attorney Cruz said that the Judge could strip the Township of immunity, or he could grant some measure of an extension. Mr. Rein asked if the Fair Share Housing Center has been made aware that the Township will request an extension, and if they support that request. Attorney Cruz said that the Fair Share Housing Center generally does not support extensions. Mr. Rein noted that the Judiciary has a track record of not being sympathetic to municipalities that have dragged their feet, and he opined that those who are recommending that the Township risk a builders remedy lawsuit do not comprehend the power of such a lawsuit. Mayor Selen said that if the

Township does not address affordable housing correctly, there may be even more development than currently proposed.

15. Larry Fechtner, 3 Rolling Bill Drive, asked when the Township Committee was informed that the Police Department is not in compliance with DOC regulations. Administrator Hoffmann said that he became aware of the compliance issues over the summer, and he informed the Township Committee at that time. Mr. Fechtner asked if that was the initial notification that the Township received. Administrator Hoffmann said that there was some earlier correspondence that was sent to a former Police Chief. Mr. Fechtner asked about the estimated cost of renovations to the Police Department. Administrator Hoffmann said that holding cells have to be brought into compliance, the roof needs to be repaired, the HVAC system needs to be updated and a sally port needs to be installed.

16. Andy Silbert, Dale Drive, said that the Township Committee and the Township Administrator inherited the current affordable housing issues. She asked Attorney Cruz if the Court will care that the public was not privy to executive session discussions. Administrator Hoffmann said that the prior Township Committee and Township Administrator did a lot of work to best represent the Township, and the discussion was private due to rules regarding litigation. Mrs. Silbert asked why affordable housing units are not being built at the Dixiedale site. Attorney Cruz said that the Dixiedale site is considered an inclusionary development, and the affordable units are being built at the Skate Park site. He noted that the affordable housing component is a much higher ratio than what would normally be required. Mrs. Silbert said that there is the appearance that the Township gives away land to developers. Attorney Cruz said that there are developers who specialize in affordable housing, and the Township Committee opted to use the option to have a municipally sponsored affordable housing development. He further explained that in the case of the Arbor Green development, because the rents are lower the development is made sustainable through the land contribution and the PILOT program.

17. Chris Jagoe, 318 Fairmount Avenue, asked if the discussions regarding affordable housing were held in executive session due to a court order. Attorney Cruz said that the discussions were in executive session due to the confidentiality regarding pending litigation. Mr. Jagoe suggested that the Township repudiate the Settlement Agreement that was adopted and approved by the Court. Attorney Cruz said that the consequences of walking away from the Settlement Agreement have previously been discussed, and noted that there is a Constitutional obligation for municipalities to allow for affordable housing. Mr. Jagoe asked if the Settlement Agreement can be renegotiated. Attorney Cruz said that renegotiating the agreement is not an option at this point. Mr. Jagoe asked why the agreement is being reaffirmed. Attorney Cruz said that if the Township Committee is going to request an extension, the Court will want to see that the Township still supports the Settlement Agreement. Mr. Jagoe suggested that the Township tell the Court that the terms of the agreement cannot be met. Mr. Jagoe also addressed the resolution to authorize a grant application for sidewalks on Fairmount Avenue, and he claimed that residents on Fairmount Avenue do not want a sidewalk. He also asked for details on the grant application. Engineer Ruschke said that it is a supplemental grant for an existing grant from the DOT. Mr. Jagoe said that he will urge the denial of the grant, and he said that the Environmental Commission has not performed an environmental assessment.

18. Doug Pitney, 54 Mountainview Drive, asked what architect has been retained to study the Municipal Building. Administrator Hoffmann said that an architect has not been retained yet, however a proposal will be received from Mott MacDonald. Mr. Pitney asked what qualifications the architect has. Administrator Hoffmann said that information has not been submitted yet. Mr. Pitney asked what the threshold is for a resolution to be necessary for the Township to retain a professional. Administrator Hoffmann said that the threshold is $9,200. Mr. Pitney asked how the public will be made aware that a professional has been retained if the fee is less than $9,200. Administrator Hoffmann said that the fee is still unknown, and there will be a resolution on a Township Committee agenda if the fee is greater than $9,200. Mr. Pitney thanked Mayor Selen and Committeeman Ritter for their service, and noted that two new Committee members take office on January 1st. Mr. Pitney said that the new members will need to be brought up to

speed on affordable housing matters, and he does not think that a designation can be made by February 13th. He also stressed the need for public involvement.

19. Nina Benton, 106 Sunset Drive, said that there are a lot of residents who have talents that can help the Township Committee. She suggested that special sessions be scheduled.

20. Mike Stancampiano, 77 Meyersville Road, asked what happens if the extension is not granted, and if the Township would automatically lose the immunity to builders remedy lawsuits. Attorney Cruz said that the Township would have a right to a hearing before immunity is lost, at which the Township would endeavor to show Constitutional compliance. He also said that the Court's decision will depend on the Judge's reaction to the request made.

21. Robert Nevin, 15 Seminole Way, said that the Court could issue additional extensions as long as the Township responds to the Courts. Mr. Nevin accused Committeewoman Ness of not having a vested interest in the Township, and noted that the affordable housing will not be in Deputy Mayor Kelly's backyard. Mr. Nevin further accused Mayor Selen of working on his next campaign. Mr. Nevin thanked Committeeman Ritter for his service to the Township, and said that he is glad Mayor Selen will no longer be on the Township Committee.

22. Betty Schultz, 67 Candace Lane, said that she agrees with the comments that February is an unrealistic goal for finding an alternate site. She also said that the Township seems to be planning to presenting a significant amount of information to the public and then having to make a decision two weeks later. Mrs. Shultz recommended that the decision not be rushed so that public input can be sought.

23. Jane Devlin, 420 River Road, asked if the former Police Chief had failed to inform the Township Committee of the letter received from the Department of Corrections, and asked how the letter came to the attention of the Township Administrator. Administrator Hoffmann said that the current Chief gave him a cop of the letter during the summer, at which time the Township Committee was informed, and he does not want to speculate what happened before he began working for the Township. Mrs. Devlin noted that some residents have levied accusations of a lack of transparency, and said she is glad that Administrator Hoffmann is addressing the matter. She also asked when the letters were originally sent to the Township. Administrator Hoffmann said that the most recent letter was from August 2018, which was a follow-up to a previous letter. Mrs. Devlin asked if it is customary for such a letter to be shared with the Township Committee. Committeeman Ritter said that said that he had not received the letter, despite having been listed as a recipient on the letter.

24. Donna Leyens 21 Woodmont Drive, opined that most people attending this meeting either live in the immediate neighborhood or the Rolling Hill neighborhood, and she wants to know if residents of other neighborhoods can be informed of the affordable housing issues before it winds up being relocated to their neighborhoods. She also acknowledged that Township Committee meetings are poorly attended until residents have an issue that directly affects them. Mrs. Leyens also asked about the options that would not have involved donating land to a developer. Deputy Mayor Kelly said that the other options are a builders remedy lawsuit or inclusionary development. He explained that for inclusionary development, only 20% of any development would be affordable housing and 1,000 total new units would be needed to yield the obligatory 200 units. Deputy Mayor Kelly said that there is also a market-to-affordable option, and the Township was able to renew affordable controls on 72 units. He also explained that the developer for Dixiedale offered to build off-site affordable housing in excess of the normal set aside if the Township would agree to provide the land and enter a PILOT agreement. Mrs. Leyens asked why the Township opted to go with rental units. Attorney Cruz said that the Township gets bonus credits for rentals. Committeewoman Swartz said that in a builders remedy situation, the builder would have to buy land and build additional housing in order to build affordable housing. She asked where a builder might find land to purchase in order to build a new development. Mrs. Leyens said that Millburn and Livingston are both currently dealing with builders remedy lawsuits.

25. David Workman, 19 Susan Drive, said that the Township may want to consider a different means of notification system for matters such as affordable housing. He also asked Committeeman Ritter about the suggestion of requesting an extension until June 11th. Committeeman Ritter said that he will propose the draft agenda be amended when the Township Committee gets to that point in the agenda. Mr. Workman also said that there are many residents who are willing to help the Township Committee on the affordable housing issue for free, and he asked the Township Committee to empower them to provide assistance. Committeeman Ritter said that residents can get together to form the Chatham Affordable Housing Coalition. Mr. Workman asked who the Chatham Athletic Foundation engaged with when they formed, and who an affordable housing group work with to gain traction. Committeewoman Swartz noted that government works at a glacial pace, and residents can be more nimble. She suggested that any such citizens group ask the 2020 Mayor for space on a meeting agenda to make a proposal. Mr. Workman asked if the topics discussed in executive session had to be kept private. Attorney Cruz said that the question posed earlier was if the meetings were private due to a court order, and he said that the topics were discussed in executive session in compliance with the Open Publics Meeting Act. Mr. Workman asked if it is permissible for municipalities to violate confidentiality restrictions. Attorney Cruz explained that Township Committee agendas are posted in advance of meetings, and residents have a responsibility to take the time to read the agenda. He also said that the Open Public Meetings Act does not require individual notice be sent to all residents.

26. Mike Oien, 3 Hillcrest Age, asked if the other Township Committee members will support Committeeman Ritter's proposal for a six month extension. Mayor Selen said that he will support it, and the matter will be further discussed when the Committee reached that point in the agenda. Attorney Cruz said that a poll would be unfair to the Committee until they know specifically what they will be voting on. Deputy Mayor Kelly said that he cannot offer a firm opinion until a discussion has been held.

27. Rich Matlaga, 36 Dale Drive, said that there is a lack of trust of the Township Committee. He also asked why the Township Committee is making an effort to be compliant when the State is dragging their feet to clean up the Rolling Knolls site.

28. Sohan DaSilva, 59 Dale Drive, asked if a builder has to comply with the Township's zoning if there is a builders remedy lawsuit. Attorney Cruz said that the judgment of the Court is substituted for the Township's zoning regulations. He also described a builders remedy lawsuit in Hunterdon County in which housing was built despite a municipality's zoning. Mrs. DaSilva noted the potential for Noe Pond Club to sell their property to a developer. Attorney Cruz described the process by which the Township sought a declaratory judgment to preserve immunity, and a plan was developed to comply with the Settlement Agreement. He also said that the Township sought to settle both the request for a declaratory judgment and the Fair Share Housing Center's challenge to the rezoning of the Dixiedale property. Committeewoman Ness asked how the Court would react if members of the Township Committee begin discussing potentially walking away from the Settlement Agreement. Attorney Cruz said that the obvious impression would be that the Township had acted in bad faith.

29. Mark Hamilton, 132 Highland Avenue, said he agrees with the need for an extension, and nobody on the Committee appears to have said that the Settlement Agreement should be overturned. Mr. Hamilton also said that there has been a lack of transparency on the topic of affordable housing. He further said that an extension until February will not afford enough time for alternatives to be discussed. Mr. Hamilton further said that there is a perceived linkage between the Police Department repairs, the need for affordable housing and the selection of 58 Meyersville Road as a designated site. He asked Attorney Cruz to comment on the Department of Corrections requirements and if they have any enforcement ability. Attorney Cruz said that the Police Department would lose the ability to arrest people if they do not have proper holding facilities. Administrator Hoffmann said that the Township's compliance runs out in October 2021, and other municipalities are not willing to accept the Township's detainees. Mr. Hamilton claimed that the County Sheriff said he would accept detainees, and Administrator Hoffmann said that the Township was told that the County said they would not accept detainees. Mr.

Hamilton noted the clarification that the Police Department's compliance deadline is a separate matter from the affordable housing deadlines.

30. George Pickel, 44 Mountainview Road, asked if the Township is going to have a traffic study on Mountainview Road. Committeewoman Swartz said that traffic will be studied, and she noted that she had suggested a cul-de-sac.

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

Additional Resolutions

Resolution 2019-217

RESOLUTION 2019-217
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP ATTORNEY TO REQUEST AN EXTENSION OF THE AFFORDABLE HOUSING COMPLIANCE HEARING

A. TOWNSHIP'S AFFORDABLE HOUSING OBLIGATION AND COMPLIANCE MECHANISMS

WHEREAS, on July 7, 2015, the Township of Chatham filed a declaratory judgment action in the Superior Court of New Jersey, Morris County, seeking a judgment fixing the Township's affordable housing obligation for the period of 1999 to 2025, commonly known as the Third Round, and the mechanisms to meet that obligation; and

WHEREAS, on December 13, 2018, the Township Committee authorized a Settlement Agreement fixing the Township's Third Round affordable housing obligation at 387 units; and

WHEREAS, based upon a Vacant Land Adjustment, the Township's Realistic Development Potential was determined to be 200 units, with the RDP to be met utilizing the following compliance mechanisms:

Affordable Housing Mechanism	**Units or Credits**
Regional Contribution Agreement with the City of Newark	8
Extension of Expiring Affordability Controls at the Vernon Grove Condominium at Chatham Glen (For sale units)	72
100% Affordable Housing Development at Arbor Green at Chatham (Skate Park) (Family rentals)	24
Bonus credits for family rentals at Arbor Green	24
100% municipally sponsored family rentals at a site or sites to be identified	74
Bonus credits for 100% municipally sponsored family rentals	26
Total	228; and

WHEREAS, there is a Third Round unmet affordable housing need of 159 units, the difference between the Third Round obligation of 387 units and the 228 credits; and

WHEREAS, unmet need is addressed by utilizing the following mechanisms: a mandatory municipal-wide affordable housing set-aside ordinance and an inclusionary overlay zoning of Block 128, Lot 9, commonly known as Fairmount Commons; and

WHEREAS, on February 22, 2019, the Superior Court of New Jersey approved the Settlement Agreement fixing the Township's affordable housing obligation and the mechanisms described above, and required the Township to take the steps necessary to implement the terms of the Settlement by July 22, 2019, including identifying a site or sites for the 74 units of the 100% municipally sponsored affordable housing development; and

WHEREAS, through various Case Management Orders, with the last Order being entered on October 31, 2019, that date was extended until the next Case Management Conference scheduled for December 17, 2019; and

WHEREAS, the October 31, 2019 Case Management Order provided that the Township's "current immunity from builder's remedy lawsuits shall remain extended until further Order of the Court;" and

B. ORDINANCES AND RESOLUTIONS IMPLEMENTING SETTLEMENT AGREEMENT

WHEREAS, on September 14, 2019, the Township in furtherance of the Settlement Agreement adopted Resolution 2019-174 Affordable Housing Marketing Plan and Resolution 2019-175 Appointing Municipal Housing Liaison; and

WHEREAS, on October 24, 2019, the Township adopted Ordinance 2019-15 Affordable Housing Ordinance, inclusive of a mandatory municipal-wide affordable housing set-aside ordinance; and

WHEREAS, on the December 12, 2019 Township Committee Agenda, the following additional implementing Ordinances are scheduled for consideration: Ordinance 2019-19 Fairmount Commons Overlay Zone; Ordinance 2019-20 Payment in Lieu of Taxes Ordinance for Arbor Green at Chatham; Ordinance 2019-22 Development Fee Ordinance; and

C. PUBLIC COMMENT

WHEREAS, on November 14, 2019, at a duly noticed Township Committee meeting, the Township Administrator presented to the Township Committee the Municipal Building as a site for 65 low and moderate household family rentals, with another site or sites for an additional 9 units to be determined; and

WHEREAS, on March 24, 2008, Crane Associates, P.C., issued a Final Report titled "Facility Upgrade Survey/Assessment" which concluded that the Municipal Building required exterior and interior upgrades at a cost of $3,807,216.00; and

WHEREAS, today's estimated cost would be $4,588,493.35 based upon an inflation rate for the period from 2008 to 2019 according to the Bureau of Labor Statistics; and

WHEREAS, the Municipal Building is not fully occupied, with the Board of Education moving out in early 2019; and

WHEREAS, the proposal for the Municipal Building arises because the Municipal Building has outlived its useful life requiring extensive renovation to the roof, heating, ventilating and air-conditioning systems, windows and its size exceeds the needs of the municipal work-force which could be more efficiently housed in a new combined Municipal Building and Police Department at the current site of the Police Building; and

WHEREAS, the New Jersey Department of Corrections notified the Township that the Police Building does not comply with applicable regulations requiring new holding cells and a secure sally port which could be more efficiently housed in a new combined Municipal Building and Police Department at the current site of the Police Building; and

WHEREAS, the Township Administrator determined that a new combined Municipal and Police Building would result in savings to the Township and its taxpayers promoting the efficient expenditure of public funds; and

WHEREAS, retooling the current Municipal Building for 65 low and moderate income housing would serve to satisfy a substantial portion of the Township's affordable housing obligation, while preserving the same building footprint, the Senior Center, gym, the ball field, and parking lot facing Mountainview Road; and

WHEREAS, on November 14, 2019, the Township Committee heard public comment regarding its designation of the Municipal Building and scheduled a further Special Meeting for November 26, 2019 for additional public comment and discussion regarding that designation; and

WHEREAS, on November 26, 2019, the Township Administrator again presented to the Township Committee the basis for the recommendation of the designation, and the Township Committee determined that updated information was necessary regarding the designation of the Municipal Building and that based upon that information that it would reconsider the designation; and

WHEREAS, the public comments questioned the need for a new combined Municipal Building and Police Department, in response to these public comments, the Township Committee determined that the following information was necessary: updating the March, 2008 Crane Associates, P.C., "Facility Upgrade Survey/ Assessment"; obtaining a cost estimate to renovate the current Police Department building to current DOC standards, inclusive of 4 to 6 holding cells and a secure sally port; obtaining a cost estimate to move the Police Department from its current location to the current Municipal Building; obtaining a cost estimate to construct a new combined Municipal and Police Department Building at the current Police Department Building; and

WHEREAS, the Township Engineer has been exploring seeking a permit from the New Jersey Department of Environmental Protection to use a portion of the Skate Park property for affordable family rental units in addition to the twenty-four (24) units already approved as Arbor Green at Chatham; and

WHEREAS, on December 17, 2019, the Township Administrator and Engineer have a pre-application meeting with the DEP to start the application process; and

D. REQUEST FOR EXTENSION

WHEREAS, obtaining this updated and additional information requires an extension of time within which to hold the Compliance Hearing and for the Township to file a permit application with the DEP regarding the use of the Skate Park for additional affordable family rental units; and

WHEREAS, the Township staff and professionals will reconsider sites that were rejected and consider new sites that present a realistic development potential for a 100% municipally sponsored family rental development or developments; and

WHEREAS, based upon the need for this updated and additional information, the Township Committee directs the Township Attorney to seek an extension of the scheduling of the Compliance Hearing as follows:

		Date
a.	Vote on Development Fee and Fairmount Commons Overlay Zone Ordinances	December 19, 2019
b.	Presentation of updated financial analysis for Municipal Building and Police Department, and designation of Municipal Building or designation of new site or sites for affordable housing	June 11, 2020
c.	Township Committee decision regarding designation	June 25, 2020
d.	2020 Housing Element and Fair Share Plan considered by Planning Board	July 6, 2020
e.	2020 Housing Element and Fair Share Plan considered by Township Committee	July 9, 2020
f.	Township Committee introduction of remaining implementing ordinances or resolutions	July 9, 2020
g.	Township issuing Request for Proposals for Developer or Developers	July 10, 2020
h.	Township Committee public hearings on implementing ordinances	August 13, 2020
i.	Township Committee designation of Developer or Developers	August 13, 2020
j.	Scheduling and Notice of Compliance Hearing	During week of July 20, 2020
k.	Compliance Hearing	During week of September 14, 2020;

and

WHEREAS, the Township Committee hereby reaffirms the terms and conditions of the Settlement 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. The Township Attorney is hereby directed to request that the Superior Court of New Jersey grant an extension of the date for the Compliance Hearing based upon the above circumstances and the proposed schedule.

2. This Resolution shall take effect immediately.

Attorney Cruz said that the proposed schedule is a six month extension, and the key date is a compliance hearing. He said that specific notice of that hearing would need to be worked into the schedule, and the Township will need to be able to demonstrate compliance with the Constitutional obligations. He also noted that the Fair Share Housing Center will oppose any extension, and the Township will also need to convince the Court-appointed Special Master that the extension is needed. Attorney Cruz further noted that the Court will not look fondly on the "not in my backyard" argument.

Committeeman Ritter said that the Township will definitely not get an extension if one is not requested. He also said that the Court is aware that the Township has been working diligently on affordable housing compliance.

Committeewoman Swartz said that residents are seeking for affordable housing to be spread out rather than making a "not in my backyard" argument.

Committeewoman Ness asked if the Township would have an opportunity in six months to request a further extension. Attorney Cruz said that the Court had been tolerant, but at some point extension requests could be seen as a delay tactic.

Deputy Mayor Kelly asked if an extension until June could be requested, and if there would be a cushion form the February meetings to have presentations before decisions are made. Attorney Cruz recommended working within the confines of s schedule. He also said that the dates can but shifted, and he said that the dates are based on regular Township Committee and Planning Board meetings.

Mayor Selen said that he supports requesting an extension with a June timeframe.

Deputy Mayor Kelly said that it may be the best interest of the Township to keep in the good graces of the Court. He also said that the Committee should seek a resolution that all five members can support so that the Court does not question a split vote.

Committeeman Ritter suggested moving the proposed presentation of updated financial analysis for Municipal Building and Police Department, and designation of Municipal Building or designation of new site or sites for affordable housing from February 13th to June 11th.

Attorney Cruz said that he has given the best advice he can, and he needs the Township Committee to provide him with direction.

Committeewoman Ness said that it would not be good faith to expect the Township Committee to be ready to make a presentation by February 13th.

Attorney Cruz said that he does not think that the Judge will strip the Township of immunity at the December 17th hearing, however the Township should have a reasonable schedule to propose or the Judge will impose one.

The proposed dates in the schedule were reviewed and updated.

Committeeman Ritter moved to adopt Resolution 2019-217 with the amendments discussed. Committeewoman Ness seconded the motion.

Roll call: Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Aye; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

<u>Consent Agenda</u>

RESOLUTION 2019-218
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 $653,262.87 and the prior month's payroll of $394,249.11 Current Fund, $60,996.52 Sewer No. 1, $9,787.44 Sewer No. 2, and $35,913.92 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of December 2019, in the amount of $4,127,652.00 be paid.

BE IT FURTHER RESOLVED that taxes due to the County of Morris, for Added and Omitted Taxes for 2019, in the amount of $58,293.89 be paid.

RESOLUTION 2019-219
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 – November
Tax Collector – November
Police Department – November

RESOLUTION 2019-220
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 November 14, 2019.

RESOLUTION 2019-221
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 meetings held on November 14, 2019.

RESOLUTION 2019-222
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT AND/OR PERFORMANCE BOND BALANCES

WHEREAS, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

WHEREAS, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

NAME	Project	A/C NUMBER	AMOUNT
Rosepond LLC Sterling Properties 50 East Mt. Pleasant Avenue Livingston, NJ 07039	EIF 05-135-19/19.01	7760011090	$136.07
Crown Contracting, LLC 30 Hillside Avenue Springfield, NJ 07081	ROI 2017-09	7764128376	$166.66
John K. Fetterly, ESQ Britten Road Redevelopment LLC 67 Green Avenue Madison, NJ 07940	PLBD 06-48.20-189	7760011150	$200.00

RESOLUTION 2019-223

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:

BLOCK	LOT	NAME & ADDRESS	AMOUNT
62.09	8.01	Kubida, Gregory J. & McDonough, Krista 18 Birch Hill Dr. Chatham, NJ 07928 Property Address – 18 Birch Hill Dr.	$15,654.10 4th Quarter 2019 Overpayment of Taxes
73	18	Scheuber, Scott A. & Margaret K. 63 Hall Rd Chatham, NJ 07928 Property Address – 63 Hall Rd	$6,133.44 4th Quarter 2019 Overpayment of Taxes
135	19.24	Newman, Michael J. & Suzanne S. 40 Sterling Dr. Chatham, NJ 07928 Property Address – 40 Sterling Dr.	$5,662.66 4th Quarter 2019 Overpayment of Taxes

RESOLUTION 2019-224
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AWARDING A CONTRACT FOR INFORMATION TECHNOLOGY CONSULTING, SUPPORT, AND INSTALLATION OF HARDWARE AND SOFTWARE TO EMAZZANTI TECHNOLOGIES, LLC.

WHEREAS, the Township's current Information Technology provider has transitioned out of the Information Technology Consulting, Support, and Installation of Hardware and Software Services; and

WHEREAS, there exists a need for Information Technology Consulting, Support, and Installation of Hardware and Software Services for the Township of Chatham, and

WHEREAS, Resolution 2019-064 authorized the preparation of Requests for Proposals ("RFP") for Information Technology Services; and

WHEREAS, pursuant to the requirements of the competitive contracting provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-4.1 et. seq. of the State of New Jersey, the Township of Chatham (the "Township") issued a RFP for the purposes of seeking proposals from firms capable of providing Information Technology Consulting, Support, and Installation of Hardware and Software Services; and

WHEREAS, sixteen (16) companies requested RFPs from the Township of Chatham and twelve (12) companies submitted proposals on or before the bid opening date of Wednesday, October 30, 2019; and

WHEREAS, the Township's IT Review Committee, has reviewed all twelve (12) submitted proposals and found them to be complete; and

WHEREAS, the Township's IT Review Committee, consisting of the Administrator, Chief Financial Officer, Chief of Police, and others, ranked and evaluated all proposals based on price and other factors, and interviewed four (4) companies, on December 4, 2019, who appeared to offer the best value; and

WHEREAS, the references for the four (4) companies interviewed were contacted prior to their December 4, 2019 interview; and

WHEREAS, the Township's IT Review Committee, after a thorough evaluation, recommends eMazzanti Technologies, LLC, 701 Grand Street, Hoboken, NJ 07030; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris and State of New Jersey that the Mayor and the Township Clerk are hereby authorized and directed to sign an agreement with eMazzanti Technologies, LLC, 701 Grand Street, Hoboken, NJ 07030 for a period of thirty six (36) months, to begin no later than January 1, 2020, with the option to renew for up to an additional forty eight (48) months and based on the estimated number of hours for scheduled system support to be billed at an hourly rate of $100.00 per hour for work performed during business hours; and

BE IT FURTHER RESOLVED, that this contract is awarded pursuant to the provisions within N.J.S.A. 40A:ll-1 et seq., the Local Public Contract Law and pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.1 et seq.; and

BE IT FURTHER RESOLVED, that the funds for this contract will be placed in the 2020 Budget; and

BE IT FURTHER RESOLVED, that after calendar year 2020, the contract is subject to the Township appropriating funds for said work; and

BE IT FURTHER RESOLVED, that eMazzanti Technologies, LLC shall comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 (Affirmative Action), and N.J.S.A. 52:32-44, (Business Registration), and the Township's insurance requirements; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be published as required by law within ten (10) days of its passage.

RESOLUTION 2019-225
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING A NOTICE TO BIDDERS FOR THE 2020 ALUM TANK REPLACEMENT PROJECT

BE IT RESOLVED, by the Township Committee of the Township of Chatham that authorization is given to the QPA and the Township Administrator to issue a Notice to Bidders for the 2020 Alum Tank Replacement Project.

RESOLUTION 2019-226
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FAIRMOUNT AVENUE SIDEWALK EXTENSION PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham formally approves the grant application for the above stated project. The project limits are on Fairmount Avenue (CR 638) from Southern Boulevard (CR 647) to Longwood Avenue, which is the Municipal boundary with Chatham Borough.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as LAIF-2020- Fairmount Avenue Sidewalk Extension-00035 to the New Jersey Department of Transportation on behalf of the Township of Chatham.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Chatham and that their signature constitutes the acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 2019-227
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM CONFIRMING THE ACTION TAKEN BY THE TAX COLLECTOR ON BEHALF OF THE TOWNSHIP

WHEREAS, the owners of Block 128, Lot 2 were informed that they owed prior year taxes and sewer charges which made their property eligible for tax sale, and,

WHEREAS, the owners of the property believed that their tenants had been paying the tax and sewer charges owed, and,

WHEREAS, upon being informed of this delinquency the property owners took action to make payment, and,

WHEREAS, the property owners will make full payment on the balances owed plus interest within ninety (90) days or it will be eligible for tax sale re-advertisement, and,

WHEREAS, the Tax Collector has the authority under N.J.S.A. 54:5-28 to adjourn a property from a tax sale, and,

WHEREAS, the Tax Collector and Township Administrator conferred on this matter and both are in agreement that this action is appropriate;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Chatham that it confirms the action taken by the Tax Collector with the approval of the Township Administrator.

RESOLUTION 2019-228
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL ALLLINACE GRANT APPLICATION FOR GRANT YEAR JULY 2020-JUNE 2021

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community,

parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Chatham Township Committee of the Township of Chatham, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem across all communities in our society and amongst people of all ages; and

WHEREAS, the Township of Chatham further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough of Chatham and the Township of Chatham have combined efforts and established the Municipal Alliance Committee of the Chathams; and,

WHEREAS, the Municipal Alliance Committee of the Chathams was approved for Municipal Alliance grant funding for Grant Year July 2019- June 2020; and

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse has agreed to make $18,476.00 grant funding allocation available to the Municipal Alliance Committee of the Chathams for Grant Year July 2020-June 2021, contingent upon meeting the Municipal Alliance Committee of the Chathams contribution of 25% Cash Match ($4,619.00) and a 75% In-kind Match ($13,857.00) for a total Alliance Budget of $36,952.00; and

WHEREAS, the Borough of Chatham and Township of Chatham will equally contribute the Cash Match and In-Kind Match required for the grant funding.

BE IT RESOLVED, by the Committee of the Township of Chatham that it does hereby authorize the Mayor to execute the Municipal Alliance Grant Application Grant Year July 2020-July 2021; and

BE IT FURTHER RESOLVED, that the Borough of Chatham Council and Township Committee of the Township of Chatham acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements; and

BE IT FURTHER RESOLVED, that the Mayor is permitted to execute any supplement or amendment to the Municipal Alliance Grant Application that increases the grant funding allocation; and

BE IT FURTHER RESOLVED, that all other Township officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

Committeewoman Swartz commented on the grant application authorization, and said that it is noble for the Township to request more money. She also said that it is overreach for taxpayers to have been expected to pay for half the project.

Committeeman Ritter moved to approve the Consent Agenda. Deputy Mayor Kelly seconded the motion.

Roll call: Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Aye; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

Public Hearing/Final Adoption of Ordinances

Ordinance 2019-19

ORDINANCE 2019-19
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING AN INCLUSIONARY AFFORDABLE HOUSING OVERLAY ZONE IN THE PI-1 PROFESSIONAL INSTITUTIONAL DISTRICT AND AMENDING CHAPTER XXX, TITLED "LAND DEVELOPMENT", ARTICLE 7, TITLED "ZONING REGULATIONS" APPLICABLE TO BLOCK 128, LOT 9, LOCATED AT 466 SOUTHERN BOULEVARD TO ADDRESS A PORTION OF THE TOWNSHIP OF CHATHAM'S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Township of Chatham ("Township") filed a Declaratory Judgment Action in the Superior Court of New Jersey, Morris County, captioned IMO Township of Chatham, Docket No. MRS-L-1659-15 ("Declaratory Judgment Action"), in furtherance of the Supreme Court's March 10, 2015, decision in In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) ("Supreme Court Decision"); and

WHEREAS, the Township entered into a Settlement Agreement with the Fair Share Housing Center, Inc. on December 13, 2018 ("Settlement Agreement") that determines the Township's affordable housing obligation and the mechanisms for how the obligation will be addressed; and

WHEREAS, the Township's Planning Board adopted a Housing Element and Fair Share Plan, that comprehensively provides for the creation of affordable housing in the Township in a manner

consistent with all applicable affordable housing statutes and regulations and the Settlement Agreement; and

WHEREAS, the Township identified one parcel of land determined to be appropriate for development of higher-density inclusionary residential development in the Township located on Block 128, Lot 9 located at 466 Southern Boulevard within the PI-1 District which possesses sufficient land area to accommodate inclusionary residential development at appropriate inclusionary zoning densities to address a portion of the Township's Third Round affordable housing obligation; and

WHEREAS, the zoning amendments herein support residential inclusionary development consistent with the Settlement Agreement and the Township's Housing Element and Fair Share Plan.

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. Article XXX, Subsection 30-75.1 titled "Zone Districts" is hereby amended to add a new overlay zone titled "PI-AHO" Professional and Institutional Affordable Housing Inclusionary Overlay Zone as follows:

30-75.1 Zone Districts.

For the purpose of this Chapter, the Township is hereby subdivided into twenty-two (22) zone districts known as:

CP	County Park District
WA	Wilderness Area District
R-1	Residence District
R-1A	Residence District
R-2	Residence District
R-2A	Residence District
R-2B-1	Residence District
R-2B-2	Residence District
R-3	Residence District
R-4	Residence District
R-5	Residence District
R-5A	Residence District
R-6A	Townhouse District
R-6B	Townhouse District
R-6C	Residence District
R-7	Apartment District
AH	Affordable Housing District
B-1	Business Center District
B-2	Neighborhood Business District
PI-1	Professional Institutional District
PI-2	Professional Institutional District
PCD	Planned Commercial District

Overlay Districts:

Great Swamp Watershed Overlay District (Ord. No. 2017-16)
Upper Passaic River Watershed Overlay District (Ord. No. 2017-16)
Professional and Institutional Affordable Housing Inclusionary Overlay Zone

Section 2. Article XXX, Subsection 30-75.2 titled "Map and Schedule" is hereby amended to include the following: one (1) new overlay zone designation, "PI-AHO" Professional and Institutional Affordable Housing Inclusionary Overlay Zone as indicated on the "Official Zoning Map, Township of Chatham, Morris County, New Jersey," dated March, 1999, which is hereby replaced by the "Official Zoning Map, Township of Chatham, Morris County, New Jersey," dated March, 1999, revised as of October, 2019, and listed below:

Block 128, Lot 9

Section 3. Amend Article XXX to include a new Section 30-84, titled "Requirements for PI-AHO Professional and Institutional Affordable Housing Inclusionary Overlay Zone", to the Revised General Ordinances of the Township of Chatham as follows:

(a) Purpose.

The Township recognizes its obligation under the New Jersey Fair Housing Act to provide for its "fair share" of the regional need of low and moderate income (affordable) housing. The PI-AHO Professional and Institutional Affordable Housing Inclusionary Overlay Zone is established to provide an affordable housing overlay development option allowing townhouses and/or

apartments on Block 128, Lot 9 to address a portion of the Township's affordable housing obligation subject to the affordable housing set-asides prescribed below.

(b) Area and Density Requirements.

1. Minimum Area. Each development shall have a minimum tract area of three (3) acres. Public or private roads, easements or rights-of-way shall not be deemed to divide acreage of a development.
2. Maximum Density. Twelve (12) dwelling units/acre.

3. Minimum Lot Size Per Dwelling. A minimum lot size of 1,200 square feet shall be required for all fee simple townhouse dwelling units.

(c) Maximum Building Coverage.

1. The total ground floor area of all buildings shall not exceed thirty (30%) percent of the lot area.

(d) Maximum Impervious Coverage.

1. The total area of all impervious surfaces shall not exceed sixty (60%) percent of the lot area.

(e) Setback Requirements.

1. No principal building shall be located within thirty (30) feet of a public street or exterior property line of the tract nor within ten (10) feet of any internal roadway.

2. No townhouse dwelling structure shall have more than two (2) continuous attached dwelling units with the same front building line, and such variations in the building line shall be offset at least four (4) feet.

(f) Distance Between Buildings. Minimum distances as specified below shall be maintained between principal buildings:

Positions of Building Walls	Minimum Distance Between Buildings at Any Point
Front facing front	50'
Front facing rear	50'
Front facing side	25’
Rear facing rear	50'
Rear facing side	30'
Side facing side	15'

(g) Building Requirements.

1. Height. No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet whichever is the lesser, except that existing buildings in excess of the permitted number of stories or height may be re-used for any permitted principal or accessory use.

2. Units Per Building. No townhouse building shall contain more than six(6) dwelling units.

(h) Dwelling Unit Requirements.

1. Each dwelling unit shall contain as a minimum a separate living room, a separate bedroom, a separate bath, a room for storage and utilities, and a kitchen, which kitchen facility shall be located separate and apart from other rooms in the unit with the exception of the dining room.

2. Minimum Floor Area. Each dwelling unit shall have a minimum floor area, as "floor area" is defined in Section 30-6, in accordance with the following schedule:

Number of Bedrooms	Minimum Required Floor Area Per Dwelling Unit (in Sq. Ft.)
1	900
2	1,150
For each additional	200 additional

3. No basement shall contain a bedroom.

4. Each dwelling unit shall have at least two (2) private outside entrances.

5. Each dwelling unit shall contain its own heating plant and system and shall constitute a separate, independent unit for metering and all other purposes with respect to all required utilities and similar conveniences. No central or common laundry or similar facilities intended for two (2) or more units shall be permitted.

6. Each dwelling unit shall have at least one (1) individual private yard area, balcony, deck, open patio or court adjoining the unit and having a width of at least fifteen (15) feet and an area of at least one hundred fifty (150) square feet. Each private yard area, patio, court or deck shall be effectively screened in order to provide a reasonable degree of privacy.

7. In addition to the above requirements, a storage space with separate access and containing a minimum of eighty (80) square feet of floor area shall be provided for each dwelling unit in the basement of the building in which the unit is located or in the garage serving the unit. Storage space located in a garage shall not encroach upon or be located above a minimum area of ten feet by twenty (10' by 20') feet for the parking of a motor vehicle.

8. The layout and arrangement of buildings and their design shall incorporate energy saving and green design features where practicable.

(i) Accessory Buildings.

1. Setbacks. Accessory buildings shall meet the street, property line and internal roadway setbacks of the principal buildings and shall be at least twenty-five (25) feet from a principal building and fifteen (15) feet from another accessory building. Detached garages shall be at least fifteen (15) feet from a principal building or from any other garage or accessory building. Clubhouses, swimming pools and recreation facilities shall be at least one hundred (100) feet from a property line.

2. Height. The maximum height of an accessory building shall be fifteen (15) feet except for clubhouses which shall not exceed twenty-eight (28) feet in height. Existing buildings in excess of the permitted number of stories or height may be re-used for any permitted principal or accessory use.

3. When a clubhouse or other accessory building is attached to a building containing a permitted principal use, the bulk requirements for the permitted principal use shall apply.

4. Design. Architectural design and materials used in the construction of accessory buildings shall conform to or complement the style of construction of principal buildings.

5. Except to the extent inconsistent with the specific provisions of this Subsection, the provisions of Subsection 30-96.13 shall be followed.

6. Signs. The provisions of Section 30-98 shall be followed.

(j) Off-Street Parking and Internal Roadways. Off-street parking and internal roadways shall conform to the provisions of Subsection 30-64.2, and, in addition, the following requirements shall be met:

1. All off-street parking areas and internal roadways shall be paved, bounded by permanent curbing and constructed in accordance with Township of Chatham road specifications; provided, however, that, upon recommendation of the Township Engineer, the requirement of curbing may be waived or modified when found not to be needed for control of storm water, protection of pavement and similar purposes.

2. Parking areas shall be located at least five (5) feet from a building and fifteen (15) feet from a property line.

3. Except as otherwise provided in the New Jersey Residential Site Improvement Standards, internal roadways shall be at least twenty-four (24) feet in width for two (2)-way traffic and twelve (12) feet in width for one (1)-way traffic and shall not enter a street within fifty (50) feet of an existing intersection. Drives leading from internal roadways to parking areas shall be at least twenty (20) feet in width.

4. The arrangement and location of garages, parking areas and internal roadways shall be subject to approval of the Planning Board and shall be designed to insure maximum safety, proper circulation and maximum convenience for residents and their guests.

5. Sidewalks shall be provided along at least one side of any internal road serving the development.

6. Unless otherwise provided in the New Jersey Residential Site Improvements Standards, minimum requirements for off-street parking spaces shall be as follows for low and moderate income housing units:

1 bedroom	1.75 parking spaces
2 bedroom unit	2.0 parking spaces
3 or more bedroom unit	2.5 parking spaces

(k) Landscaping and Common Open Space.

1. There shall be provided a minimum of thirty (30%) percent of the entire tract for common open space, which shall be deed restricted against future development and managed by the homeowners association. Said open space shall not contain any impervious surfaces, detention facilities or other structural or infrastructure improvements.

2. The common open space, where improved, shall be attractively landscaped with varieties of flowering plants, grasses, trees and shrubs that will serve to minimize water use. All proposed landscaping, including existing and new trees, shrubs and natural screening shall be shown on the site plan submitted to the Planning Board for approval.

3. Except as otherwise provided in the New Jersey Residential Site Improvement Standards, sidewalks or walkways constructed in accordance with the Township specifications shall be provided in such locations and of such widths as required and approved by the Planning Board to insure safe and convenient pedestrian traffic.

4. Sidewalks shall be provided along Southern Boulevard within the development.

5. Effective screening by a fence or wall no less than five (5) feet nor more than seven (7) feet in height shall be provided to shield parking areas and other common facilities from view of adjoining residential properties, provided, however, screening by hedge or other natural landscaping may be substituted for the required fence or wall if approved by the Planning Board as part of the site plan.

6. Lighting. Adequate artificial lighting shall be provided in parking areas and along sidewalks, walkways and internal roadways. The source of lighting shall be directed downward, away from buildings and adjoining streets and property lines. Lighting fixtures shall be so arranged that the direct source of light is not visible from any adjacent property.

(l) Utilities.

1. Adequate provision shall be made for storm water drainage, water supply and sewage treatment and disposal.

2. All telephone, electric and CATV service, including outdoor lighting on the property, shall be by underground conduit.

3. Fire Hydrants. Fire hydrants shall be installed at locations specified by the Township. Such hydrants shall be provided with appropriate water pressure and otherwise adequately maintained by the owner or owners of the dwelling units. All such hydrants shall conform to the standards of the National Board of Fire Underwriters or Township requirements, whichever is more restrictive.

4. Solid Waste, Including Recyclable Materials. Suitable provision shall be made for the orderly deposit and pick-up of solid waste, including recyclable materials. The locations and numbers of all facilities for such purposes shall be subject to approval by the Planning Board and shall meet all regulations of the Township Board of Health and applicable provisions of Section 18-1 of the Revised General Ordinances of the Township of Chatham as well as the following:

(a) Each receptacle shall be located in a completely enclosed building.

(b) Buildings used solely for the purpose of housing receptacles shall be located at least five (5) feet from an internal roadway and shall otherwise meet the requirements for accessory buildings.

(c) Buildings used to house receptacles shall be so located as to permit convenient vehicular access.

(m) Developer's Obligation to Provide Affordable Housing.

1. Prior to the issuance of any construction permit, and as a condition precedent to the grant of any approval of a development application by the Planning Board, Board of Adjustment or Zoning Officer, as applicable, a developer shall be required to enter into an agreement with the Township Committee to construct at least 15 percent to 20 percent of all dwelling units as low and moderate income housing units as prescribed in Subsection 30-84(m)2 below. At least 50% of the rental units shall be available to low income households with the remainder available to moderate income households. The required agreement shall make provisions for the developer's obligation to construct the affordable units and the phasing of construction of market units shall provide for the construction of affordable units in tandem with the market units according to the requirements of N.J.A.C.5:93-5.6(d).

2. The required minimum residential densities and affordable housing set asides shall be as follows:

(a) Townhouse or other for-sale units: 12 dwelling units per acre with a 20% affordable housing set-aside; and/or.

(b) Multi-family rental housing, such as garden apartments:
12 dwelling units per acre with a 15% affordable housing set-aside.

(c) Townhouse and multi-family at the prescribed densities and set-asides identified above may be mixed on single parcel of land.

(n) Development Option.

The "PI-AHO" Professional and Institutional Affordable Housing Inclusionary Overlay Zone provides a development option allowing townhouses and/or apartments on Block 128, Lot 9 at the election of the owner. The "PI-AHO" Professional and Institutional Affordable Housing Inclusionary Overlay Zone does not supersede the existing underlying PI-1 Professional Institutional District and does not render existing uses on Block 128, Lot 9 non-conforming.

Section 4. All other Ordinances, part of Ordinances, or other local requirements that are inconsistent or in conflict with this Ordinance are hereby repealed to the extent of any inconsistency or conflict, and the provisions of this Ordinance apply.

Section 5. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.

Section 6. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) 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.

Attorney Cruz explained that following tonight's public hearing on Ordinance 2019-19, the public hearing will be carried to a special meeting on December 19th so that the Planning Board can have sufficient time to conduct a Master Plan Consistency Review. He also said that the review had been scheduled for December 2nd, but that meeting was cancelled due to inclement weather. He also said that the same process will be held for Ordinance 2019-22.

Attorney Cruz further explained that an overlay zone is required by the Settlement Agreement, and that an overlay zone is an option allowing a property owner to use that zone. This overlay zone will count toward the Township's unmet need. Attorney Cruz further said that he has spoken with the property owner, and they do not object. Attorney Cruz also said that this announcement of the continuation of the public hearing is the only formal notice of the continuation.

Mayor Selen opened the Public Hearing on Ordinance 2019-19.
Seeing no public comment, Mayor Selen closed the Public Hearing.

<u>Ordinance 2019-20</u>

ORDINANCE 2019-20
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPROVING THE LONG TERM TAX EXEMPTION APPLICATION AND AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A FINANCIAL AGREEMENT BY AND BETWEEN THE TOWNSHIP OF CHATHAM AND SOUTHERN BOULEVARD URBAN RENEWAL, LLC, PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. FOR PROPERTY LOCATED AT 405 SOUTHERN BOULEVARD, ALSO KNOWN AS A PORTION OF LOT 117.27 IN BLOCK 48.16, AS SHOWN ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CHATHAM, LOCATED IN THE SKATE PARK REDEVELOPMENT AREA

BE IT ORDAINED by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, as follows:

Section 1. The Township Committee of the Township of Chatham ("Township") designated a portion of Block 48.16, Lot 117.27 ("Property") as the Skate Park Redevelopment Area ("Redevelopment Area") and adopted the Redevelopment Plan for the Redevelopment Area ("Plan") on December 13, 2018.

Section 2. On December 13, 2018, the Township adopted a Resolution conditionally designating Southern Boulevard Urban Renewal, LLC ("Redeveloper"), as redeveloper of the Property subject to certain conditions.

Section 3. Redeveloper is an urban renewal entity, created in accordance with the Long Term Tax Exemption Law, constituting Chapter 431 of the Pamphlet Laws of 1991 of the State, and the act amendatory thereof and supplementary thereto ("Long Term Tax Exemption Law," as codified in N.J.S.A. 40A:20-1 et seq.), which shall take title to the Property and act as Redeveloper.

Section 4. On October 21, 2019, Redeveloper obtained preliminary and final site plan and subdivision and bulk variance approvals from the Township Planning Board for the Property for a residential development of 24 affordable housing units and related site improvements ("Project").

Section 5. The Township and Redeveloper have completed negotiations on a Redevelopment Agreement to be considered for approval by the Township on November 14, 2019, which sets forth certain terms and conditions with respect to the sale of the Property to Redeveloper by the Township, the redevelopment of the Property, the construction of the Project and the payment of certain costs in connection therewith ("Redevelopment Agreement").

Section 6. Pursuant to and in accordance with the provisions of the Long Term Tax Exemption Law, the Township is authorized to provide for tax exemptions within a redevelopment area and for payments in lieu of taxes.

Section 7. The Redeveloper submitted an application ("Exemption Application," a copy of which is attached hereto as Exhibit A) to the Township, dated October 25, 2019, including a form of financial agreement ("Financial Agreement," a copy of which is attached hereto as Exhibit B), for the approval of a Project, as such term is used in the Long Term Tax Exemption Law, all in accordance with N.J.S.A. 40A:20-8.

Section 8. The Exemption Application requests a 30-year term for the Financial Agreement and an annual service charge ("Annual Service Charge") based on 6.28% of annual gross revenue, subject to staged increases beginning in Year 16, as set forth in the Financial Agreement and as provided for under the Long Term Tax Exemption Law.

Section 9. The Township and Redeveloper reached agreement regarding, among other things, the terms and conditions relating to the Annual Service Charge, and they desire to execute the Financial Agreement.

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

Section 1. The Township acknowledges that Redeveloper, by effectuating the redevelopment of the Property, will provide significant and long-term benefits to the Township.

Section 2. The Township makes the following findings:

A. Relative benefits of the Project when compared to the costs:

1. The Property currently generates no real estate tax revenue to the Township because the Property is owned by the Township and assessed as municipal property. The projected Annual Service Charge will generate average revenue to the Township of approximately $17,000 annually over the term;

2. It is estimated that the Project will create approximately 50 jobs during construction and 1 new permanent job after completion of construction;

3. The Project will provide 24 units of affordable housing to the region;

4. The Project will further the redevelopment objectives of the Redevelopment Plan; and

5. The Township has determined that the benefits of the Project significantly outweigh the costs to the Township.

B. Assessment of the importance of the tax exemption in obtaining development of the Project and influencing the locational decisions of probable occupants:

1. The relative stability and predictability of the Annual Service Charge will make the Project more attractive to investors and lenders needed to finance the Project; and

2. The relative stability and predictability of the Annual Service Charge will allow stabilization of the Project operating budget, allowing a high level of design and aesthetics as well as the use of high quality materials which will maintain the appearance of the buildings over the life of the Project, which will insure that it will have a positive impact on the surrounding area.

Section 3. The Exemption Application is hereby accepted and approved.

Section 4. The Financial Agreement shall be for a 30-year term with an annual service charge based on 6.28% of annual gross revenue for the Project, and subject to certain staged increases beginning in Year 16, in accordance with the Long Term Tax Exemption Law.

Section 5. The Financial Agreement is hereby authorized to be executed and delivered on behalf of the Township by the Mayor in substantially the form attached hereto as Exhibit B. The Township Clerk is hereby authorized and directed to attest to the execution of the Financial Agreement by the Mayor and to affix the corporate seal of the Township to the Financial Agreement.

Section 6. This Ordinance shall take effect upon final passage and publication as required by law.

EXHIBIT A
EXEMPTION APPLICATION

EXHIBIT B
FORM OF FINANCIAL AGREEMENT

EFFECTIVE DATE

This Ordinance shall take effect twenty (20) days after publication in accordance with applicable law.

Administrator Hoffmann explained that the Payment in Lieu of Taxes will be based on the rents collected from the affordable rental units at the Arbor Green development. He said that the projected annual payment will be $17,000 of which $900 will be contributed to the County. He also said that the PILOT is a 30 year PILOT, and the annual contribution may increase over that period.

Mayor Selen opened the Public Hearing on Ordinance 2019-20.

1. Rich Matlaga, 36 Dale Drive, said that the PILOT will cover municipal services. He also said that the developer will receive grants. He asked when the Township will know what the annual municipal contribution will be. Attorney Cruz said that the developer is not receiving tax credits, and will obtain the necessary financing on their own, and the municipal contribution is only the land. Mr. Matlaga asked about the PILOT ending after 30 years. Attorney Cruz said that the affordability controls expire at that same time.

Seeing no further public comment, Mayor Selen closed the Public Hearing.

Committeewoman Swartz moved to adopt Ordinance 2019-20. Committeewoman Ness seconded the motion.

Roll call: Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Aye; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

Ordinance 2019-21

ORDINANCE 2019-21
AN ORDINANCE ADDING ARTICLE III, TITLED "DEPARTMENTS ESTABLISHED", SECTION 2-11, TITLED "POLICE DEPARTMENT", SUBSECTION 2-11.17, TITLED "POLICE CHAPLAIN", OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM TO ALLOW FOR A POLICE CHAPLAIN

WHEREAS, statutory authority provides that the Township Committee of the Township of Chatham by Ordinance may create the appointment of one or more Chaplains to the Police Department; and

WHEREAS, Police Chaplains serve an integral role in providing comfort to members of the Police Department as well as the public and aid in community policing; and

WHEREAS, the Township Committee finds it is in the best interest of the Township of Chatham to create the position of Police Chaplain.

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. Article III, titled "Departments Established", Section 2-11, titled "Police Department", Subsection 2-11.17, titled "Police Chaplain" of the Revised General Ordinances of the Township of Chatham is hereby added as follows:

Subsection 2-11.17 Police Chaplain

A. Position created. The position of Police Chaplain for the Township of Chatham Police Department is hereby created in accordance with statutory authority. The position(s) will be a volunteer position. The position of Chaplain shall be under the supervision of the Chief of Police.

B. Qualifications. Any person appointed as Chaplain shall be an ordained clergyman in good standing in the religious body from which he/she is selected. The chaplain shall have basic training and shall be a certified Police Chaplain credentialed in accordance with the rules and regulations of the Township of Chatham Police Department and shall be qualified in accordance with statutory requirements.

C. Duties of Police Chaplain. The Duties of Police Chaplain shall include, but not be limited to, assisting the Township of Chatham Police Department in death notifications, station house adjustments, and any other duties that may be assigned by the Chief of Police.

D. Rank and salary. Any person appointed as Chaplain shall serve in that capacity without rank or salary.

E. Term of office. A person(s) appointed as Chaplain shall serve for a period of one year from the date of appointment and shall continue to serve in that capacity until he/she is either terminated or reappointed with the recommendation of the Chief of Police regarding the appointment of the Chaplain. The Mayor shall appoint the Chaplains in accordance with this section with the advice and consent of the Township Committee.

Section 2. 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 3. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect after final passage, adoption and publication according to law.

Attorney Cruz explained that per statute, a municipality needs to have an ordinance in effect before a police chaplain can be appointed.

Mayor Selen opened the Public Hearing on Ordinance 2019-21.
Seeing no public comment, Mayor Selen closed the Public Hearing.

Committeewoman Swartz noted that more than one chaplain can be appointed if there should be a need for chaplains of different faiths. She also opined that the State should not require ordinances for police chaplains.

Committeewoman Ness moved to adopt Ordinance 2019-21. Deputy Mayor Kelly seconded the motion.

Roll call: Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Aye; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

Ordinance 2019-22

ORDINANCE 2019-22
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER XXIX, TITLED "AFFORDABLE HOUSING" OF THE REVISED GENERAL ORDINANCES TO ADD A NEW SUBSECTION 29-2, TITLED "DEVELOPMENT FEES"

BE IT ORDAINED by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, as follows:

Section 1. Subsection 29-2 titled "Development Fees" of Revised General Ordinances of the Township of Chatham, is hereby added as follows:

29-2 Development Fees.

§29-2.1 Purpose

A. In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 ("Act"), N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's ("COAH's") adoption of rules.

B. Pursuant to P.L.2008, c.46 section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Non-residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from nonresidential development.

C. In Re Adoption of N.J.A.C. 5:96 and 5:97 by COAH, 221 N.J. 1 (2015) ("Mount Laurel IV"), the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 7, 2025 are under the Court's jurisdiction and are subject to approval by the Court.

D. This article establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L. 2008, c.46, §§ 8 and 32-38. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:93-8.

§ 29-2.2 Definitions.

As used in this Subsection, the following terms shall have the meanings indicated:

AFFORDABLE HOUSING DEVELOPMENT

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent affordable development.

COAH or THE COUNCIL

The New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT FEE

Money paid by a developer for the improvement of property as permitted in N.J.A.C 5:93-8.3

EQUALIZED ASSESSED VALUE

The assessed value of a property divided by the current average ratio of assessed-to-true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (N.J.S.A. 54:1-35a through N.J.S.A. 54:1-35c).

SUBSTANTIAL IMPROVEMENT

Any reconstruction, addition, or other improvement of a structure, the cost of which exceeds fifty (50%) percent of the equalized assessed value of the structure before the start of construction of the improvement.

SUBSTANTIVE CERTIFICATION

A determination by COAH approving a municipality's housing element and fair-share plan in accordance with the provision of the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and the rules and criteria as set forth herein.

§ 29-2.3 Development fees.

A. Residential development fees.

(1) Imposed fees.

(a) Within the Township of Chatham, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.

(b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 4% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application. Example: If an approval allows

four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage up to 4% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

(2) Eligible exactions, ineligible exactions and exemptions for residential development:

(a) Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

(b) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

(c) Except as provided in Subsection 29-2.3A(2)(d) below, development fees shall be imposed and collected on new residential construction or when an existing residential structure undergoes a substantial improvement as defined in Section 29-2.2 above, is demolished and replaced, or is expanded where the size of the change, replacement, or expansion is greater than 2,500 square feet. The development fee shall be calculated on the increase in the equalized assessed value of the new or improved structure.

(d) Developers of residential structures demolished and replaced as a result of fire, or natural disaster, or other catastrophic events shall be exempt from paying a development fee.

B. Nonresidential development fees.

(1) Imposed fees.

(a) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.

(b) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.

(c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

(2) Eligible exactions, ineligible exactions and exemptions for nonresidential development.

(a) The nonresidential portion of a mixed-use inclusionary or market-rate development shall be subject to the development fee of 2.5% unless otherwise exempted below.

(b) The fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

(c) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.

(d) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L.2008, c.46, shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the nonresidential

development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.

(e) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Township as a lien against the real property of the owner.

§ 29-2.4 Exempt development types.

The following development types are exempt from development fees:

A. Nonprofit and public education buildings.
B. Houses of worship.
C. Public amenities (recreational, community, or senior centers).
D. Parking lots and structures.
E. Nonprofit hospital relocation or improvement.
F. State, county and local government buildings.
G. Transit hubs, transit villages, and light-rail hubs.
H. Commercial farm buildings and Use Group U structures.
I. Developments with a general development plan approval, or executed developer's or redeveloper's agreement, prior to July 17, 2008, with a fee or affordable housing requirement the equivalent of at least 1% of equalized assessed value.

§ 29-2.5 Collection procedures.

A. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority (Planning or Zoning Board) shall direct its staff to notify the construction official responsible for the issuance of a building permit.

B. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Township Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

C. The construction official responsible for the issuance of a building permit shall notify the Township Tax Assessor that he has prepared to be issued the first building permit for a development, at which time an amount of 50% of the total fee is due at the issuance of the first building permit. The remaining amount owed will be paid at the issuance of a final certificate of occupancy.

D. Within 30 days of receipt of that notice, the Township Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development and the fee is calculated as cited above.

E. The construction official responsible for the issuance of a final certificate of occupancy notifies the Township Tax Assessor of any and all requests for the scheduling of a final inspection on property.

F. Within 10 business days of a request for the scheduling of a final inspection, the Township Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the remaining amount of the fee due.

G. Should the Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).

H. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

I. Appeal of development fees.

(1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Township. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

(2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Township. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 29-2.6 Affordable Housing Trust Fund.

A. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.

B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

(1) Payments in lieu of on-site construction of affordable units;
(2) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
(3) Rental income from municipally operated units;
(4) Repayments from affordable housing program loans;
(5) Recapture funds;
(6) Proceeds from the sale of affordable units; and
(7) Any other funds collected in connection with the Township's affordable housing program.

C. The Township previously provided COAH with written authorization, in the form of a three-party escrow agreement between the Township, a bank, COAH, to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:93-8. The Superior Court shall now have jurisdiction to direct the disbursement of the Township’s trust funds.

D. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH or a court of competent jurisdiction.

§ 29-2.7 Use of funds.

A. The Township shall not spend development fees until COAH or a court of competent jurisdiction has approved a plan for spending such fees. Thereafter, the expenditure of all funds shall conform to the spending plan approved by COAH or a court of competent jurisdiction. Funds deposited in the housing trust fund may be used for any activity approved by COAH or a court of competent jurisdiction to address the Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to, preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:93-8 and specified in the approved spending plan.

B. Funds shall not be expended to reimburse the Township for past housing activities.

C. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.

(1) Affordability assistance programs may include down-payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.

(2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.

(3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

D. The Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.JA.C. 5:93-8.16(d).

E. No more than 20% of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements as set forth in the Court-approved Settlement Agreement with FSHC, dated December 13, 2018. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

§ 29-1.8 Monitoring.

On or about December 13 of each year through 2025, the Township shall provide annual reporting of trust fund activity to the DCA, COAH, or NJLGS, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website. This reporting shall include an accounting of all housing trust fund activity, including the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township's housing program, as well as to the expenditure of revenues and implementation of the plan approved by COAH or a court of competent jurisdiction. All monitoring reports shall be completed on forms designed by COAH or other entity designated by the State of New Jersey.

§ 29-1.9 Ongoing collection of fees.

The ability for the Township to impose, collect and expend development fees shall expire with its Court-issued Judgment of Compliance and Repose unless the Township has (1) filed an adopted Housing Element and Fair Share Plan with COAH, a court of competent jurisdiction or other entity designated by the State of New Jersey; (2) has petitioned for substantive certification or filed a declaratory judgment action; (3) and has received COAH's or a court of competent jurisdiction's approval of its Development Fee Ordinance. If the Township fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance and Repose, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (N.J.S.A. 52:27D-320). The Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its judgment of compliance; nor shall the Township retroactively impose a development fee on such a development. The Township shall not expend development fees after the expiration of its judgment of compliance.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This Ordinance shall not become effective until approved by the Superior Court of New Jersey.

Mayor Selen opened the Public Hearing on Ordinance 2019-22.

1. Rich Matlaga, 36 Dale Drive, said that the Township Committee's bylaws require a motion to consider new business after 11:00 PM, which was not done at this meeting. He also said that the bylaws do not allow meetings to continue beyond midnight. Deputy Mayor Kelly pointed out that the meeting would have been finished by midnight if Mr. Matlaga did not have further questions, and Mr. Matlaga said he was insulted by Deputy Mayor Kelly's comment.

Seeing no further public comment, Mayor Selen closed the Public Hearing.

Committeewoman Swartz moved to extend the meeting past midnight. Deputy Mayor Kelly seconded the motion, which carried unanimously.

Hearing of Citizens/Petitions

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

Committeewoman Ness moved to adjourn at 12:02 AM. Deputy Mayor Kelly seconded the motion, which carried unanimously.

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Gregory J. LaConte
Municipal Clerk