

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
SEPTEMBER 10, 2020**

Mayor Kelly called the Regular Meeting of the Township Committee of the Township of Chatham to order at 6:30 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 June 12, 2020; notice was posted on the bulletin board in the main hallway of the Municipal Building on June 12, 2020; and notice was filed with the Township Clerk on June 12, 2020.

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, September 10, 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

Committeewoman Ewald moved to approve the Agenda. Committeewoman Fondaco seconded the motion, and the motion carried.

Executive Session

**RESOLUTION 2020-P-23
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
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 7:30 PM. Attorney Cruz noted that the same Zoom Meeting information will be used for the 7:30 PM public session.

Deputy Mayor Ness moved to adopt Resolution 2020-P-23 to enter Executive Session at 6:34 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.

The Township Committee returned to Public Session at 7:37 PM.

Mayor Kelly led the Flag Salute.

A moment of silence was held in honor and remembrance of 9-11-01.

Reports

Mayor Kelly commented on the two ordinances on this meeting's agenda pertaining to Affordable Housing, and also noted that Resolution 2020-203 authorizes the Mayor and Clerk to execute the agreement for the transfer of a Group Home Lot from Sun Homes/Sterling Properties to the Township. Mayor Kelly also stated that there will be a Fairness and Preliminary Compliance Hearing held on September 17th regarding the Township's Affordable Housing Plan before Judge Gaus. Kronos Holding, LLC and the Silverman Group have indicated that they intend to object to the Township's Affordable Housing Plan. Mayor Kelly stated that the Silverman Group is the contract purchaser of 522 Southern Boulevard. He added that the Silverman Group claims to be the contract purchaser of other properties in the Township that they have not yet publicly disclosed. Information on how to participate in the Fairness Hearing will be posted on the Township website.

Mayor Kelly further reported that the Noe Pond Club has informed their members that the property is being sold to a developer, and the developer has not yet been publicly identified. Mayor Kelly said that the Township will not be adding to the speculation that has occurred on social media. He also stated that if the developer has a proposal to make, they will be invited to make a presentation at a Township Committee meeting. The Township Committee intends to move forward with the current Affordable Housing Plan for development of 62 affordable units at 522 Southern Boulevard.

Deputy Mayor Ness reported that the Township will be hosting COVID-19 and antibody testing on September 15th. The link for registration is posted on the Township's Facebook page, and the service is free to residents. Congresswoman Sherrill is conducting calls for municipal officials regarding Federal aid programs. A representative from the Congresswoman's Office was also on a BPU Hearing call regarding JCP&L's petition for a rate increase. Deputy Mayor Ness reported that she, Mayor Kelly and Administrator Hoffmann also attended the BPD Rate Increase Hearing to represent the Township's concerns about JCP&L. Deputy Mayor Ness further reported that the Joint Recreation Committee met, and things are on track for Youth Sports to adhere to the NJSIAA Guidelines. The Colony Pool Season has ended following a successful season, and the Colony Pool Committee will meet to review the season's numbers. On behalf of Tri-Town Cares, Deputy Mayor Ness reported that September 10th is International Suicide Prevention Day.

Committeewoman Swartz read aloud an email from Chief Zalis of the Green Village Fire Department recounting a recent event in which members of the GVFD performed life saving measures on a person in need of medical assistance until the arrival of the Chatham Emergency Squad. The email noted that the patient recovered and was released from the hospital. Committeewoman Swartz acknowledged all those from both the Chathams and from New Jersey who were directly impacted by the terrorist attacks of 9-11-01.

Committeewoman Fondaco reported that on September 13th the Chatham Township Historical Society will host a program via Zoom. On September 20th, the Chatham Township Historical Society will be conducting a gravestone rededication at the Fairmount Cemetery at the grave of Madame Bey.

Committeewoman Ewald reported that students returned to school on September 8th. There were subsequently some cases of COVID identified at Chatham High School, and Committeewoman Ewald read aloud a statement that was issued by Superintendent of Schools Dr. LaSusa.

Mayoral Appointments

Mayor Kelly announced that Planning Board Chairman and Environmental Commission Member Don Travisano has resigned his position as he has moved from the Township. Mayor Kelly thanked Mr. Travisano for his service to the Township.

Mayor Kelly further announced that Alternate Member Peter Coviello is being appointed to the Planning Board as a Class IV member to fill the vacancy created by Mr. Travisano's resignation. Mr. Coviello is also being appointed to the vacancy on the Environmental Commission.

Committeewoman Swartz asked who the new Planning Board Chairman will be. Mayor Kelly said that the Planning Board will make that determination at their next meeting.

Additional Reports

Attorney Cruz asked that he be allowed to address the Affordable Housing action items when they come up on the Agenda.

Engineer Ruschke reported on the 2020 Paving Program, and said that updates are posted to the Chatham Township website.

The Township Clerk reported that the General Election will be conducted primarily through Mail-In Ballots. He noted that Morris County will have at least 10 secure ballot drop boxes available throughout the county, and that information will be publicized when it becomes available. The Township Clerk also noted that Mail-In Ballots can also be dropped off at the polling place which will be Long Hill Chapel, and voting by provisional ballot will be available as well.

Administrator Hoffmann reported that Planning Board Member Jude Tarasca has indicated his intention to resign, as he will be taking over as President of the Baseball Association and also coaching flag football. Administrator Hoffmann further noted that Comcast was contacted to troubleshoot an issue with degradation of the signal coming into the Municipal Building. Administrator Hoffmann also invited residents to visit the Township's 9-11 Memorial, and noted that Simonfay Landscaping planted mums at the Memorial. He also read the names of those Chatham residents who died in the terrorist attacks on 9-11-01.

1. Donald L. Adams
2. Dennis Buckley
3. Paul S. Gilbey
4. Gary R. Haag
5. Anthony P. Infante
6. Robin B. Larkey
7. Christian H. Maltby
8. Philip W. Mastrandrea
9. Peter C. Moutos
10. Thomas Strada
11. Kenneth J. Swenson
12. William R. Tieste
13. Peter M. West

Hearing of Citizens

Mayor Kelly reviewed the procedures for participation in the Hearing of Citizens.

Mayor Kelly opened the Hearing of Citizens.

1. Dan Miller, 465 Green Village Road, thanked Committeewoman Swartz for recognizing the volunteer efforts of the Green Village Fire Department, and he noted that some of his ancestors were among the founders of the Green Village Fire Department. He also thanked Administrator Hoffmann for reading the names of those who were lost on 9-11.

Mr. Miller further noted that the Green Village Fire Department is always in need of additional volunteers.

2. Elizabeth Stiner, 231 Green Village Road, asked why the Township is seeking to purchase 522 Southern Boulevard and turn it over to a developer rather than to let the developer purchase the property. She also noted that the draft Redevelopment Plan calls for some commercial development at the site.

Mayor Kelly said that among the options for an Affordable Housing Plan are 100% municipally-sponsored Affordable Housing Development and Inclusionary Development. He said that with Inclusionary Development, there is a 20% set aside of Affordable Housing, with the remainder being market rate. Mayor Kelly said that the Township opted for a 100% municipally-sponsored Affordable Housing development to limit the amount of overall development.

Attorney Cruz asked the Township Planner to clarify the commercial component of the Affordable Housing development. Mrs. Stiner said that the Plan states that the first floor will be used for commercial purposes. She also said that there will be an impact on schools, and said that the proposed development will be very dense for the size of the property. Mayor Kelly said that the plan will be reviewed by the Planning Board. Mrs. Stiner asked if the Township's purchase of the property will be contingent upon the Affordable Housing Plan moving forward.

3. Paul Heitlinger, 27 Lake Road, asked if there would be a requirement for Affordable Housing at the Noe Pond Club site if the site is developed for a residential use, and if that would reduce the density of development at the Charlie Brown's site. He also asked about the potential development of the Charlie Brown's site, Noe Pond Club site and New Life Church site, and how it fits in with aspects of the Land Use Plan in the Master Plan. He noted that the Land Use Plan states that the Township should avoid condemnation when possible, and he also noted the proximity to each other of three proposed developments.

Administrator Hoffmann noted that the Township does not at this time know what will be proposed for Noe Pond Club, and the Township cannot speculate as to what a developer may propose. Mayor Kelly stated that Madison has proposed a zoning overlay for the New Life Church, and it is not known if and when additional development would take place at that location. Regarding the possibility of development of the Noe Pond site impacting the development of Affordable Housing at the Charlie Brown's site, Attorney Cruz said that it would be premature to speculate on the potential impact.

Committeewoman Ewald noted that if the site is developed, there would need to be an Affordable Housing component. Mr. Banisch added that the Affordable Housing component would be a 20% set-aside because of the Township's unmet need.

4. Rich Rein, 11 Rolling Hill Drive, said that it would not be premature to consider the potential impacts of development at the Noe Pond site, and he stated that many Township residents share his concern. He also said that the track record of the developer could indicate what may be developed at the site. Mr. Rein said that it is important for the Township to get ahead of the issue, as redevelopment of Noe Pond could have a significant impact.
5. Matt Kahn, 2 Country Club Drive, said that it is important for Township residents to consider that the Township designated the Charlie Brown's site for Affordable Housing in July and the property owner waited two months to reply with a challenge. He also noted the coincidental timing of Noe Pond Club's public statement of selling their property to a developer. Mr. Kahn noted that Noe Pond Club would need approvals for higher density development. He further said that there appears to be bad faith dealing on someone's part, as the Township is now being held hostage for a viable site. Mr. Kahn asked if the Township could oppose an increase in the allowable number of units that could be zoned for the Noe Pond Club site.

Mayor Kelly referred to several items on this meeting's Agenda as evidence that the Township Committee is moving forward with the current Affordable Housing Plan. He also said that the Township would welcome having the contract purchaser of the Noe Pond Club make a public presentation on their plans for the site.

6. Lisa Carey, 35 Lake Road, expressed a concern about the impact that development has on the environment. She also expressed a concern about the traffic impact that development of three sites in close proximity could have on that section of the Township.
7. Dot Stillinger, Chair of the Chatham Township Environmental Commission, stated that at least two-thirds of the Noe Pond site are wetlands, and most of the rest falls within a 300-foot wetlands buffer. She also stated that the wetlands at Noe Pond are exceptional because of the neighboring Great Swamp National Wildlife Refuge. Mrs. Stillinger said that any significant development of the site would require NJDEP permits which might not be granted. Mrs. Stillinger further stated that the Chatham Township Environmental Commission will review any potential development of the site with a critical eye, and said that she would prefer to see the site be converted into a County Park than redeveloped for housing.
8. Mark Hamilton, 132 Highland Avenue, said that development of Noe Pond Club is relevant to development of Affordable Housing at the Charlie Brown's site. Mr. Hamilton also asked why Township Committee meetings are being made publicly available over Zoom rather than having a limited audience at an in-person meeting.

Administrator Hoffmann stated that the Committee Chambers would only hold 9 audience members due to social distancing rules. He also said that improved HVAC filters need to be installed and other HVAC upgrades need to be made before the Municipal Building can be opened to the public. Deputy Mayor Ness indicated that the Township Committee would like to have the public attend meetings again. She also noted that the Township Committee is unable to hold meetings offsite as the meetings need to be recorded.

9. Fran Leff, 12 Joseph Street, said that she finds it hard to believe that there is not another public space available for public meetings, and she requested that the Township Committee find an alternate location so that meetings can be held with an audience present.

Deputy Mayor Ness pointed out that the Township Committee would be limiting public access to meetings by changing venues, as there are many residents who watch the meetings on TV and Zoom.

10. Ed Barmakian, Editor of TAPIntoChatham, asked when the public will be allowed to attend Township Committee meetings in-person, and if there is a target date.

Administrator Hoffmann said that the Township is working to comply with Executive Orders and Department of Health requirements before the building is open to the public. He stated that only 9 members of the public would be able to attend meetings under present conditions, compared with the capacity for 100 participants in Zoom meetings.

Mayor Kelly added that a specific date is not available at this time, as it is impractical under present conditions. He said that the Township can best serve the public by maximizing public access to meetings.

11. Lauren Petersen, 511 Shunpike Road, said that the loss of the Noe Pond Club will be devastating to many Chatham Township residents. She also commented on the potential impact on the environment, traffic and schools. Mrs. Petersen asked the Township Committee to stop any rezoning of the site.

Mayor Kelly noted that his family was a charter member of Noe Pond Club back in the 1950's. Deputy Mayor Ness commented on the history of the site.

12. Phil Ankel, 16 Jay Road, asked what the owner of a large tract of land could do under a Builder's Remedy Lawsuit if the Township were to fail to comply with Affordable Housing mandates.

Attorney Cruz said that a Builder's Remedy Lawsuit could allow a developer to override a municipality's zoning regulations, and the municipality would be removed from the planning process. Mr. Banisch added that the Township is in a position that if there was

a Builder's Remedy Lawsuit, the Court would allow all the developers that join in to build whatever is needed to meet the Township's entire obligation including the unmet need. He said that the Township was able to use a Vacant Land Adjustment to lower the Third Round Obligation, and as such the stakes are higher for the Township in the event of a Builder's Remedy Lawsuit. Committeewoman Ewald said that the Court would hear a Builder's Remedy Lawsuit because of the Affordable Housing component. Deputy Mayor Ness stated that the Township has worked to avoid a Builder's Remedy Lawsuit.

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

Public Hearing/Final Adoption of Ordinances

Attorney Cruz explained the purpose of Ordinance 2020-14 and Ordinance 2020-15. He stated that Ordinance 2020-14 is a bond ordinance to appropriate the funding for the purchase of 522 Southern Boulevard, and Ordinance 2020-15 explains the factual and statutory basis for the acquisition of the property for Affordable Housing. Attorney Cruz said that there is a long history of NJ Supreme Court decisions holding that municipalities have an Affordable Housing obligation. He stated that in 2015 the NJ Supreme Court abolished COAH, and Affordable Housing matters were transferred to the jurisdiction of the Superior Court. Attorney Cruz said that the Township's compliance efforts have been longstanding, and negotiations were held with the Fair Share Housing Center under the supervision of a Court-appointed Special Master. Attorney Cruz said that the December 2018 Settlement Agreement with the Fair Share Housing Center sets the Township's obligation at 387 Affordable Housing units, and the Vacant Land Adjustment reduces the obligation to a Realistic Development Potential of 200 units. The Township is meeting that obligation through several mechanisms, including the extension of affordability controls on the existing units and construction of 24 units at the Skate Park. The Township has agreed to construct 74 units in a 100% municipally-sponsored development. Attorney Cruz also addressed the Preliminary Fairness and Compliance Hearing schedule, and he also commented on the site selection process. Attorney Cruz also addressed the amendments to the Settlement Agreement that resulted from the difficulty in selecting a site. Attorney Cruz further addressed the suitability of 522 Southern Boulevard as a site for Affordable Housing. He further noted that Ordinance 2020-15 cites N.J.S.A. 40A: 12-5(a)(1) and N.J.S.A. 52:27D-325 as the statutory basis for the acquisition of the site. Attorney Cruz also noted the documents that are incorporated in Ordinance 2020-15 by reference.

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. Dan Miller, 465 Green Village Road, asked if the Township purchases 522 Southern Boulevard and it is unable to be developed. Would the Township have the ability to resell the land. He also asked how many Court decisions regarding Affordable Housing were made in 2020.

Mayor Kelly said that all of the Court decisions pertaining to the Township's Affordable Housing litigation are posted on the Township website. Attorney Cruz said he believed that Mr. Miller's question was regarding New Jersey Supreme Court actions. He stated that the original Mount Laurel Decision was in 1975, which established the Mount Laurel Doctrine barring exclusionary zoning, and he cited several decisions since that time that have been related to Affordable Housing.

Mayor Kelly said that if 522 Southern Boulevard is unable to be developed, then the Township would need to find a different location for the development of Affordable Housing. He also opined that the Township would likely be able to sell the site. Attorney Cruz stated that the purpose of the acquisition of the site is for Affordable Housing, and his legal opinion is that the acquisition would constrain the use of the site to use for Affordable Housing. He also advised against speculation as to what may or may not happen.

2. Paul Heitlinger, 27 Lake Road, asked how the acquisition of 522 Southern Boulevard would be funded.

Administrator Hoffmann said that Ordinance 2020-14 authorizes the Township to borrow money to make the purchase of 522 Southern Boulevard through a bond anticipation note sale followed by a longer term bond. Debt payments would be incorporated into future budgets. Attorney Cruz stated that the collection of development fees would be used toward both the purchase of the property and the debt repayment.

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.

Deputy Mayor Ness moved to adopt Ordinance 2020-14. Committeewoman Ewald seconded the motion.

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

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

Totals 74 ; and

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. Mark Hamilton, 132 Highland Avenue, attempted to comment on the use of Zoom meetings instead of limiting the public’s access to Township Committee meetings. He also asked if the Township Committee is going to move forward with the acquisition of 522 Southern Boulevard despite the pending purchase of Noe Pond Club by a private developer.

Mayor Kelly indicated that the Township will be moving forward with the current Settlement Agreement.

2. Dan Miller, 465 Green Village Road, opined that it is a bad idea to move forward with condemnation of 522 Southern Boulevard, and it sets a bad precedent.

Deputy Mayor Ness said that the Township Committee would prefer to purchase the property rather than use condemnation.

Mayor Kelly said that it is the Township’s intention to pay fair market value for the property, and the Township Committee has a fiduciary responsibility to pay fair market value. Mayor Kelly stated that if condemnation is not an available option, tax increases might be necessary for the Township to be able to fund the purchase.

3. Liz Stiner, 231 Green Village Road, asked if property owners within 200 feet of 522 Southern Boulevard have been sent legal notice of the pending acquisition of the site.

Attorney Cruz said that there is not a legal requirement for such notice, as the current actions are related to acquisition of the property rather than development. Deputy Mayor Ness added that the site has been subject to public discussion for several months. She added that she and Mayor Kelly met with residents of the Sunset Lake neighborhood, and the Planning Board will hold public hearings on the development application at the appropriate time.

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.

Committeewoman Fondaco moved to adopt Ordinance 2020-15. Deputy Mayor Ness seconded the motion.

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

Consent Agenda

RESOLUTION 2020-197

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 \$669,615.17 and the prior month’s payroll of \$470,867.41 Current Fund, \$50,759.67 Sewer No. 1, \$10,340.74 Sewer No. 2, and \$41,856.89 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of September 2020, in the amount of \$3,270,037.00 be paid.

RESOLUTION 2020-198

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 27, 2020.

RESOLUTION 2020-199

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 27, 2020.

**RESOLUTION 2020-200
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY,
REFUNDING TAX AND SEWER LIEN**

WHEREAS, due to payment by property owner of the lien amount, a redemption of the tax and sewer lien is appropriate; and

WHEREAS, the Tax Collector has recommended the refund of redemption monies as well as the Premium to the Outside Lien Holder;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refund be made as indicated:

<u>BLOCK</u>	<u>LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
108	113.06	Lienholder: REALTY SOLUTIONS JV LLC 25 HUGHES PLACE SUMMIT, NJ 07901 Certificate #17-00010 Arkad Residential Holdings Nine LLC 9 Jay Rd	\$ 45,919.85-Certificate <u>21,000.00-Premium</u> \$ 66,919.85-Total

**RESOLUTION 2020-201
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, NEW JERSEY, REGARDING THE RENEWAL OF ALCOHOLIC
BEVERAGE LICENSES IN THE TOWNSHIP OF CHATHAM FOR THE FISCAL YEAR
BEGINNING JULY 1, 2020**

WHEREAS, an application for the renewal of an Alcoholic Beverage License in the Township of Chatham for the fiscal year beginning July 1, 2020 has been made by CB Chatham LLC; and

WHEREAS, the license held by CB Chatham LLC is an inactive license, otherwise known as a “pocket license;” and

WHEREAS, pocket licenses are eligible for two renewal periods, and this is the first renewal since the license went inactive on March 17, 2020; and

WHEREAS, the applicants have complied with all the requirements of “An Act for the Manufacture, Distribution and Sale of Alcoholic Beverages”, known as the “Alcoholic Beverage Act and Amendments and Supplements thereto”, as well as the Ordinance of the Township of Chatham entitled “An Ordinance to Regulate the Sale and Distribution of Alcoholic Beverages”, as amended, including the submission of the appropriate license fees, and no objections to the renewal of said licenses have been received.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk be and hereby is authorized to renew the plenary retail consumption license as issued by the New Jersey Division of Alcoholic Beverage Control for the fiscal year beginning July 1, 2020, as follows:

To CB Chatham LLC, for a pocket plenary retail consumption license (Lic. No. 1405-33-002-009).

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk be forwarded to the Division of Alcoholic Beverage Control and the State Department of Taxation and Finance, Newark, New Jersey, for their information and guidance.

**RESOLUTION 2020-202
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, NEW JERSEY, REGARDING THE RENEWAL OF ALCOHOLIC
BEVERAGE LICENSES IN THE TOWNSHIP OF CHATHAM FOR THE FISCAL YEAR
BEGINNING JULY 1, 2020**

WHEREAS, an application for the renewal of an Alcoholic Beverage License in the Township of Chatham for the fiscal year beginning July 1, 2020 has been made by N and M Chatham Inc.; and

WHEREAS, the applicants have complied with all the requirements of “An Act for the Manufacture, Distribution and Sale of Alcoholic Beverages”, known as the “Alcoholic Beverage Act and Amendments and Supplements thereto”, as well as the Ordinance of the Township of Chatham entitled “An Ordinance to Regulate the Sale and Distribution of Alcoholic Beverages”, as amended, including the

submission of the appropriate license fees, and no objections to the renewal of said licenses have been received.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk be and hereby is authorized to deliver the plenary retail distribution license as issued by the New Jersey Division of Alcoholic Beverage Control for the fiscal year beginning July 1, 2020, as follows:

To N and M Chatham Inc., trading as the Hickory Wine Cellar, for premises situated at 641 Shunpike Road, Chatham, New Jersey (Lic. No. 1405-44-003-008).

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk be forwarded to the Division of Alcoholic Beverage Control and the State Department of Taxation and Finance, Newark, New Jersey, for their information and guidance.

Deputy Mayor Ness moved to approve the Consent Agenda. Committeewoman Fondaco seconded the motion.

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

Resolutions

RESOLUTION 2020-203

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AGREEMENT WITH STERLING/SUN AT CHATHAM, LLC FOR CONVEYANCE OF A GROUP HOME LOT ON HILLSIDE AVENUE

WHEREAS, Sterling/Sun at Chatham, LLC entered into a Purchase and Sale Agreement with Betsie Harr the owner of Block 66, Lot 1 (the “Dixiedale Farm Parcel”) and Block 67, Lots 17 and 17.01 (the “Hillside Avenue Parcel”) as shown on the Tax Map of the Township; and

WHEREAS, since June 30, 2017, Sterling/Sun has participated in the Township Affordable Housing Litigation; and

WHEREAS, on December 13, 2018, the Township and the Fair Share Housing Center, Inc. (the “FSHC”) entered into the December 13, 2018 Settlement Agreement; and

WHEREAS, Section 1.5 of the December 13, 2018 Agreement memorialized the participation of Sterling/Sun in the Township’s affordable housing plan by including the Dixiedale Farm Parcel as an inclusionary development with on-site and off-site components; namely, the Dixiedale Farm Parcel as an on-site market rate development and the Township owned Skate Park property as an off-site 100% municipally sponsored family rental development; and

WHEREAS, Sterling/Sun is also the contract purchaser of the Hillside Parcel; and

WHEREAS, on April 21, 2020, Sterling/Sun offered to further assist with the Township’s affordable housing obligations by requesting that the Hillside Parcel be rezoned to provide for a five (5) lot subdivision, with four (4) market rate lots and one (1) group home lot which Sterling/Sun would convey to the Township for nominal consideration; and

WHEREAS, on July 9, 2020, the Township adopted Ordinance 2020-11 rezoning the Hillside Parcel as requested by Sterling/Sun; and

WHEREAS, on July 20, 2020, the Township Planning Board adopted the 2020 Housing Element and Fair Share Plan (the “HE&FSP”) which included the Hillside Parcel in the HE&FSP; and

WHEREAS, on July 23, 2020, the Township endorsed the HE&FSP; and

WHEREAS, on July 9, 2020, at the request of Sterling/Sun, the Township introduced Ordinance 2020-13 clarifying that prior to conveyance of the group home lot to the Township, that the group home lot would be cleared and leveled; and

WHEREAS, on August 13, 2020, the Township adopted Ordinance 2020-13; and

WHEREAS, on July 23, 2020, the Township and the FSHC entered into the July 23, 2020 Amended Settlement Agreement

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Mayor and Township Clerk are authorized to execute an agreement in the form attached between Sterling/Sun and the Township of Chatham for the conveyance of a Group Home lot on Hillside Avenue.

Attorney Cruz explained the purpose of Resolution 2020-203.

Committeewoman Swartz indicated that she will vote against the resolution as she is opposed to development on Hillside Avenue. However, she did indicate support for Group Homes for the developmentally disabled.

Committeewoman Ewald moved to adopt Resolution 2020-203. Committeewoman Fondaco seconded the motion.

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

Hearing of Citizens

Mayor Kelly opened the Hearing of Citizens.

1. Fran Leff, 12 Joseph Street, said that she attempted to raise her hand in the Zoom meeting during an earlier public hearing but was not called upon. She also stated that the meeting that Mayor Kelly and Deputy Mayor Ness held with Sunset Lake residents was at the request of the residents.

Deputy Mayor Ness stated that there were several residents in the Sunset Lake neighborhood who had reached out, which resulted in the meeting she and Mayor Kelly had with residents.

2. Dan Miller, 465 Green Village Road, said that he was characterized as advocating for purchase of property and also having lower taxes. He stated that the funds for acquisition do not need to come from an increase in taxes, and could be sourced through cuts in other services. Mr. Miller also commented that when condemnation was discussed in the context of the River Road site, the Township Committee spoke against using that mechanism.
3. Mark Hamilton, 132 Highland Avenue, responded to Administrator Hoffmann’s earlier comment about having only up to 9 residents attend a Township Committee meeting as opposed to allowing for up to 100 to attend via Zoom. Mr. Hamilton said that the Township Committee could have 9 residents attend meetings and still use the Zoom platform, while other residents can still choose to watch the meeting on television. Mr. Hamilton also opined that an alternative location could have been found to Township Committee meetings.

Mayor Kelly reiterated that the HVAC upgrades described by Administrator Hoffmann still need to be made. He also said that if only 9 residents are allowed to attend, the Township Committee does not want to have to turn away anyone who attempts to attend beyond the allowable attendance level. Mayor Kelly further stated that safety is a concern taken seriously by the Township Committee.

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

Executive Session II

**RESOLUTION 2020-P-24
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING CONFERENCE OF
THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED**

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

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

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

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

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

Deputy Mayor Ness moved to adopt Resolution 2020-P-24 to enter Executive Session at 10:27 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.

The Township Committee returned to Public Session, and Deputy Mayor Ness moved to adjourn at 11:26 PM. Committeewoman Ewald seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk