

**MINUTES  
TOWNSHIP COMMITTEE  
REGULAR MEETING  
AUGUST 27, 2020**

Mayor Kelly called the Regular Meeting of the Township Committee of the Township of Chatham to order at 4:30 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 August 21, 2020; notice was posted on the bulletin board in the main hallway of the Municipal Building on August 21, 2020; and notice was filed with the Township Clerk on August 21, 2020.

Pursuant to Executive Orders Nos. 102, 103, 104 and 107 and to ensure the safety of all, during a State of Emergency declared by New Jersey Governor, Phil Murphy, on March 9, 2020 to “contain the spread of COVID-19”, the Township of Chatham limited the public from physically attending the Township Committee meeting to be held on Thursday, August 27, 2020.

**Roll Call**

Answering present to the roll call were Committeewoman Ewald, Committeewoman Fondaco, Committeewoman Swartz, Deputy Mayor Ness and Mayor Kelly.

Committeewoman Ewald, Committeewoman Fondaco and Committeewoman Swartz participated in the meeting via Zoom.

**Approval of Agenda**

Deputy Mayor Ness moved to approve the Agenda. Committeewoman Ewald seconded the motion, and the motion carried.

Committeewoman Swartz moved to amend the Agenda to remove Resolution 2020-191. The motion was not seconded.

**Executive Session**

**RESOLUTION 2020-P-20  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING CONFERENCE OF  
THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED**

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

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

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

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
  - a. Litigation - In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
  - b. Collective Bargaining Negotiations: PBA
  - c. Personnel Matter
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.

4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Mayor Kelly announced that the Township Committee will return to Public Session at 5:30 PM.

Committeewoman Ewald moved to adopt Resolution 2020-P-20 to enter Executive Session at 4:35 P.M. Deputy Mayor Ness seconded the motion.

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

The Township Committee returned to Public Session at 5:37 PM.

Mayor Kelly led the Flag Salute.

Mayor Kelly addressed the protocols for participation in public hearings. He noted that speakers will be allowed to speak once per hearing for up to five minutes, and that the Township Committee would wait until after the speaker is finished to answer any questions.

#### **Proclamation – National Childhood Cancer Awareness Month**

Committeewoman Swartz noted that she requested that a proclamation be issued for National Childhood Cancer Awareness Month after seeing the impact that childhood cancer has had on members of her neighborhood.

The attached proclamation regarding National Childhood Cancer Awareness\_Month was read aloud by Committeewoman Swartz.

#### **Reports**

Committeewoman Ewald reported that Tri-Town Cares hosted a webinar on how to help children transition to the new school reality, and the webinar is available online for those who missed it. She also reported that the School District has moved the first day of school back to September 8<sup>th</sup>. Committeewoman Ewald further reported that sewer and tax payments can now be set up to be made automatically through an ACH system. She noted that there have been dwindling miscellaneous revenues, and surplus was used to prevent a raise in taxes. Expenses have not declined despite the pandemic. While revenues are down, State Aid has thus far been unaffected. Committeewoman Ewald thanked Administrator Hoffmann and CFO Debbie King for their work to keep Township finances in line.

Committeewoman Swartz reported that she sent an email to Board of Education President Jill Weber and Superintendent of Schools Dr. LaSusa to thank them for their efforts to move forward with a September 8<sup>th</sup> opening of Chatham Schools. She also said that there has been an uptick of online predatory behavior during the pandemic. Committeewoman Swartz also said that Dr. LaSusa reported that students are more likely to die from suicide than from COVID-19. Committeewoman Ewald noted that there are a number of mental health resources available from Tri-Town Cares, including signs to look for.

Committeewoman Fondaco reported that the Art League of the Chathams is having artwork pickup on August 31<sup>st</sup> and September 4<sup>th</sup> in the gym at the Municipal Building.

Committeewoman Swartz reported that a number of residents have expressed concerns about road repaving, particularly in regard to a recent PSE&G project on Longwood Avenue. She also reported that the Township benefitted from the hard work of the public Works Department for storm restoration.

Deputy Mayor Ness reported that Tri-Town Cares is a joint effort between Madison, Chatham Township and Chatham Borough to address mental health concerns arising from the COVID-19 pandemic. She noted that there was a recent COVID and antibody testing event in Madison, and there are hopes to have such an event in the Township. Fall Recreation sports are beginning on

the weekend of September 12<sup>th</sup>, and Deputy Mayor Ness thanked the Club Sports, Recreation Director Carol Nauta, Administrator Hoffmann and Borough Administrator Steve Williams for the successful summer athletic season. Deputy Mayor Ness further reported that the Joint Court Committee will be meeting soon. She noted that Judge Troxell is retiring, and a replacement is being sought. She also reported that revenues from traffic violations is down. Deputy Mayor Ness also offered her thanks to the Colony Pool Committee and Colony Pool Staff for a successful and safe season.

Mayor Kelly reported that there will be public hearings at this meeting for Ordinance 2020-14 and Ordinance 2020-15. He also summarized Resolution 2020-189 and Resolution 2020-190, both of which relate to Affordable Housing. Mayor Kelly further noted that Ordinance 2020-16 is on the agenda for introduction, and is for the adoption of the redevelopment plan for 522 Southern Boulevard. Mayor Kelly noted that upon introduction, Ordinance 2020-16 would be referred to the Planning Board for review to determine if it is consistent with the Master Plan. Mayor Kelly further reported that Judge Gaus will hold a Fairness and Preliminary Compliance Hearing scheduled for September 17<sup>th</sup> regarding the Township's amended Affordable Housing Plan. Details for public access to the Hearing will be posted on the Township Website once they become available. Mayor Kelly reported that a Request for Qualifications has been issued by the Township to seek a developer for Affordable Housing, and the RFQs are due to be submitted on September 17<sup>th</sup>.

The Township Clerk reported that the November General Election will be a vote by mail election similar to the Primary Election. He also noted that voters will be able to drop off their ballots at the polling place. Mr. LaConte also stressed the need for voters to carefully follow the instructions on the ballot paperwork so that they are not rejected due to defect.

Engineer Ruschke reported that the tentative start date for the 2020 Paving Project is September 8<sup>th</sup>, and notices will be sent out once the contractor confirms the date. A virtual public hearing will be scheduled for the Shunpike Sidewalk Project. Engineer Ruschke also reported on the work recently performed by PSE&G and the restoration to be performed.

Attorney Cruz reported that he will address the Affordable Housing matters as they appear on the Agenda. He also asked that Mr. Banisch be allowed to address Resolution 2020-189 and Ordinance 2020-16. Mayor Kelly asked that there be a Hearing of Citizens for those two items before the Township Committee takes action on those items.

Deputy Mayor Ness moved to amend the Agenda to add the Hearing of Citizens and move up consideration of Resolution 2020-189 and Ordinance 2020-16. Committeewoman Fondaco seconded the motion, which carried unanimously.

Administrator Hoffmann thanked residents for consolidating storm debris piles to make it easier for DPW to perform curbside pickup. He also thanked the Police Department for the work they did to assist DPW while they did cleanup work on County roads. Administrator Hoffmann further reported that four generation of technology have been merged so that the Zoom portion of Township Committee meetings can be broadcast on TV, and the DVR machine is being replaced. He thanked videographer Alex Gonzalez and the Township Clerk for the work they did to find a replacement unit. Administrator Hoffmann further reported that the DPW Director was able to acquire energy efficient windows for the Police Department. He further reported that a new phone system for municipal offices is being sought. The costs pertaining to fire hydrants are also being reviewed. The new Township website is anticipated to go live in mid-September.

### **Hearing of Citizens**

Attorney Cruz explained the purpose of Resolution 2020-189.

Mayor Kelly opened the Hearing of Citizens.

1. Adam Faiella, an attorney representing the owners of 522 Southern Boulevard, asked that Resolution 2020-189 and Ordinance 2020-16 be adjourned to a meeting when Mr. Banisch will have more time to discuss the matter. He noted that an objection letter was submitted to the Township, and opined that it is shocking that the Township would consider condemnation as an option during a pandemic. Mr. Faiella also challenged the

content of the report prepared by Mr. Banisch for the Preliminary Investigation to determine if 522 Southern Boulevard is a site in need of condemnation redevelopment.

Mr. Banisch responded and explained how the property meets the criteria for condemnation redevelopment.

Mayor Kelly thanked Mr. Faiella for raising his concerns, and also noted that Mr. Faiella raised the same concerns at the recent Planning Board meeting. Mayor Kelly further noted that the property is for sale, and said that it is appropriate for the Township to negotiate with the property owner.

Committeewoman Ewald asked Mr. Banisch to clarify that the same criteria needs to be met whether the designation for redevelopment is condemnation or non-condemnation. Mr. Banisch confirmed that the same criteria needs to be met.

Seeing no further public comment at this time, Mayor Kelly closed the Hearing of Citizens.

## **Resolutions**

### **RESOLUTION 2020-189**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING AND APPROVING THE PLANNING BOARD RECOMMENDATION THAT BLOCK 128, LOT 2, COMMONLY KNOWN AS 522 SOUTHERN BOULEVARD BE DESIGNATED AS A CONDEMNATION REDEVELOPMENT AREA AS DEFINED IN N.J.S.A. 40A:12-1 ET SEQ.**

**WHEREAS**, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("Redevelopment Law") authorizes municipalities to determine whether certain parcels of land located within the municipality constitute areas in need of condemnation redevelopment; and

**WHEREAS**, on July 9, 2020, the Township Committee of the Township of Chatham, by Resolution 2020-169, authorized and directed the Township of Chatham Planning Board ("Planning Board") to conduct a preliminary investigation pursuant to the Redevelopment Law to determine whether the property identified as Block 128, Lot 2 as shown on the Tax Map of the Township and commonly known as 522 Southern Boulevard ("Study Area"), constituted an area in need of condemnation redevelopment in accordance with the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Study Area consists of one (1) parcel fronting on Southern Boulevard owned by Kronos Holding LLC; and

**WHEREAS**, on July 20, 2020, the Township Planning Board, by Resolution authorized Frank Banisch, P.P. ("Planning Consultant"), to conduct an investigation to determine whether the Study Area constitutes an area in need of condemnation redevelopment in accordance with the Redevelopment Law, and to prepare a preliminary investigation report of the Study Area; and

**WHEREAS**, the Planning Consultant prepared a Study, dated July 2020 ("Report"), which details the findings and recommendations relevant to whether the Study Area should be designated as an area in need of condemnation redevelopment; and

**WHEREAS**, the Planning Board, having provided the requisite notice and all jurisdictional requirements of the Redevelopment Law having been met, conducted a public hearing on August 17, 2020, where the Planning Consultant, being sworn and qualified as an expert in professional planning, made a presentation of the Report to the Planning Board; and

**WHEREAS**, in addition to the presentation of the Planning Consultant, the Planning Board held a public hearing; and

**WHEREAS**, the Planning Consultant concluded that the Study Area satisfies the criteria of the Redevelopment Law, N.J.S.A. 40A:12A-5 as follows:

Block 128, Lot 2 - Criteria (b), (d) and (h)

and that the Study Area is an area in need of condemnation redevelopment; and

**WHEREAS**, the Planning Board received a written objection to the Report from Adam J. Faiella, Esq., on behalf of Kronos Holding LLC, prior to the close of the public hearing on August 17, 2020; and

**WHEREAS**, Adam J. Faiella, Esq. also appeared at the Planning Board hearing and stated the objections; and

**WHEREAS**, at the conclusion of the public hearing, the Planning Board found that the Planning Consultant's conclusions in the Report and his testimony provide substantial evidence to support the findings that the Study Area satisfies the criteria of the Redevelopment Law, N.J.S.A. 40A:12A-5, and that the designation of the Study Area as an area in need of condemnation redevelopment is necessary for the effective redevelopment of the Study Area; and

**WHEREAS**, the Planning Board voted to recommend that the Township Committee find that the Study Area be designated as an area in need of condemnation redevelopment meeting the criteria of the Redevelopment Law, N.J.S.A. 40A:12A-5, as set forth by the Planning Consultant; and

**WHEREAS**, on August 17, 2020, the Planning Board adopted a Resolution memorializing the public hearing and decision on that date; and

**WHEREAS**, the Planning Board submitted the memorializing Resolution, along with a copy of the Report and all exhibits presented at the public hearing to the Township Clerk for distribution to the Mayor and Township Committee for consideration thereof; and

**WHEREAS**, after review and consideration of the Planning Board's recommendation, including all documents submitted therewith, the Township Committee agrees with the conclusion of the Planning Board that the Study Area meets the aforementioned criteria for a condemnation redevelopment area designation, and the Township Committee finds that such conclusion is supported by substantial evidence; and

**WHEREAS**, the Township Committee further agrees with the recommendation of the Planning Board that the Study Area be designated as an area in need of condemnation redevelopment pursuant to the Redevelopment Law; and

**WHEREAS**, the Township Committee now desires to designate the Study Area as an area in need of condemnation redevelopment, pursuant to N.J.S.A. 40A:12A-6; and

**WHEREAS**, the Township Committee further desires to authorize and direct the Planning Consultant to prepare a redevelopment plan for the Study Area and present same to the entire Township Committee.

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

1. The aforementioned recitals, including the Planning Board Resolution, Report and exhibits presented at the August 17, 2020 public hearing before the Planning Board, are incorporated herein as though fully set forth at length.
2. The Township Committee hereby designates the Study Area as an area in need of condemnation redevelopment pursuant to N.J.S.A. 40A:12A-6, satisfying criteria of the Redevelopment Law, N.J.S.A. 40A:12A-5 as follows:

Block 128, Lot 2 - Criteria (b), (d) and (h)

3. The Planning Consultant is hereby directed to prepare a redevelopment plan for the Study Area (to be hereinafter referred to as the Redevelopment Plan), and present same to the entire Township Committee.
4. The Clerk of the Township shall forward a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs for review and approval by regular and certified mail, return receipt requested.
5. The Clerk of the Township shall forward a copy of this Resolution to Kronos Holding LLC, the owner of the Study Area, at its address shown on the Tax Assessor's records; those whose names are listed on the Tax Assessor's records, and Adam J. Faiella, Esq., who filed a written objection, by regular mail and certified mail, return receipt requested.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law.

Committeewoman Fondaco moved to adopt Resolution 2020-189. Deputy Mayor Ness seconded the motion.

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

### **Introduction of Ordinances**

#### **ORDINANCE 2020-16**

#### **AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ADOPTING THE REDEVELOPMENT PLAN FOR 522 SOUTHERN BOULEVARD, BLOCK 128, LOT 2 ON THE TOWNSHIP TAX MAP**

**WHEREAS**, the Township of Chatham has a constitutional obligation to provide for the realistic development of affordable housing; and

**WHEREAS**, the Township endorsed the 2020 Housing Element and Fair Share Plan on August 13, 2020 identifying 522 Southern Boulevard, Block 128, Lot 2 ("Property") as appropriate for a 100% municipally sponsored family rental affordable housing development; and

**WHEREAS**, the Township Committee wishes to prepare a “mini-master plan” for the Property and to provide bulk standards; namely, height, front, side and rear yard set-backs and design and parking criteria for the Property through the adoption of a Redevelopment Plan for the Property.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the attached Redevelopment Plan for the Property, dated August, 2020, prepared with assistance from Banisch Associates, Inc., be adopted.

**Section 1.** This Ordinance and Redevelopment Plan repeals, replaces and supersedes the existing or underlying zoning for the Property.

**Section 2.** The Redevelopment Plan for the Property is adopted as attached.

**Section 3.** The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons or entities entitled to notice, including to the Clerk of adjoining municipalities, to the last owner of the property and all persons at their last known address, if any, whose names are noted on the assessment records as claimants of an interest in the Property. The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this Section 3, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

**Section 4.** After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40A:12A-7e. The Planning Board is directed pursuant to N.J.S.A. 40A:12A-7d to transmit to the Township Committee, within forty-five (45) days after referral, a report finding that the Redevelopment Plan shall be substantially consistent with the Township Master Plan or designed to effectuate the Master Plan or that the Redevelopment Plan is substantially inconsistent with the Township Master Plan or not designed to effectuate the Master Plan.

**Section 5.** 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 6.** All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 7.** This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Township Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Mr. Banisch explained that the plan is for 60 to 62 Affordable Units to be built at 522 Southern Boulevard, and if those units are not built then the Township would need to find another location for those units to be built.

Attorney Cruz explained that Ordinance 2020-16 will be referred to the Planning Board for a Master Plan Consistency Review.

Deputy Mayor Ness moved to introduce Ordinance 2020-16. Committeewoman Fondaco seconded the motion.

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

The public hearing for Ordinance 2020-16 will be scheduled for September 24, 2020.

### **Hearing of Citizens**

Mayor Kelly opened the Hearing of Citizens.

Seeing no public comment at this time, Mayor Kelly closed the Hearing of Citizens.

### **Public Hearing/Final Adoption of Ordinances**

Ordinance 2020-14

#### **ORDINANCE 2020-14**

**BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY (BY PURCHASE OR EMINENT DOMAIN) FOR AFFORDABLE HOUSING PURPOSES IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$4,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

**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 of Chatham, in the County of Morris, State of New Jersey (the "Township") is hereby authorized to acquire real property (by purchase or eminent domain) in, by and for the Township for affordable housing purposes. Said improvement shall include real estate transaction expenses and all work, materials and appurtenances necessary and suitable therefor. The property to be acquired has a street address of 522 Southern Boulevard and is designated as Block 128, Lot 2 on the Tax Assessment Map of the Township. The Mayor, Township Administrator, Township Clerk and Township Attorney are hereby authorized to take all actions and execute all documents necessary in connection with the acquisition (by purchase or eminent domain) of the real property.

Section 2. The sum of \$4,000,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$4,000,000, and (4) \$200,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$3,800,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$315,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the aggregate sum of \$200,000 (consisting of (A) \$50,610 in the Township's Affordable Housing Trust Fund and (B) \$149,390 in the Township's Capital Improvement Fund), is now available to serve as the down payment on said purpose. The sum of \$200,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$3,800,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$3,800,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$3,800,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local

Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 12. The Township intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mayor Kelly opened the Public Hearing on Ordinance 2020-14.

1. Ed Barmakian, Editor of TAPinto Chatham, said that Mr. Faiella noted that 522 Southern Boulevard is currently under contract, and he asked how Ordinance 2020-14 would be affected if the owner sells the property to a third party. Attorney Cruz recommended that the Township Committee not hypothesize at this time.
2. Adam Faiella stated that his clients object to Ordinance 2020-14 and the condemnation of 522 Southern Boulevard. He said that condemnation is a hostile act, and he stated that his client is under contract to sell the property to a third party.

Seeing no further public comment, Mayor Kelly closed the Public Hearing and announced that it will be reopened at the September 10, 2020 Township Committee meeting.

#### Ordinance 2020-15

#### **ORDINANCE 2020-15**

#### **AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION BY PURCHASE OR CONDEMNATION OF REAL PROPERTY SHOWN AS BLOCK 128, LOT 2 ON THE TOWNSHIP TAX MAP AND COMMONLY KNOWN AS 522 SOUTHERN BOULEVARD, NOW OWNED BY KRONOS HOLDING, LLC**

**WHEREAS**, the New Jersey Supreme Court, through its rulings in In re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Hous., 221 N.J. 1 (2015) (“Mount Laurel IV”); Hills Dev. Co. v. Twp. of Bernards, 103 N.J. 1 (1986) (“Mount Laurel III”); S. Burlington Cty. NAACP v. Twp. of Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”); Burlington Cty. NAACP v. Twp. of Mount Laurel, 67 N.J. 151, 174 (1975) (“Mount Laurel I”) (“Mount Laurel Decisions”), determined that municipalities in New Jersey have a constitutional obligation to provide a realistic opportunity for a fair share of its region’s present and prospective needs for housing for low and moderate income families; and

**WHEREAS**, the New Jersey State Legislature, in response to the Mount Laurel Decisions, adopted the Fair Housing Act, N.J.S.A. 53:27D-301 et seq. to codify the obligation of municipalities to provide a realistic opportunity for housing for low and moderate income families; and

**WHEREAS**, the Township of Chatham recognizes its obligation under the State Constitution, as further set forth in the Mount Laurel Decisions and the Fair Housing Act, to provide a realistic opportunity for housing for low and moderate income individuals and families; and

**WHEREAS**, on July 6, 2015, the Township filed a declaratory judgment action, in accordance with Mount Laurel IV, seeking a declaration of its compliance with the Mount Laurel Decisions and the Fair Housing Act (“Action”); and

**WHEREAS**, the Fair Share Housing Center (“FSHC”) intervened in the Action and, with the assistance of a Court Appointed Special Master, reached a settlement with the Township which sets forth the manner in which the Township will ensure the opportunity for housing for low and moderate income families; and

**WHEREAS**, on December 13, 2018, the Township and FSHC entered into the December 13, 2018 Settlement Agreement which fixed the Township’s Third Round (1999 – 2025) Prospective Need, as adjusted through the December 13, 2018 Settlement Agreement, at 387 affordable housing units; and

**WHEREAS**, through a Vacant Land Analysis a municipality attempts to demonstrate that it does not have the land capacity to meet its affordable housing obligation and is used to calculate a municipality’s realistic development potential (“RDP”); and

**WHEREAS**, the December 13, 2018 Settlement Agreement fixed the Township’s RDP at 200 affordable units as calculated in the Vacant Land Analysis attached as Exhibit B to that Agreement; and  
**WHEREAS**, the Township’s RDP was to be satisfied as follows:

<u>Compliance Mechanism</u>	<u>Units</u>	<u>Bonuses</u>
Regional Contribution Agreement (“RCA”) with the City of Newark	8	
Extension of expiring controls on affordable family, for-sale units at Vernon Grove Condominium	72	
Family rental units created through inclusionary zoning with off-site family rental affordable units at the Skate Park	24	24
Affordable family rental units through the development of a 100% municipally sponsored development at a site or sites to be determined	74	26
Totals	<u>178</u>	<u>50</u> 228

;and

**WHEREAS**, the December 13, 2018 Settlement Agreement was amended on January 10, 2019 to correct a block and lot designation; and

**WHEREAS**, on February 22, 2019, there was a Fairness and Preliminary Compliance Hearing during which the December 13, 2018 Settlement Agreement, as amended on January 10, 2019, was approved by the Superior Court of New Jersey; and

**WHEREAS**, under the December 13, 2018 Settlement Agreement, the Township had until July 22, 2019 to identify a site or sites for the 100% municipally sponsored development for 74 affordable family rental units (“Development”); and

**WHEREAS**, the Township obtained extensions of the July 22, 2019 deadline to designate a site or sites for the 100% municipally sponsored development for 74 affordable family rental units during which the Township sought to identify municipally owned properties for this development, including converting the Township owned Municipal Building at 58 Meyersville Road; and

**WHEREAS**, on January 10, 2020, the Township filed a Notice of Motion for Approval of Development Fee Ordinance and Related Spending Plan, Extension of Time for Compliance and Temporary Immunity, and Adjustment of Construction Start Date, including to extend the deadline to identify municipally owned property for the 100% municipally sponsored development for 74 affordable housing family rental units; and

**WHEREAS**, on January 24, 2020, the FSHC filed opposition to the Township’s Motion and a Cross-Motion seeking to terminate the Township of Chatham’s Immunity from Builder’s Remedy Suits and to Enforce Litigant’s Rights; and

**WHEREAS**, on February 7, 2020 the Township filed opposition to the FSHC Cross-Motion; and

**WHEREAS**, the Township and the FSHC participated in mediation with the Court Appointed Special Master to resolve the pending motions; and

**WHEREAS**, as a result of that mediation, the Township and the FSHC entered into the March 12, 2020 Amended Settlement Agreement; and

**WHEREAS**, the March 12, 2020 Amended Settlement Agreement reallocated the 74 units in the Development as follows:

<u>Compliance Mechanism</u>	<u>Units</u>	<u>Bonuses</u>
No fewer than 59 affordable two- and three-bedroom family rental units on River Road (Block 62, Lot 71) and, potentially, Block 62, Lot 74	59	26
Up to 15 group home bedrooms on a site or sites to be identified	15	

**WHEREAS**, after proceedings before the Township Planning Board, the Township concluded that the River Road property was not appropriate for the Development and sought to amend the March 12, 2020 Amended Settlement Agreement; and

**WHEREAS**, after further review by the Township, FSHC and the Court Appointed Special Master, the Township concluded that because of the lack of sufficient unencumbered vacant land owned by the Township, that the property shown as Block 128, Lot 2 on the Township Tax Map and commonly known as 522 Southern Boulevard, now owned by Kronos Holding, LLC (“Property”) was an appropriate site for the Development; and

**WHEREAS**, the acquisition of the Property will increase the number of affordable family rental units in the Township by at least 59 units because, without the Property, the Township would be unable to meet its RDP; and

**WHEREAS**, on July 20, 2020, the Township Planning Board adopted the 2020 Housing Element and Fair Share Plan which designated the Property for the Development; and

**WHEREAS**, on July 23, 2020, the Township endorsed the 2020 Housing Element and Fair Share Plan which designated the Property for the Development; and

**WHEREAS**, on July 23, 2020, the Township and FSHC entered into the July 23, 2020 Amended Settlement Agreement designating the Property for the Development; and

**WHEREAS**, the Township Committee finds that the Property is necessary or useful for the construction of low and moderate income housing because the Property is: (a) of a sufficient size to accommodate at least 59 affordable family-rental two and three bedroom housing units, (b) is located in the “downtown” area of the Township close to shopping, local services, parks and public transportation; (c) offers a convenient location to the affordable unit residents; (d) is serviced by sewer and water; (e) is compatible to adjacent land uses; (f) offers a more suitable location for affordable housing than the Municipal Building or the River Road property all as detailed in the “Site Suitability Analysis for Construction of Affordable Housing, 522 Southern Boulevard, Chatham Township, N.J., July, 2020” prepared by Francis J. Banisch III, P.P., A.I.C.P. attached as Exhibit A to the July 23, 2020 Amended Settlement Agreement; and

**WHEREAS**, based upon the above factors, the Township hereby determines that the Property is necessary or useful for the construction of low and moderate income housing and that will result in an increase in affordable housing units in the Township; and

**WHEREAS**, in accordance with N.J.S.A. 40A:12-5(a)(1) “any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property: (1) by purchase, gift, devise, lease, exchange, or condemnation . . .”; and

**WHEREAS**, in accordance with N.J.S.A. 52:27D-325 “a municipality may purchase, lease or acquire by gift or through purchase, lease or acquired by gift or through the exercise of eminent domain, real property and any estate or interest therein, which the municipal governing body determines necessary or useful for the construction or rehabilitation of low and moderate income housing or conversion to low and moderate income housing”; and

**WHEREAS**, an appraiser retained by the Township, Appraisal Consultants Corp., determined the value of the Property to be \$3,685,000 as set forth in that “Appraisal for 522 Southern Boulevard, Chatham Township, NJ”, dated August 11, 2020; and

**WHEREAS**, the Township Committee wishes to authorize the Mayor and/or designee to negotiate for the acquisition of the Property in an amount not to exceed the appraised value for the Property, and if a negotiated purchase cannot be agreed upon, to initiate an eminent domain action to acquire title to the Property for the Development under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq. so long as all legal prerequisites for eminent domain are satisfied and to thereafter prosecute such eminent domain action to completion and to arrange for the Township to satisfy any judgment entered in such eminent domain proceedings.

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

**Section 1.** The appraisal of the Property prepared by Appraisal Consultants Corp. on behalf of the Township is hereby accepted and approved in its entirety, including but not limited to the appraised value of \$3,685,000.00.

**Section 2.** After the effective date of this Ordinance, the Township shall reserve the sum of \$3,685,000.00 from Bond Ordinance 2020-14 titled “BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY (BY PURCHASE OR EMINENT DOMAIN) FOR AFFORDABLE HOUSING PURPOSES IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$4,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS” and the Chief Financial Officer has certified the availability of funds for the purposes set forth herein.

**Section 3.** The Mayor and/or designee are hereby authorized to negotiate for the acquisition by voluntary purchase and, if voluntary purchase cannot be effectuated, to carry out the condemnation of the Property in the amount not to exceed the appraised value of the Property for the purpose of providing for housing for low and moderate income individuals and families.

**Section 4.** The Mayor and/or designee are hereby authorized to execute any and all agreements and other legal documents necessary to accomplish the acquisition of the Property, including but not limited to a written offer for the purchase of the Property, land sale contract and deed for the conveyance of the Property and Verified Complaint, Declaration of Taking, and any other necessary documents for eminent domain proceedings for the Property in accordance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq.

**Section 5.** In conjunction with said acquisition, the Township hereby reserves and shall reserve any and all rights it had or may have to recover in any subsequent or pending action or by any administrative means, all costs of remediation and/or clean-up of contamination that have been incurred or may be incurred in the future by reason of conditions which were in existence as of or prior to the date of vesting of title and possession of the Property in the name of the Township.

**Section 6.** In conjunction with said acquisition, the Township hereby reserves and shall reserve the right to seek in its sole discretion, any and all available legal, administrative and equitable remedies to compel the record owners and/or responsible parties to remediate and/or clean up the Property in accordance with applicable state and federal statutory and regulatory provisions. The Township is not and shall not be liable for the clean-up and removal costs of any discharge which occurred or began prior to the Township's ownership.

**Section 7.** The Mayor and Township Committee and such other officials, consultants, agents, employees and professionals of the Township as may be necessary and appropriate are hereby authorized and directed to take any and all actions necessary to effectuate the purposes of this Ordinance.

**Section 8.** The Township Committee takes notice of the following documents referenced in this Ordinance, which documents are incorporated herein by reference:

- a. December 13, 2018 Settlement Agreement between the Township of Chatham and the Fair Share Housing Center, Inc., with attached Exhibits;
- b. January 10, 2019 Amended Settlement Agreement;
- c. February 22, 2019 Order on Fairness and Preliminary Compliance Hearing, with attached Exhibits;
- d. January 10, 2020 Township of Chatham Notice of Motion and supporting documents;
- e. January 24, 2020 Fair Share Housing Center, Inc. Opposition to Motion and Cross-Motion and supporting documents;
- f. February 7, 2020 Township Reply to Cross-Motion and supporting documents;
- g. March 12, 2020 Amended Settlement Agreement, with attached Exhibits;
- h. July 23, 2020 Amended Settlement Agreement, with attached Exhibits;
- i. 2020 Housing Element and Fair Share Plan ("HE&FSP") and supporting documents;
- j. July 20, 2020 Planning Board Resolution adopting the 2020 HE&FSP and supporting documents;
- k. July 23, 2020 Township Committee Resolution endorsing HE&FSP, and supporting documents;
- l. July 23, 2020 Township Committee Resolution authorizing July 23, 2020 Amended Settlement Agreement;
- m. July 23, 2020 Amended Settlement Agreement, with attached Exhibits, and
- n. August 11, 2020 Appraisal Consultants Corp. Appraisal Report, with attached Exhibits.

**Section 9.** All of the **WHEREAS** clauses are incorporated into this **NOW, THEREFORE**.

**Section 10.** A copy of the Ordinance and any agreements authorized herein shall be placed on file with the Township Clerk's Office.

**Section 11.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

**Section 12.** This Ordinance shall take effect in accordance with the laws of the State of New Jersey after final passage and publication.

Mayor Kelly opened the Public Hearing on Ordinance 2020-15.

1. Adam Faiella stated that his clients object to Ordinance 2020-15.

Attorney Cruz explained that Ordinance 2020-14 authorizes the funding of the purchase of 522 Southern Boulevard. He also explained that Ordinance 2020-15 requires that the Township engage in a good faith effort for the voluntary purchase of the property, and authorizes the Township to proceed with condemnation if voluntary purchase cannot be negotiated. He also stressed that the ordinances are the beginning of the process, and the Township will still try to negotiate with the property owners.

2. Paul Heitlinger, 27 Lake Road, asked what happens if 522 Southern Boulevard is sold to a third party while the Township is pursuing acquisition of the property. Attorney Cruz elaborated on the condemnation process. He also said that the property owner can submit their own independent appraisal for the property as part of the process.

Seeing no further public comment, Mayor Kelly closed the Public Hearing and announced that it will be reopened at the September 10, 2020 Township Committee meeting.

### **Resolutions**

#### **RESOLUTION 2020-190 RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, RATIFYING AND CONFIRMING THE TOWNSHIP ATTORNEY SIGNING ON BEHALF OF THE TOWNSHIP A CONSENT ORDER APPROVING AFFORDABLE HOUSING TRUST FUND EXPENDITURE**

**WHEREAS**, the Township Committee is in the process of acquiring by purchase or condemnation 522 Southern Boulevard, Block 128, Lot 2 (“Property”) as shown on the Township Tax Map for a 100% municipally sponsored affordable family rental development; and

**WHEREAS**, on August 13, 2020, the Township Committee introduced Bond Ordinance 2020-14 to finance the acquisition of the Property; and

**WHEREAS**, the Township proposes to use \$50,610.00 from the Affordable Housing Trust Fund for a portion of the down payment for Bond Ordinance 2020-14; and

**WHEREAS**, the Court Appointed Special Master Brian M. Slauch, P.P., A.I.C.P. and the Fair Share Housing Center, Inc. through attorney Bassam F. Gergi, Esq. consented to the use of the Affordable Housing Trust Fund for this purpose provided that if the Property is not acquired, that the Township would reimburse the Affordable Housing Trust Fund for these funds and provided that the Township adopted an Amended Spending Plan consistent with applicable law.

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

1. That the action of the Township Attorney to sign the attached Consent Order Approving Affordable Housing Trust Fund Expenditure is hereby ratified and confirmed.
2. That this Resolution shall take effect immediately.

Attorney Cruz explained that the Township was authorized to start collecting Development Fees. As the Township’s Spending Plan has not yet been approved by the Superior Court, the Township has received dispensation to use funds generated by Development Fees for the down payment for Ordinance 2020-14. If the acquisition of the property falls through, the Township would have to refund that money to the Affordable Housing Trust Fund.

Deputy Mayor Ness moved to adopt Resolution 2020-190. Committeewoman Ewald seconded the motion.

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

#### **RESOLUTION 2020-191 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY OPPOSING THE PETITION OF JERSEY CENTRAL POWER & LIGHT FOR A BASE RATE INCREASE**

**WHEREAS**, on February 18, 2020 Jersey Center Power & Light (JCP&L) has submitted a verified petition for review and approval of a 7.8% rate increase, as well as other adjustments to, its rates and charges for electric service, and for approval of other proposed tariff revisions in connection therewith; and

**WHEREAS**, the adjusted annual rate increase would average 8.5% or \$104.76 per year for a residential customer using 766 kWh per month, or 9,192 kWh per year; and

**WHEREAS**, the requested rate increase has been requested at a time when the cost of energy has decreased along with overall consumption of energy; and

**WHEREAS**, JCP&L references confidential filings of five (5) supporting schedules that make it impossible to verify the need for a rate increase; and

**WHEREAS**, there has been a lack of investment by JCP&L in new technology and infrastructure which has resulted in power outages on a regular basis for Township of Chatham residents and municipal needs; and

**WHEREAS**, despite having reported some upgrades to the power grid, JCP&L's overall service area and Morris County in particular continues to suffer from frequent power outages, insufficient communication regarding power restoration following tropical storms and other weather events; and

**WHEREAS**, JCP&L has displayed poor storm preparedness procedures causing crews to be unused or improperly assigned to streets where forestry had not yet cleared trees/power lines; and

**WHEREAS**, critical functions such as our storm water treatment stations and firehouse were running on generator power four days after the storm.

**NOW, THEREFORE, BE IT RESOLVE** that the Township Committee of the Township of Chatham opposes the petition for review and approval of increases totaling 8.5% annually, or, \$104.76 per year, as well as, and other adjustments to, its rates and charges for electric service, and for approval of other proposed tariff revisions in connection therewith, and urges the Board of Public Utilities to reject JCP&L's request.

Committeewoman Swartz stated her opposition to Resolution 2020-191. Committeewoman Swartz also said that she finds it to be her duty to intercede on behalf of the utility companies, and she read aloud a letter from JCP&L defending their proposed rate increase. She also opined that the Township Committee is being shortsighted by opposing the rate increase, and she said that JCP&L does work to increase reliability when specific issues are reported.

Committeewoman Ewald said that it is for the BPU to weigh the merits of JCP&L's petition for a rate increase, and the Township Committee has a duty to make sure that the concerns raised by residents are brought forward to the BPU. She also said that the recent storm response was the final straw for many residents, and the frequency of power outages has gotten worse.

Committeewoman Swartz said that the Township should work with residents to document problems rather than to rely on anecdotal information. She also noted that reliability upgrades need to be funded somehow.

Deputy Mayor Ness said that the Township Committee's priority should always be residents rather than companies. She also said that there are elected officials across the State of New Jersey that are raising issues. Deputy Mayor Ness also advocated for the installation of Smart Meters that are in use in other jurisdictions so that residents would not need to report power outages. She further noted that JCP&L has not responded to a BPU directive to develop a plan to install such measures. Deputy Mayor Ness also noted that the BPU is investigating the nearly 100 recommendations that were made following Hurricane Sandy. She also said that now is the right time to ask questions as to what JCP&L is doing to increase reliability.

Mayor Kelly indicated his support for Resolution 2020-191. He also said that a list of specific concerns was sent to JCP&L. Mayor Kelly further cited that the cost of electrical generation is going down, and now is the right time to question JCP&L's petition to raise their rate for generation.

Administrator Hoffmann noted that JCP&L's filings for the rate increase were over 300 pages long, and the rate increase would go toward generation of electricity rather than toward strengthening of infrastructure. He opined that the Township Committee should ask the BPU to analyze if the increase is appropriate, as the cost of electric generation has been going down. Administrator Hoffmann also stressed the need for a strengthening of JCP&L's infrastructure.

Committeewoman Swartz alleged that Smart Meters used by JCP&L to monitor outages would be a form of government intrusion into people's privacy. Deputy Mayor Ness explained how

Smart Meters work and noted that other utility companies have been able to move forward with their installation.

Deputy Mayor Ness moved to adopt Resolution 2020-191. Committeewoman Ness seconded the motion.

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

**Consent Agenda**

**RESOLUTION 2020-192  
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 – July
- Police Department – July
- Construction Official – July
- Tax Collector – June, July

**RESOLUTION 2020-193  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
APPROVING MINUTES OF MEETINGS**

**BE IT RESOLVED** that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on August 13, 2020.

**RESOLUTION 2020-194  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS**

**BE IT RESOLVED** that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on August 13, 2020.

**RESOLUTION 2020-195  
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:

<b>NAME</b>	<b>Project</b>	<b>A/C NUMBER</b>	<b>AMOUNT</b>
Sameer Joshi 479 River Road Chatham, NJ 07928	BOH 19-63-16.01 479 River Road	7765172554	\$702.50
SVM Construction Inc 25 Drake Road Mendham, NJ 07945	RO 19-062 770 River Road	7765172562	\$300.00

**RESOLUTION 2020-196**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM  
AUTHORIZING THE SALE OF SURPLUS MUNICIPAL EQUIPMENT**

**WHEREAS**, the Township of Chatham is the owner of certain surplus property which is no longer needed for public use; and

**WHEREAS**, the Township Committee are desirous of selling said surplus property in an “as is” condition without express or implied warranties.

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

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows:

<u>YEAR</u>	<u>ITEM</u>	<u>VIN or MODEL No</u>
2001	Airbear Street Sweeper / Basin Bottom Cleaner	IFVABTAKXIHG77079

- (5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The Township of Chatham reserves the right to accept or reject any bid submitted.

Committeewoman Fondaco moved to approve the Consent Agenda. Committeewoman Ewald seconded the motion.

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

**Hearing of Citizens**

Mayor Kelly opened the Hearing of Citizens.

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

**Executive Session II**

**RESOLUTION 2020-P-21**

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

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

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

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

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
  - a. Litigation - In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15

b. Collective Bargaining Negotiations: PBA

c. Personnel Matter

3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and will not take further action.
5. This Resolution shall take effect immediately.

Deputy Mayor Ness moved to adopt Resolution 2020-P-21 to enter Executive Session at 7:40 P.M. Committeewoman Ewald seconded the motion.

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

Committeewoman Swartz moved to adjourn at 8:41 PM. Deputy Mayor Ness seconded the motion, which carried unanimously.

---

Gregory J. LaConte  
Municipal Clerk