

additional action to implement the December 13, 2018 FSHC Settlement Agreement.

3. On January 30, 2020, the Township Committee adopted Resolution 2020-045, titled "Resolution of the Township of Chatham, County of Morris, State of New Jersey Adopting a Spending Plan Regarding the Collection and Distribution of Funds for Affordable Housing from the Township Affordable Housing Trust Fund."

4. Attached as Exhibit A is a true copy of Resolution 2020-045.

5. On January 30, 2020, the Township Committee adopted Resolution 2020-046, titled "Resolution of the Township of Chatham, County of Morris, State of New Jersey, Requesting Permission for the Dedication by Rider for Development Fees Required by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq."

6. Attached as Exhibit B is a true copy of Resolution 2020-046.

7. On January 30, 2020, the Township Committee adopted Resolution 2020-047, titled "Resolution of the Township of Chatham, County of Morris, State of New Jersey, of Intent to Fund Spending Plan Shortfall."

8. Attached as Exhibit C is a true copy of Resolution 2020-047.

9. While the January 30, 2020 Township Committee Meeting Minutes have not been adopted by the Township Committee, Resolution 2020-047, the "Intent to Fund Spending Plan Shortfall", was unanimously approved with all Township Committee Members voting "aye", including Township Committee Deputy Mayor Tracy Ness and Township Committee Members Stacey Ewald and Karen Swartz.

10. On January 30, 2020, the Township Committee adopted Resolution 2020-055, titled "A Resolution of the Township Committee of the Township of Chatham, County of Morris, State of New Jersey Awarding a Professional Services Contract for COAH Program Administrative Agent."

11. Attached as Exhibit D is a true copy of Resolution 2020-055.

B. Changes in Township Elected Officials and Administrator

12. The term of office of Kevin Sullivan as a Township Committee Member ended on December 31, 2018.

13. Mr. Sullivan was replaced on the Township Committee by Tracy Ness effective January 1, 2019.

14. As stated by Robert Hoffmann in his original Certification, he became Township Administrator on February 1, 2019.

15. The terms of office of Curt Ritter and Tayfun Selen as Township Committee Members ended on December 31, 2019.

16. Messrs. Ritter and Selen were replaced on the Township Committee by Stacey Ewald and Celeste Fondaco effective January 1, 2020.

17. Since the FSHC Settlement Agreement was authorized by the Township Committee on December 13, 2018, there are three (3) new Township Committee Members along with a new Township Administrator.

C. Township Committee Vote on the FSHC Settlement Agreement

18. On December 13, 2018, the Township Committee by vote of 4 to 1 authorized the Mayor and Clerk to sign the FSHC Settlement Agreement.

19. Attached as Exhibit E is a true copy of the December 13, 2018 Township Committee Meeting Minutes.

20. The discussion and vote on the FSHC Settlement Agreement are found at pages 13 and 14 of Exhibit E.

21. Mr. Sullivan voted "nay."

22. As stated, the Township Committee by a vote of 4 to 1 authorized the FSHC Settlement Agreement, with Karen Swartz among the four (4) voting "aye."

D. Role as Planning Board Secretary

23. In addition to serving as the Township Clerk, I have been the Planning Board Recording Secretary since August 1, 2011.

24. In my capacity as the Planning Board Recording Secretary, I am present at Planning Board meetings and consult with the Township Engineer John Ruschke, P.E.

25. In consulting with Mr. Ruschke, Mr. Ruschke informed that, other than the Dixiedale Farm and Arbor Green at Chatham subdivisions, all previously approved major residential subdivisions have been constructed in the Township and that there are no major residential subdivision applications pending before the Planning Board.

26. I am also informed by Mr. Ruschke that the recent Planning Board applications have been for minor subdivisions involving a subdivision of three (3) lots or less.

27. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.


Gregory J. LaConte, Clerk

Dated: February 5, 2020

Exhibit A

RESOLUTION 2020-045

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ADOPTING A SPENDING PLAN REGARDING THE COLLECTION AND DISTRIBUTION OF FUNDS FOR AFFORDABLE HOUSING FROM THE TOWNSHIP AFFORDABLE HOUSING TRUST FUND

WHEREAS, the Township of Chatham adopted a Development Fee Ordinance for the collection of development fees and other income to use to address municipal affordable housing obligations; and

WHEREAS, the Development Fee Ordinance establishes an Affordable Housing Trust Fund that includes development fees, payments from developers and other income as may be realized for use in connection with implementation of the Township's December 13, 2018 affordable housing Settlement Agreement with the Fair Share Housing Center, Inc. addressing the Township's affordable housing obligations and for the purposes of rehabilitation of affordable units, construction of new units, affordability assistance and administration of the Township's affordable housing plan; and

WHEREAS, through the judicial process, the Township entered into the FSHC Settlement Agreement which fully addresses the Township's Third Round affordable housing obligations; and

WHEREAS, a Preliminary Fairness and Compliance Hearing was held on February 22, 2019, during which the FSHC Settlement Agreement was approved, and said approval was memorialized by an Order entered by the Superior Court of New Jersey, Law Division, on the same date; and

WHEREAS, the Township is under the jurisdiction of the Superior Court as a result of the Township's declaratory judgment action, filed July 7, 2015, seeking, among other things, a judicial declaration that its Housing Plan Element and Fair Share Plan, to be adopted and amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine"; and

WHEREAS, the Township is desirous of seeking approval of a Spending Plan from the Superior Court for the collection and distribution of affordable housing trust funds in connection with fulfilling the Township's affordable housing obligations; and

WHEREAS, the Township prepared a Spending Plan consistent with the Council on Affordable Housing regulations, the FSHC Settlement Agreement and the Superior Court's

February 22, 2019 Order.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of Township of Chatham, County of Morris, State of New Jersey, hereby approves the Spending Plan, dated January, 2020 that is attached hereto and made a part hereof, and requests that the Superior Court review and approve the Township's Development and Fee Ordinance and Spending Plan, so that the Township may collect and expend funds in its Affordable Housing Trust Fund.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that this Resolution is conditioned upon Superior Court approval of the Development Fee Ordinance and Spending Plan.

Adopted: January 30, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:



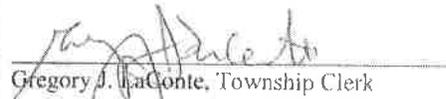
Gregory J. LaConte, Clerk

By 

Michael J. Kelly, Mayor

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of a resolution passed by the Township Committee of the Township of Chatham at a regular meeting held on January 30, 2020.

Date Issued: 1/30/2020



Gregory J. LaConte, Township Clerk

Exhibit B

RESOLUTION 2020-046

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR DEVELOPMENT FEES REQUIRED BY THE FAIR HOUSING ACT OF 1985, N.J.S.A. 52:27D-301 ET SEQ.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. provides for receipt of development fees by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Development Fee Trust are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement;

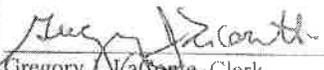
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey as follows:

1. The Township Committee does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Fair Housing Act of 1985.
2. The Township Clerk of the Township of Chatham, County of Morris, is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Adopted: January 30, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:


Gregory J. LaConte, Clerk

By 
Michael J. Kelly, Mayor

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of a resolution passed by the Township Committee of the Township of Chatham at a regular meeting held on January 30, 2020.

Date Issued: 1/30/2020


Gregory J. LaConte, Township Clerk

Exhibit C

RESOLUTION 2020-047

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, OF INTENT TO FUND SPENDING PLAN SHORTFALL

WHEREAS, pursuant to the substantive regulations of the New Jersey Council on Affordable Housing, certain portions of the December 13, 2018 affordable housing Settlement Agreement between the Township of Chatham and the Fair Share Housing Center, Inc. require a financial commitment by the Township; and

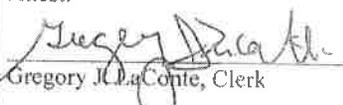
WHEREAS, pursuant to COAH regulations, the Township must resolve to address any shortfall in the funding of affordable housing programs, including its willingness to incur bonded indebtedness, if necessary, to provide the funds required for the timely implementation of the affordable housing mechanisms.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that, to the degree that the funds required for the implementation of the aforesaid mechanisms are not available at the time they are needed from all available affordable housing funding sources, the Township will provide the funding needed for any shortfall through appropriations in the Township's annual budget, bonding, or any other legal means, with the understanding that future contributions to the Affordable Housing Trust Fund may be used to reimburse the Township for such costs.

Adopted: January 30, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:


Gregory J. LaConte, Clerk

By 
Michael J. Kelly, Mayor

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of a resolution passed by the Township Committee of the Township of Chatham at a regular meeting held on January 30, 2020.

Date Issued: 1/30/2020


Gregory J. LaConte, Township Clerk

Exhibit D

RESOLUTION 2020-055

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AWARDING A PROFESSIONAL SERVICES CONTRACT FOR COAH PROGRAM ADMINISTRATIVE AGENT.

WHEREAS, in 2010 the Township of Chatham entered into an agreement with Piazza & Associates to act as an Administrative Agent to provide affordable housing compliance and monitoring services; and,

WHEREAS, the agreement automatically renewed each year unless one of the parties provided sixty (60) days notification prior to the end of the calendar year; and,

WHEREAS, the Township requested and received an updated proposal for the services required: and,

WHEREAS, the Township Committee desires to renew said agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that a professional service contract is hereby awarded to Piazza & Associates, Inc. in accordance with a proposal submitted and on file in the Office of the Township Clerk.

Adopted: January 30, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:



Gregory J. LaConte, Clerk

By 

Michael J. Kelly, Mayor

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of a resolution adopted by the Township Committee of the Township of Chatham at a regular meeting held on 1/30/2020.

Date Issued: 2/3/2020



Township Clerk

Exhibit E

MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
DECEMBER 13, 2018

Mayor Ritter called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:34 P.M.

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both *The Chatham Courier* and the *Morris County Daily Record* on January 5, 2018; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 5, 2018; and notice was filed with the Township Clerk on January 5, 2018.

Mayor Ritter led the flag salute.

Roll Call

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

Approval of Agenda

Deputy Mayor Swartz moved to approve the agenda. Committeeman Selen seconded the motion, which carried unanimously.

Hearing of Citizens

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

Presentation – Affordable Housing Obligation and Compliance Mechanisms

Attorney Cruz presented an overview on municipal affordable housing obligations, what the Township's obligation will be and how the Township plans to meet the obligation. He discussed the Mount Laurel Doctrine, and said that the Fair Housing Act created the Council on Affordable Housing. Attorney Cruz noted that in 2015 the NJ Supreme Court ruled that COAH was dysfunctional, and jurisdiction over affordable housing was returned to the judiciary. As such, municipalities are back before the courts to address affordable housing obligations. The Township's current obligation has been the subject of pending litigation with the Fair Share Housing Center, and Attorney Cruz gave an overview of the court supervised negotiations. Attorney Cruz also gave an overview of the Township's Affordable Housing Plan. The Township's obligation is 387 units for the time period from 1999 to 2015. Attorney Cruz noted that a vacant land adjustment was performed, and there is only sufficient land for 200 affordable units. He also described the methods by which the Township will work toward its obligation. Attorney Cruz noted that 24 affordable rental units will be built at the site where the Skate Park is currently located, and that site was zoned for affordable housing long before the Skate Park was built. A municipally sponsored 100% affordable housing development of 74 will also be built on a site as yet to be determined. Attorney Cruz also said that there will be an unmet need of 155 units, which will be addressed through a town-wide set-aside ordinance requiring a 20% set-aside of affordable units whenever the Township Committee rezones a property to allow 6 or more units per acre or the Board of Adjustment grants a use variance to allow for 6 or more units per acre. Attorney Cruz also said that there is a proposed overlay zone for Fairmount Commons for 12 units per acre with a 20% set-aside. Attorney Cruz said that if the Township Committee approves the Settlement Agreement with the Fair Share Housing Center, the Court will schedule a Fairness Hearing, and the public can participate in that process. Attorney Cruz noted that the normal land use application process will be necessary for any development. He further reported that the Planning Board conducted a Master Plan consistency review of Ordinances 2018-22 and 2018-23. He said that Ordinance 2018-22 was deemed not inconsistent with the Master Plan. Ordinance 2018-23 amends the zoning of the Dixiedale property, and was deemed inconsistent with the Master Plan. Affirmative vote of at least three Township Committee members are

required, and a Reasons Resolution will be necessary. Attorney Cruz noted that Ordinance 2018-24 was also deemed not inconsistent with the Master Plan.

Peter Flannery, an attorney representing Sterling Properties and Sun Homes, who are the contract purchasers of the Dixiedale Property. The proposed redevelopment of the Dixiedale Property includes the development of affordable housing at the Skate Park site. Attorney Cruz noted that the concept plan was previously presented to the Planning Board at a public hearing, and to the Township Committee upon referral from the Planning Board.

Paul Phillips, the planner for Sterling Properties and Sun Homes, gave a presentation on the development plan for the Skate Park site. He showed a conceptual drawing of the two story structure, and gave an overview of the proposed redevelopment.

Public Hearing/Final Adoption of Ordinances

Mayor Ritter opened the Public Hearing on Ordinance 2018-22 & Ordinance 2018-23.

1. Kim Visentini, 7 Glenmere Drive, asked why affordable units are not proposed to be built at the Dixiedale site. Attorney Cruz explained that the developer has agreed to build more affordable units than would normally be set aside, and he noted that the concept plan includes a lot of green space. Attorney Cruz also said that a builders remedy lawsuit would potentially lead to very high density at the Dixiedale site. Mayor Ritter said that there would be a considerable impact of the higher density on both infrastructure and the School District.

Administrator Ciccarone said that the Skate Park site has been zoned for affordable housing for over 30 years, and it was understood when the Skate Park was built that it may need to come down some day so that affordable housing could be built. He also noted that the Township Committee has publicly committed to try to find space for the relocation of the Skate Park, and negotiations are underway for a possible site. Administrator Ciccarone also said that affordable housing is not homeless housing, but rather for working people whose incomes are low enough that people cannot afford market rate housing.

Ms. Visentini asked why the affordable housing and Dixiedale redevelopment are linked together. Administrator Ciccarone said that the developer approached the Township with the concept, and the linkage is advantageous to both the developer and the Township.

2. Sharon Roche, 333 Green Village Road, said she is hopeful that the Township is seeking a new site for the Skate Park. She also said that the skaters who use the park are very committed to skating. Mrs. Roche said that having skate parks available helps youth stay out of trouble. She also addressed safety concerns regarding children skating in roadways. Mrs. Roche also described the health benefits of skating.
3. Laura Sedlak, 5 Samson Ave, spoke in favor of saving the Skate Park. She said that before the Skate Park was built, skaters used unsafe areas for skating, and that risk was eliminated by having the Skate Park.
4. April Kabbash, 60 Watchung Ave, said that many team sports are available in Chatham, but not everyone plays a team sport. She said that the Skate Park offers a safe place for skaters to ride, and there are benefits to skating. Mrs. Kabbash asked the Township Committee to find an alternate site so that there can still be a Skate Park.
5. Ian Flannery, 55 May Drive, said that he spent a lot of time at the Skate Park in his youth. He said that relocating the Skate Park is a great idea, and suggested that the construction of affordable housing be delayed until the negotiations for a new site are completed. Mr. Flannery also said that he is a realtor, and it has become difficult to move property in Chatham Township. He said that if affordable housing is built at a rapid rate, it will need to be subsidized through taxes.
6. Christian Cottam, 140 Countryside Drive, said that he has been a user of the Skate Park for over two years. He said that the Township would not consider removing a basketball

court to build affordable housing, and the Township does not have a right to ask other towns to provide a site for the relocation of the Skate Park. He also suggested that vacant land near Shunpike Field could be used as an alternate site.

7. A young lady named Olivia commented on the many positive experiences she has had at the Skate Park, and she recommended that it be relocated.
8. Nina Webb of New Vernon asked that it be a priority to find a new location for the Skate Park.
9. Jordan Galiano of Pequannock Township said that for the past three years he has headed up a non-profit organization advocating for a skate park to be built there, and he also advocates for building more skate parks in New Jersey. He said that skating is one of the fastest growing sports among young women, which fosters more social cohesion and social interaction among skaters. Mr. Galiano also addressed maintenance on skate parks, and said that concrete skate parks are a less costly to maintain over time.
10. Melissa Koscielniak, 257 Washington Ave, said that it is unfortunate that the Skate Park has to be moved, however it is an opportunity to build a modernized skate park in a new location. She asked if the Township Committee has any reservations about relocating the Skate Park. Mayor Ritter said that the Township Committee has committed to trying to find a new location, and he hopes to have more information in the coming months. Mrs. Koscielniak asked if the Township would work together with the advocacy groups. Administrator Ciccarone asked her to leave him her contact information so that he could reach out at an appropriate time. He also commented on the park materials, and said that the materials used were selected as a result of public input. Deputy Mayor Swartz said that contacts were made with vendors at the League of Municipalities Conference for the potential relocation.
11. Chris Packin of Green Village asked that the Township relocate the Skate Park.
12. Kyle Chapple, 16 Overlook Road, asked why the Skate Park and the Affordable Housing are not separate issues. He asked if there is a budget for the relocation of the Skate Park. Administrator Ciccarone said that there is not a budget yet, as it has not yet been decided if the existing equipment would be moved or if a new skate park would be built. Mr. Chapple asked if the developer could be required to relocate the park. Attorney Cruz said that such negotiations would not be conducted at a public building. He also explained that the Skate Park needs to be removed because the wetlands buffers at the site do not offer enough space to build the affordable housing while preserving the Skate Park. Mr. Chapple said that it would be a great step to have the Skate Park relocated.
13. CJ Walsh of Florham Park said that it would be appropriate to relocate the Skate Park close by. He also said that there is a lot of open space in Florham Park, and he suggested that his town be approached for a potential site.
14. Stewart Carr, 3 Crestwood Drive, asked if the potential site for the Skate Park relocation is in Chatham Township or in the greater area. Administrator Ciccarone said that the negotiations are not at a point at which the location can be disclosed. He said that all options are being considered. Mr. Carr asked if repurposing existing housing stock was considered in lieu of the 24 units proposed for the Skate Park site. Attorney Cruz said that method was utilized when affordable controls were renewed at Vernon Grove. Mr. Carr asked why the Skate Park is being used rather than repurposing an additional 24 units. Administrator Ciccarone said that there is still an unmet need in the current affordable housing plan, and there is no way that the Township would avoid building new units at the Skate Park site. Mr. Carr asked about the 74 new units in the plan, and Attorney Cruz explained that this is not part of a set aside, as it is a 100% affordable development. Mr. Carr asked if there is discussion of using existing housing stock to circumvent the building of new units. Administrator Ciccarone reiterated that the Township is obligated to provide an opportunity for the realistic development of 200 units with an unmet need of 155 units moving into the future. If there is land available for that kind of development, the Township has to allow it.

15. Mr. Chapple asked how the public can follow the process for possibly relocating the Skate Park. Administrator Ciccarone said that anyone knowing of a potential site is welcome to make suggestions. Mr. Chapple asked how he can be sure that the Township will find a site. Administrator Ciccarone said that a site is being sought, and Mayor Ritter said that updates will be provided at future Township Committee meetings.
16. Brian Fiorello of Montvale spoke in favor of relocating the Skate Park.
17. Francisco Robloze of Park Ridge asked what values are being taken into consideration with the affordable housing development. Mayor Ritter said that it is a constitutional requirement. Mr. Robloze asked about the budget for the project. Attorney Cruz said that the developer will be building the affordable housing, and the Township will be donating the land for the project. Mr. Robloze asked about the legal ramifications for not building the affordable housing. Attorney Cruz said that a builders remedy lawsuit could be brought against the Township. Mr. Robloze said that he supports having a skate park available. He also addressed the concept of community.
18. Mr. Galiano suggested that an ad hoc committee be formed to seek an alternate site for the Skate Park.
19. Mr. Carr asked if the Township could meet the affordable housing obligation by purchasing existing housing stock rather than building new units. Administrator Ciccarone said that in addition to the current plan, another 155 units would need to be purchased to satisfy the affordable housing obligation. He also said that a settlement would not be able to be reached with the Fair Share Housing Center if new units were not proposed to be built in the affordable housing zone. Attorney Cruz said that the satisfaction of the requirement through purchasing of existing housing stock is theoretically possible but not probable.

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

Deputy Mayor Swartz asked about the transfer of land. Attorney Cruz said that only the 3.8 acres would be transferred, and it would be subdivided as part of a Planning Board application. He also noted that there would be deed restrictions requiring the land to be used for affordable housing for 30 years. The land remaining Township property would no longer be zoned for affordable housing.

Committeeman Selen said that the Skate Park is used extensively and should be relocated. He also suggested that creative ways be found to fund the relocation so that it does not become a tax burden.

Committeeman Kelly thanked the members of the public who gave input. He said that the Township is going to actively work to keep a skate park, although a definite solution has not yet been found.

Mayor Ritter said that it has been a long journey to reach a settlement for affordable housing, and he thanked those who participated in the effort. He also said that it is great to see public input, and the Township Committee will work to find an alternate site for the Skate Park.

Ordinance 2018-22

ORDINANCE 2018-22

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, ADOPTING A REDEVELOPMENT PLAN FOR A 3.8 ACRE PORTION OF BLOCK 48.16, LOT 117.27 FOR THE DEVELOPMENT OF LOW AND MODERATE INCOME HOUSING AND REPEALING SECTION 30-79.1 TITLED "PURPOSE", SECTION 30-79.2 TITLED "PERMITTED USES", AND SECTION 30-79.3 TITLED "REQUIRED CONDITIONS FOR RESIDENTIAL DEVELOPMENT" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM

WHEREAS, on October 12, 2017, the Township Committee of the Township of Chatham adopted Resolution 2017-183 designating a 3.8 acre portion of Block 48.16, Lot 117.27 ("Redevelopment

Area”) as shown on the Township of Chatham Tax Map as an area in need of non-condemnation redevelopment for the development of low and moderate income housing; and

WHEREAS, on October 26, 2017, the Township Committee adopted Resolution 2017-187 clarifying Resolution 2017-183; and

WHEREAS, it is the purpose of this Ordinance to adopt the attached Redevelopment Plan (“Redevelopment Plan”) which will supersede the underlying AH Affordable Housing Zone and which Plan will set forth specific Land Use and Building Standards (use, bulk and design requirements) for the development of twenty-four (24) low and moderate income housing units within the Redevelopment Area.

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. Section 30-79.1 titled “Purpose”, Section 30-79.2 titled “Permitted Uses” and Section 30-79.3 titled “Required Conditions for Residential Development” of the Revised General Ordinances of the Township of Chatham are hereby repealed.

Section 2. The Redevelopment Plan for a 3.8 acre portion of Block 48.16, Lot 117.27 as shown on the Township Tax Map and attached is hereby adopted.

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 thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities, to the last owner of the Redevelopment Area and all persons at their last known address, if any, whose names are noted on the assessment records as claimants of an interest in Redevelopment Area. 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 Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Deputy Mayor Swartz read a statement providing background on Ordinance 2018-22 and explaining its purpose. She noted that the Redevelopment Plan will be part of the Township’s Affordable Housing Plan. Attorney Cruz also provided background on the affordable housing program. He also addressed the units proposed to be built at the Skate Park site as per the redevelopment plan.

Committeeman Sullivan moved to adopt Ordinance 2018-22. Deputy Mayor Swartz seconded the motion.

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

RESOLUTION 2018-192

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS SELECTING AND DESIGNATING SOUTHERN BOULEVARD URBAN RENEWAL, LLC AS THE REDEVELOPER OF THE SKATE PARK

WHEREAS, on December 13, 2018, the Township Committee of the Township of Chatham adopted Ordinance No. 2018-22 titled “AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, ADOPTING A REDEVELOPMENT PLAN FOR A 3.8 ACRE PORTION OF BLOCK 48.16, LOT 117.27 FOR THE DEVELOPMENT OF LOW AND MODERATE INCOME HOUSING AND REPEALING SECTION 30-79.1 TITLED ‘PURPOSE’, SECTION 30-79.2 TITLED ‘PERMITTED USES’, AND SECTION 30-79.3 TITLED ‘REQUIRED CONDITIONS FOR RESIDENTIAL DEVELOPMENT’ OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM”; and

WHEREAS, the Township is the owner of an area consisting of approximately 3.8 acre which is a portion of Block 48.16, Lot 117.27 (the "Property"); and

WHEREAS, the Property has been designated as an area in need of non-condemnation redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Township desires to conditionally select and designate Southern Boulevard Urban Renewal, LLC, as the redeveloper of the Property pursuant to N.J.S.A. 40A:12A-8(f) conditioned upon the Township and Southern Boulevard Urban Renewal, LLC, entering into a Redevelopment Agreement and a Financial Agreement (Payment in Lieu of Taxes ("PILOT") Program) acceptable to both parties.

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. Southern Boulevard Urban Renewal, LLC, is hereby conditionally selected and designated as the Redeveloper of the Property.
2. That selection and designation is conditioned upon the Township and Southern Boulevard Urban Renewal, LLC, entering into a Redevelopment Agreement and a Financial Agreement (Payment in Lieu of Taxes Program), including the adoption of any authorizing Resolution or Ordinance, acceptable to both parties within ninety (90) days of the adoption of this Resolution.
3. This Resolution shall take effect immediately.

Attorney Cruz said that this resolution designates the developer of affordable housing at the Skate Park site.

Deputy Mayor Swartz moved to adopt Resolution 2018-192. Committeeman Kelly seconded the motion.

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

RESOLUTION 2018-193

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS RATIFYING AND CONFIRMING A SITE ACCESS AGREEMENT WITH SOUTHERN BOULEVARD URBAN RENEWAL, LLC, GRANTING ACCESS TO A PORTION OF BLOCK 48.16, LOT 117.27, THE SKATE PARK PROPERTY

WHEREAS, the Township Committee of the Township of Chatham adopted Ordinance 2018-23, known as the Skate Park Redevelopment Plan; and

WHEREAS, the Township Committee adopted Resolution 2018-192 conditionally selecting and designating Southern Boulevard Urban Renewal, LLC, as the Skate Park Redeveloper; and

WHEREAS, the Redeveloper needs access to the Skate Park in order to perform certain due diligence before acquiring the Skate Park to develop it consistent with the Skate Park Redevelopment Plan; and

WHEREAS, the Township Committee desires to grant Southern Boulevard Urban Renewal, LLC, access to the Skate Park to perform due diligence.

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

1. The Mayor and Clerk are hereby authorized to sign the Site Access Agreement in substantially the form attached.
2. Any prior access to the Skate Park is hereby ratified and confirmed.
3. This Resolution shall take effect immediately.

Attorney Cruz said that this agreement allows the developer to perform due diligence at the site.

Committeeman Sullivan moved to adopt Resolution 2018-193. Committeeman Selen seconded the motion.

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

Ordinance 2018-23

ORDINANCE 2018-23

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER XXX, TITLED "LAND DEVELOPMENT", OF THE

REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM, SECTION 30.78, TITLED "R-RESIDENCE DISTRICTS," SUBSECTION 30-78.13, TITLED "REQUIREMENTS FOR ONE-FAMILY DWELLINGS AND MULTI-FAMILY DWELLINGS IN THE R-6C DISTRICT" TO AMEND SECTION 30-78.13(g)(1) THE DEFINITION OF BUILDING HEIGHT, TO ADD A NEW SECTION 30-78.13(k)(7) PROVIDING FOR ADDITIONAL LANDSCAPE BUFFER, TO AMEND SECTION 30-78.13(n)(1) TO PROVIDE FOR CONSTRUCTION PHASING OF MARKET TO AFFORDABLE UNITS

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

SECTION 1. Chapter XXX, titled "Land Development" of the Revised General Ordinances of the Township of Chatham, Section 30.78, titled "R-Residence Districts," Subsection 30-78.13, titled "Requirements for One-Family Dwellings and Multi-Family Dwellings in the R-6C District," is hereby amended as follows:

"30-78.13 Requirements for One-Family Dwellings and Multi-Family Dwellings in the R-6C District.

(a) Permitted Principal and Accessory Uses

1. Principal uses - One-family dwellings and multifamily dwellings or any combination thereof.
2. Accessory Uses - Indoor and outdoor recreation facilities, including clubhouse, meeting areas and active and passive recreation.

(b) Area and Density Requirements.

1. Minimum Area. Each development shall have a minimum tract area of thirty (30) acres. Public or private roads, easements or rights-of-way shall not be deemed to divide acreage of a development.
2. Maximum Density. Two (2) dwelling units/acre, not to exceed a total of fifty-four (54) units, except as provided in Section 30-78.13(n), 1 below.
3. Minimum Lot Size Per Dwelling. A minimum lot size per dwelling of 1,200 square feet shall be required for all fee simple dwelling units.

(c) Maximum Building Coverage

1. The total ground floor area of all buildings shall not exceed fifteen (15%) percent of the lot area of the development.

(d) Maximum Impervious Coverage

1. The total area of all impervious surfaces shall not exceed thirty (30%) percent of the lot area of the development.

(e) Setback Requirements.

1. No principal building shall be located within fifty (50) feet of a public street or exterior property line of the tract nor within twenty (20) feet of any internal roadway.
2. No dwelling structure shall have more than two (2) continuous attached dwelling units with the same front building line, and variations in the building line shall be at least four (4) feet.

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

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

(g) Building Requirements.

1. Height. No building shall exceed a height of two and one-half (2 ½) stories or thirty-five (35) feet, whichever is lesser, except that existing buildings in excess of the permitted number of stories or height may be re-used for any permitted principal or accessory use. Building height shall be the vertical distance measured from the average post-development ground elevation as measured from the four corners of the building to a horizontal plane projected

from the highest point of the roof. However, for locations in which the elevation is, for reasons of topography, one full story or less lower at the rear of the building than at the front, the height shall be measured from an average of the front two elevations only, provided that neither of the elevations at the rear two corners of the building are more than ten feet below the front two corners of that building.

2. Units Per Building. No building shall contain more than four (4) dwelling units.

h) Dwelling Unit Requirements.

1. Each dwelling unit shall contain as a minimum a separate living room, a separate bedroom, a separate bath, a room for storage and utilities, and a kitchen, which kitchen facility shall be located separate and apart from other rooms in the unit with the exception of the dining room.
2. Minimum Floor Area. Each dwelling unit shall have a minimum floor area, as "floor area" is defined in Article 2 of this chapter, in accordance with the following schedule:

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

3. No basement shall contain a bedroom.
4. Each dwelling unit shall have at least two (2) private outside entrances.
5. Each dwelling unit shall contain its own heating plant and system and shall constitute a separate, independent unit for metering and all other purposes with respect to all required utilities and similar conveniences. No central or common laundry or similar facilities intended for two (2) or more units shall be permitted.
6. Each dwelling unit shall have at least one (1) individual private yard area, open patio or court adjoining the unit and having a width of at least fifteen (15) feet and an area of at least one hundred fifty (150) square feet. Each private yard area, patio, court or deck shall be effectively screened in order to provide a reasonable degree of privacy.
7. In addition to the above requirements, a storage space with separate access and containing a minimum of eighty (80) square feet of floor area shall be provided for each dwelling unit in the basement of the building in which the unit is located or in the garage serving the unit. Storage space located in a garage shall not encroach upon or be located above a minimum area of ten feet by twenty (10' by 20') feet for the parking of a motor vehicle.
8. The layout and arrangement of buildings and their design shall incorporate energy saving and green design features where practicable.

(i) Accessory Buildings.

1. Setbacks. Accessory buildings shall meet the street, property line and internal roadway setbacks of the principal buildings and shall be at least twenty-five (25) feet from a principal building and fifteen (15) feet from another accessory building. Detached garages shall be at least fifteen (15) feet from a principal building or from any other garage or accessory building. Clubhouses, swimming pools and recreation facilities shall be at least one hundred (100) feet from a property line.
2. Height. The maximum height of an accessory building shall be fifteen (15) feet except for clubhouses which shall not exceed twenty-eight (28) feet in height. Existing buildings in excess of the permitted number of stories or height may be re-used for any permitted principal or accessory use.
3. When a clubhouse or other accessory building is attached to a building containing a permitted principal use, the bulk requirements for the permitted principal use shall apply.
4. Design. Architectural design and materials used in the construction of accessory buildings shall conform to or complement those used in the construction of principal buildings.
5. Except to the extent inconsistent with the specific provisions of this subsection, the provisions of subsection 30-96.13 shall be complied with.
6. Signs. The provisions of Section 30-98 shall be complied with.

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

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

2. Parking areas shall be located at least five (5) feet from a building and twenty-five (25) feet from a development property line.
3. Except as otherwise provided in the New Jersey Residential Site Improvement Standards, internal roadways shall be at least twenty-four (24) feet in width for two (2)-way traffic and twelve (12) feet in width for one (1)-way traffic and shall not enter a street within fifty (50) feet of an existing intersection. Drives leading from internal roadways to parking areas shall be at least twenty (20) feet in width. Parking on internal roadways and drives shall be prohibited.
4. The arrangement and location of garages, parking areas and internal roadways shall be subject to approval of the Planning Board and shall be designed to insure maximum safety, proper circulation and maximum convenience for residents and their guests.
5. Sidewalks shall be provided along at least one side of any internal road serving the development.
6. A public trail network shall be provided around and through the site and shall be designed to connect with any nearby public trail or sidewalk system.
7. Unless otherwise provided in the New Jersey Residential Site Improvements Requirements, minimum requirements for off-street parking spaces shall be as follows for low and moderate income housing units:
 8.

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

(k) Landscaping and Common Open Space.

1. There shall be provided a minimum of forty (40%) percent of the entire tract for common open space, which shall be deed restricted against future development and managed by the homeowners association. Said open space shall not contain any impervious surfaces, detention facilities or other structural or infrastructure improvements.
2. The common open space, where improved, shall be attractively landscaped with varieties of flowering plants, grasses, trees and shrubs that will serve to minimize water use. Provision shall be made for the protection and preservation of existing trees and the prominent hedgerow along Hillside Avenue as well as natural features including those in designated critical areas.
3. Except as otherwise provided in the New Jersey Residential Site Improvement Standards, sidewalks or walkways constructed in accordance with the Township specifications shall be provided in such locations and of such widths as required and approved by the Planning Board to insure safe and convenient pedestrian traffic.
4. A naturalized trail around the perimeter of the property shall be constructed by the developer and maintained and repaired by the HOA and such trail may be surfaced with wood chips or other suitable surface and need not be paved. A public access easement shall be provided allowing public access across the perimeter trail.
5. Effective screening by a fence or wall no less than five (5) feet nor more than seven (7) feet in height shall be provided to shield parking areas and other common facilities from view of adjoining residential properties, provided, however, screening by hedge or other natural landscaping may be substituted for the required fence or wall if approved by the Planning Board as part of the site plan.
6. Lighting. Adequate artificial lighting shall be provided in parking areas and along sidewalks, walkways and internal roadways. The source of lighting shall be directed downward, away from buildings and adjoining streets and property lines. Lighting fixtures shall be so arranged that the direct source of light is not visible from any adjacent residential property.
7. Additional Landscape Buffer. A landscape buffer from the adjacent property shall be provided where the physical height of the structure (post grade to highest point) exceeds thirty-five (35) feet. The buffer shall consist of plants that will screen the structure from neighboring properties year-round. The buffer shall be a combination of deciduous and conifer trees and shrubs.
8. Landscape Standards:
 - a. Deciduous trees shall have a minimum caliper of 3 to 3.5 inches. Species of trees shall be native to the region and shall have a mature height of 40 feet and up. Trees shall be planted a minimum of 15 feet from the building structure.
 - b. Conifer trees shall have a minimum height of 6 feet at the time of installation, with a mature height of 30 feet and up. Species of conifer trees shall be native to the region and shall be planted a minimum of 10 feet from the building structure
 - c. Shrubs shall be native to the region with a combination of heights to sufficiently screen the building.
 - d. All plant materials must meet minimum standards as set forth in the American Association of Nurserymen, Inc.

- e. A sufficient number of trees and shrubs shall be provided to adequately shield the lower portion of the structure creating the height to exceed thirty-five (35) feet.
- 9. Landscape Plan. The site plan shall include a landscape plan which shall be prepared by a landscape architect or other professional thoroughly familiar with landscape plant materials and design. Said plan shall include and show, at a minimum:
 - a. Existing tree survey.
 - b. All trees proposed for removal.
 - c. All proposed vegetation with a planting schedule with the following information: species, size, and method of planting; with a distinct plant schedule for the planting for the building height variance buffer.
- 10. Guarantee. All elements of the landscape buffer shall be guaranteed by the applicant for the life of the development.
- 11. Maintenance. Any approved landscape plans are subject to being constructed and maintained as was presented for approval. This includes, but is not limited to, replacing dying or dead trees or shrubs, weeding landscape areas, mowing, etc.

(l) Utilities.

- 1. Adequate provision shall be made for storm water drainage, water supply and sewage treatment and disposal.
- 2. All telephone, electric and CATV service, including outdoor lighting on the property, shall be by underground conduit.
- 3. Fire Hydrants. Fire hydrants shall be installed at locations specified by the Township. Such hydrants shall be provided with appropriate water pressure and otherwise adequately maintained by the owner or owners of the dwelling units. All such hydrants shall conform to the standards of the National Board of Fire Underwriters or Township requirements, whichever is more restrictive.
- 4. Solid Waste, Including Recyclable Materials. Suitable provision shall be made for the orderly deposit and pick-up of solid waste, including recyclable materials. The locations and numbers of all facilities for such purposes shall be subject to approval by the Planning Board and shall meet all regulations of the Township Board of Health and applicable provisions of the Township Recycling Ordinance as well as the following:
 - a. Each receptacle shall be located in a completely enclosed building.
 - b. Buildings used solely for the purpose of housing receptacles shall be located at least five (5) feet from an internal roadway and shall otherwise meet the requirements for accessory buildings.
 - c. Buildings used to house receptacles shall be so located as to permit convenient vehicular access.

(m) Roads on Master Plan

If a proposed road shown on the Township Master Plan is located on any property intended to be used for the development, the Planning Board may require that provision shall be made for the dedication and improvement of that portion of said road located within the property in question in accordance with Township road specifications. The area within the right-of-way of any such road may be included in the gross acreage of the property for the purpose of determining maximum density.

(n) Developer's Obligation to Provide Affordable Housing Development.

- 1. Prior to the issuance of any construction permit, or as a condition precedent to the grant of any approval of a development application by the Planning Board, Board of Adjustment or Zoning Officer, as applicable, a developer shall be required to enter into an agreement with the Township Committee to construct 24 low and moderate income, rental housing units at another site within the Township. The maximum number of market rate units on the site shall not exceed 54 units. At least 50% of the rental units shall be available to low income households with the remainder available to moderate income households. The required agreement shall make provisions for the developer's obligation to construct the affordable units at the other site and the phasing of construction of market units on the site shall provide for the construction of the affordable units in tandem with the market units according to the following phasing schedule: (a) the developer must submit a building permit application for the affordable housing at the other site by the time the first certificate of occupancy is issued for the market rate units on the site; (b) the developer must complete the foundation for the affordable housing at the other site by the time forty (40%) percent of the market rate units on the site are completed; (c) the certificate of occupancy for the affordable housing at the other site must be issued by the time seventy (70%) percent of the market rate units on the site are completed.

(o) Adaptive Reuse of Building.

1. The adaptive reuse of the existing residential structure shall meet the following standards to the maximum extent possible.
2. The existing residential structure has unique architectural features which shall be preserved through adaptive reuse of the structure.
3. The adaptive reuse of the structure shall consist of incorporating up to four (4) individual residential units on the second and third floors. The first floor of the structure shall be repurposed as a clubhouse.
4. The original elements of the front facade of the structure may not be substantially altered in size or appearance. Rehabilitation shall include restoring the building's front exterior facade to its original profile to the maximum extent reasonably feasible. Repairs should involve the least intervention possible, concentrating specifically on areas of deterioration. When repair is not possible, replacement in-kind is encouraged, reproducing by new construction the original feature exactly, including the original materials, finish, detailing and texture.
5. Remediation of hazardous material such as asbestos and lead, if present, shall be mitigated in accordance with federal and state requirements. The mitigation measures must incorporate the restoration of existing architectural features to pre-existing conditions to the maximum extent possible.

SECTION 2. All other Ordinances, part of Ordinances, or other local requirements that are inconsistent or in conflict with this Ordinance are hereby repealed to the extent of any inconsistency or conflict, and the provisions of this Ordinance apply.

SECTION 3. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.

SECTION 4. 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 thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities. 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 5. 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. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 6. 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 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 Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Attorney Cruz explained the purposes of this ordinance.

Deputy Mayor Swartz moved to adopt Ordinance 2018-23. Committeeman Kelly seconded the motion.

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

**RESOLUTION 2018-194
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS STATING THE REASONS FOR ADOPTING ORDINANCE NO.
2018-23**

WHEREAS, the Township Committee of the Township of Chatham referred Ordinance No. 2018-23 to the Planning Board for statutory review pursuant to N.J.S.A. 40:55D-26; and

WHEREAS, the Township Committee recognizes that the Planning Board found Ordinance No. 2018-23, amending Ordinance 2017-23 which established a new R6-C Zone, to be inconsistent with the Land Use Plan designation of the property but to advance many of the objectives of the comprehensive zone plan, and

WHEREAS, Ordinance 2018-23 provides for a clarification of how building height is calculated in the new R6-C Zone, provides for perimeter landscape buffering and sets forth the construction phasing

of the market rate units at the Dixiedale Farm and the low and moderate income units at the Skate Park; and

WHEREAS, the Planning Board recommended adoption of Ordinance 2018-23, notwithstanding such inconsistency, for the reasons expressed by the Planning Board, and

WHEREAS, the Township Committee concurs with the findings of the Planning Board that the following specific goals and objectives of the comprehensive zone plan, as expressed in the Land Use Plan are advanced by proposed Ordinance No. 2018-23 in a number of ways because the Goals of the 2011 Land Use Plan were designed to:

5. Preserve the desirability of the community and its neighborhoods by managing the scale of new and expanded buildings and alterations to their landscapes.
6. Promote a balance of housing types for all segments of the population.
7. Establish a Greenway system incorporating public and private open spaces and connect the Greenway with a pedestrian- and bicycle-friendly system of streets, sidewalks, paths, and bikeways to reduce traffic, ensure the safety of our children, increase the enjoyment of the walking and cycling public, and improve air quality.
8. Preserve links to our history and heritage by preserving the historic areas in the Township and promoting awareness of historical homes.
9. Protect and maintain the remaining rural ambiance and significant natural, cultural and scenic landscapes and identify and protect scenic vistas.
10. Limit development to densities and intensities that will retain the remaining natural areas of the Township and protect sensitive environmental areas; and

WHEREAS, these Land Use Plan objectives complement those of the 2005 Conservation Plan Element, which included, among others:

6. Preserving open space, scenic vistas and quality of life; and

WHEREAS, the proposed Ordinance will advance the objectives of the Housing Element and Fair Share Plan, which "... is designed to ensure the provision of the required affordable housing in the Township with a minimal impact on neighborhood character and community services"; and

WHEREAS, Ordinance No. 2018-23 advances the cited objectives of the comprehensive zone plan as follows:

Ordinance 2018-23 continues to promote design, density and coverage standards that will *preserve the desirability of the community and its neighborhoods by managing the scale of new and expanded buildings and alterations to their landscapes.*

Ordinance 2018-23 continues to provide for inclusionary residential development that will provide low and moderate income housing and *promote a balance of housing types for all segments of the population.*

Ordinance 2018-23 continues to promote *a Greenway system incorporating public and private open spaces and connect the Greenway with a pedestrian- and bicycle-friendly system of streets, sidewalks, paths, and bikeways to reduce traffic, ensure the safety of our children, increase the enjoyment of the walking and cycling public, and improve air quality* by providing a perimeter trail system on private property that is available to the public.

Ordinance 2018-23 continues to require the retention, exterior restoration and adaptive reuse of the Dixiedale Farm manor home, which will help to *preserve links to the Township's history and heritage and promoting awareness of historical homes.*

Ordinance 2018-23 continues to *protect and maintain the remaining rural ambiance and significant natural, cultural and scenic landscapes* and the development review process will allow the Planning Board to *identify and protect scenic vistas.*

Ordinance 2018-23 continues to promote conservation-based townhouse design and standards for *density and intensity* and provide for compact development that will help to *retain the remaining natural areas of the Township and protect sensitive environmental areas.*

WHEREAS, Ordinance 2018-23 continues to promote conservation-based townhouse design and standards for density and intensity that will retain most of the R6-C Zone in its natural state will *preserve open space, scenic vistas and quality of life*, advance the 2005 Conservation Plan Element objective #6, and

WHEREAS, the Housing Element and Fair Share Plan objective *to ensure the provision of the required affordable housing in the Township with a minimal impact on neighborhood character and community services* is advanced by the inclusionary housing requirements that will provide affordable housing.

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 Ordinance No. 2018-23 will substantially advance the objectives of the adopted Chatham Township Master Plan.
2. That the reasons stated in this Resolution are sufficient to enact Ordinance 2018-23 notwithstanding any inconsistencies with the Land Use Plan.
3. That the Township Committee hereby adopts Ordinance No. 2018-23.
4. That this Resolution be filed with the County of Morris Planning Board
5. This Resolution shall take effect immediately.

Deputy Mayor Swartz moved to adopt Resolution 2018-194. Committeeman Selen seconded the motion.

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

**RESOLUTION 2018-210
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY AUTHORIZING THE MAYOR AND CLERK TO SIGN A SETTLEMENT
AGREEMENT FIXING THE TOWNSHIP'S AFFORDABLE HOUSING FAIR SHARE
OBLIGATION FOR THE PERIOD FROM 1987 THROUGH 2025**

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

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

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

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

WHEREAS, on December 13, 2018, the Township Committee considered the Settlement Agreement and discussed the actions the Settlement Agreement contemplates; and

WHEREAS, the Township Committee is of the opinion that the Settlement Agreement is in the best interest of the residents of the Township because it eliminates the uncertainty and expense of litigation.

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

1. That it is in the best interest of the residents of the Township to enter into the Settlement Agreement in the form attached.
2. That the Township Mayor and Clerk are hereby authorized to sign the Settlement Agreement.
3. That the Township's Mayor, Administrator, Clerk, Planner, Engineer and Attorney are authorized to take those steps necessary to effectuate the Settlement Agreement.
4. That this Resolution takes effect immediately upon adoption.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Chatham that a copy of this Resolution and Settlement Agreement be posted on the Township website and placed on file and available for public inspection in the office of the Township Clerk.

Attorney Cruz noted that the Fair Share Housing Center has signed the agreement.

Committeeman Sullivan thanked all those who worked toward the resolution of the affordable housing negotiations. He also addressed the proposed development of the Dixiedale Property, and thanked the Haar Family for their patience as the process has played out. Committeeman Sullivan also addressed his concerns about the affordable housing program. He also said that the Township has developed a good plan, however the State has mismanaged affordable housing.

Deputy Mayor Swartz moved to adopt Resolution 2018-210. Committeeman Kelly seconded the motion.

Roll call: Committeeman Sclen, Aye; Committeeman Kelly, Aye; Committeeman Sullivan, Nay; Deputy Mayor Swartz, Aye; Mayor Ritter, Aye.

Ordinance 2018-24

ORDINANCE 2018-24

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, AMENDING CHAPTER XXX, ARTICLE 2, SECTION 30-6, TITLED "DEFINITIONS", TO ADD "SMOKE SHOP" AND "VAPE SHOP" AND ARTICLE 7, TITLED "ZONING REGULATIONS", SECTION 30-96.9, TITLED "PROHIBITED USES", OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM PROHIBITING SMOKING AND VAPING SHOPS

WHEREAS, the Township of Chatham has under the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and the police power, N.J.S.A. 40:48-1, et seq., the authority to regulate land uses within its municipal boundaries; and

WHEREAS, the Township Committee of the Township of Chatham believes that it is in the best interest of the health, safety and welfare of its residents that Chapter XXX of the Land Development Regulations of the Township of Chatham, Article 2, Section 30-6 titled "Definitions", be amended to add definitions of smoke shop and vape shop, and Article 7, titled "Zoning Regulations", Section 30-96.9, titled "Prohibited Uses", be amended to prohibit smoking and vaping shops in all zone districts.

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. Chapter XXX of the Land Development Regulations of the Township of Chatham, Article 2, Section 30-6, titled "Definitions", is hereby amended to add the following:

"Smoke Shop" shall mean any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia, including providing an area for smoking tobacco products, but excluding any grocery store, supermarket, convenience store or similar retail use that sells tobacco products shall not be included within the definition of smoke shop. An area for "smoking" shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

"Vape Shop" shall mean any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of electronic smoking devices, liquid nicotine, liquid nicotine containers or vapor product as defined by N.J.S.A. 26:3D-57, N.J.S.A. 2A:170-51.9(a)(2), N.J.S.A. 2A:170-51.9(a)(3) and N.J.S.A. 2A:170-51.9(a)(4), including an area for vaping. An area for "vaping" shall mean the inhaling or exhaling of smoke or vapor from any electronic smoking device.

Section 2. Chapter XXX of the Land Development Regulations of the Township of Chatham, Article 7, titled "Zoning Regulations", Section 30-96.9, titled "Prohibited Uses", is hereby amended to add a new subsection c as follows:

30-96.9 Prohibited Uses

- a. Where a use is not specifically permitted in a zone district, it is prohibited.
- b. Marijuana cultivation facilities, marijuana production or manufacturing facilities, marijuana testing facilities, and retail marijuana stores are prohibited in all zone districts.
- c. Smoke and vape shops are prohibited in all zone districts.

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 thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities. 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. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

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 Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Mayor Ritter opened the Public Hearing on Ordinance 2018-24.
Seeing no public comment, Mayor Ritter closed the Public Hearing.

Committeeman Kelly asked that Ordinance 2018-24 be tabled, as it is too intrusive regarding a legal activity.

Deputy Mayor Swartz spoke in favor of Ordinance 2018-24, citing that the Township Committee still has the ability to take a stand for what they want going on in town. She also said that in the interest of public health, the Township should remain ahead of the Governor's proposed legalization of marijuana.

Mayor Ritter said that public safety is one of the Township Committee's primary responsibilities, and vaping has become a major issue.

Committeeman Kelly said that there are existing laws that prohibit sale of tobacco and vaping materials to minors. He also said that Municipal Alliance research shows that minors are getting vaping materials through the internet.

Deputy Mayor Swartz moved to adopt Ordinance 2018-24. Committeeman Sullivan Seconded the motion.

Roll call: Committeeman Selen, Aye; Committeeman Kelly, Nay; Committeeman Sullivan, Aye; Deputy Mayor Swartz, Aye; Mayor Ritter, Aye.

Consent Agenda

RESOLUTION 2018-195

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 \$1,642,790.80 and the prior month's payroll of \$401,333.41 Current Fund, \$38,530.09 Sewer No. 1, \$20,181.81 Sewer No. 2, and \$23,481.79 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of December 2018, in the amount of \$4,085,379.00 be paid.

BE IT FURTHER RESOLVED that taxes due to the County of Morris, for Added and Omitted Taxes for 2018, in the amount of \$81,717.55 be paid.

RESOLUTION 2018-196

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

CFO = November
 Police Department – November
 Tax Collector – July, August, September
 Construction Official – November

**RESOLUTION 2018-197
 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 November 8, 2018 and December 12, 2018.

**RESOLUTION 2018-198
 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 November 8, 2018 and December 12, 2018.

**RESOLUTION 2018-199
 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:

<u>NAME</u>	<u>Project</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
Suburban Consulting Engineers 96 US Highway 206, Suite 101 Flanders, NJ 07836	Perf Bond RO 18-019 Re: 55 Johnson Drive	7764943013	\$325.00
Suburban Consulting Engineers 96 US Highway 206, Suite 101 Flanders, NJ 07836	Perf Bond RO 18-015 Re: 170 Lafayette Ave	7764129035	\$100.00
Suburban Consulting Engineers 96 US Highway 206, Suite 101 Flanders, NJ 07836	Perf. Bond RO 18-014 Re: 11 Woodlawn Dr	7764129019	\$170.00
Suburban Consulting Engineers 96 US Highway 206, Suite 101 Flanders, NJ 07836	Perf Bond RO 18-013 Re: 12 Long Hill Ln	7764128996	\$225.00
Suburban Consulting Engineers 96 US Highway 206, Suite 101 Flanders, NJ 07836	Perf Bond RO 18-012 Re: 206 Lafayette Ave	7764128970	\$100.00
Suburban Consulting Engineers 96 US Highway 206, Suite 101 Flanders, NJ 07836	Perf Bond RO 18-007 Re: 78 Loantaka Ln	7764128871	\$180.00

Suburban Consulting Engineers 96 US Highway 206, Suite 101 Flanders, NJ 07836	Perf Bond RO 18-002 Re: Warwick Rd	7764128772	\$9035.61 Plus Interest
Thomas Nebus 250 Ridgedale Ave, J-3 Florham Park, NJ 07932	BOA 04-120-3 Re: 35 Sandy Hill Rd	7200013005	\$120.00
Sycamore Custom Living c/o Asset Management Consultants 12841 Fitzwater Drive Nokesville, VA 20181	EIF Re: Meyersville Road	7200038917	\$1429.17
Sycamore Custom Living c/o Asset Management Consultants 12841 Fitzwater Drive Nokesville, VA 20181	Perf Bond 03-38-42 Re: Sycamore Drive	7200012985	\$1017.02
Armstrong Excavating Inc 80 Magnolia Ave Long Hill, NJ 07980	RO 2017-03 Re: 42 Dellwood Ave	7764128334	\$711.11
Karla Kirby 282 Lafayette Ave Chatham, NJ 07928	RO 2017-42	7764128540	\$233.00
Edward Marcowitz 10 Runnymede Road Chatham, NJ 07928	RO 2017-51	7764128607	\$945.00

**RESOLUTION 2018-200
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
REFUNDING PERMIT FEE**

WHEREAS, the Township Committee has considered the request submitted by the Construction Official with regard to the fee that was paid for a permit that was submitted to the Township; and

WHEREAS, the project for which the permit was issued was cancelled; and

WHEREAS, the fee collected for the permit was \$232.00; and

WHEREAS, twenty percent (20%) of the total charge was for plan review, and is therefore being deducted from the refund;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following amount be refunded to the depositor of record:

<u>NAME</u>	<u>PERMIT #</u>	<u>AMOUNT</u>
Kope Electric PO Box 470 Lebanon, NJ 08833	18-0606	\$185.60

**RESOLUTION 2018-201
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY GRANTING TAXPAYERS THE OPTION
TO APPLY EXCESS TAX PAYMENTS TOWARD SUBSEQUENT QUARTERS (BILLED OR
UNBILLED) IN LIEU OF A REFUND**

WHEREAS, the governing body of a municipality may grant taxpayers the option to apply excess tax payments toward subsequent quarters (billed or unbilled) in lieu of a refund upon written request to the tax collector consistent with Local Finance Notice LFN 2018-17, issued on June 4, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, in the County of Morris, and State of New Jersey, that Township of Chatham taxpayers have the option to apply excess tax payments toward subsequent quarters (billed or unbilled) in lieu of a refund upon written request to the Township Tax Collector consistent with LFN 2018-17.

This Resolution shall take effect immediately.

RESOLUTION 2018-202

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE TAX AND SEWER COLLECTOR TO CANCEL OVERPAYMENT OR DELINQUENT BALANCES LESS THAN \$10.00

WHEREAS, the governing body of a municipality may authorize a municipal employee to cancel property tax and sewer overpayment or delinquent amounts less than \$10.00 without further action of the governing body.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, in the County of Morris, and State of New Jersey, that the Township Tax and Sewer Collector is hereby authorized to cancel overpayments and delinquencies less than \$10.00, as permitted by applicable law.

This Resolution shall take effect immediately.

RESOLUTION 2018-203

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING RESOLUTION NO. 2018-007 AUTHORIZING INTEREST RATE/GRACE PERIOD/YEAR-END PENALTY

WHEREAS, the governing body of a municipality may fix the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal charges; and

WHEREAS, on January 3, 2018, the Township Committee of the Township of Chatham adopted Resolution 2018-007; and

WHEREAS, the Township Committee desires to amend Resolution No. 2018-007 regarding the interest rate/grace period/year-end penalty.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, in the County of Morris, and State of New Jersey, that in addition to the interest provided in Resolution 2018-007, on all delinquencies in excess of Ten Thousand (\$10,000.00) Dollars and which are not paid prior to the end of the fiscal year, the tax collector shall also collect a penalty of six (6%) percent of the amount of the delinquency in excess of Ten Thousand (\$10,000.00) Dollars.

This Resolution shall take effect immediately.

RESOLUTION 2018-204

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS AUTHORIZING THE MAYOR AND CLERK TO SIGN A SECOND LAND LEASE EXTENSION WITH NEW CINGULAR WIRELESS PCS, LLC ("AT&T") FOR A PORTION OF THAT PROPERTY SHOWN AS BLOCK 13, LOT 26.

WHEREAS, on May 10, 2012, the Township Committee of the Township of Chatham adopted Resolution 2012-088, titled "Resolution of the Township of Chatham, County of Morris, State of New Jersey, Awarding Temporary Communications Facility Lease to New Cingular Wireless PCS, LLC ("AT&T") at the Municipal Building"; and

WHEREAS, on or about July 16, 2012, the Township of Chatham entered into a Land Lease Agreement with AT&T for a portion of that property shown as Block 13, Lot 26 on the Tax Map of the Township, and known as 58 Meyersville Road, Chatham, New Jersey ("Municipal Building"); and

WHEREAS, the purpose of the Lease Agreement was to allow AT&T to temporarily construct, install, maintain, repair, replace and operate federally licensed radio transmitting equipment during that period of the construction of the Public Service Electric and Gas Company 230kV North Central Reliability Project; and

WHEREAS, the Lease Agreement provided for an initial two (2) year term, with two (2) additional one (1) year terms; and

WHEREAS, because Public Service Electric and Gas Company has not authorized AT&T to return to the PSE&G transmission towers, AT&T remains at the Municipal Complex pending authorization to relocate; and

WHEREAS, AT&T informed the Township that removal of the temporary tower will result in the loss of service, including 911 service, to both AT&T and AT&T's subtenant, T-Mobile Northeast LLC, and places the health, safety and welfare of Township residents in danger; and

WHEREAS, the Township Committee, in balancing requiring the removal of the temporary tower and the health, safety and welfare of Township residents, believes that it is in the best interests of Township residents to enter into a Land Lease Extension Agreement for a term not to exceed one (1) year to July 15, 2019 or as soon as PSE&G authorizes the relocation to a PSE&G transmission tower, whichever is earlier, provided that AT&T pay the back rent since July 16, 2018 to the expiration of the Lease Agreement; and

WHEREAS, the new annual rent is \$91,215.12 or \$7,601.26 per month from July 16, 2018 to July 15, 2019, representing a six (6%) percent increase over the prior rent; and

WHEREAS, in the event that AT&T requires an additional extension, AT&T will pay double the rent with the commencement of the new term.

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 Mayor and Clerk are hereby authorized to sign the Second Lease Agreement in substantially the form attached.
2. That this Resolution shall take effect immediately.

RESOLUTION 2018-205

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS AUTHORIZING THE MAYOR AND CLERK TO SIGN A REIMBURSEMENT AGREEMENT WITH T-MOBILE NORTHEAST, LLC, FOR REPLACEMENT PROPERTY

WHEREAS, Township of Chatham is the owner of two separate properties located at Colony Pool, School Avenue, Chatham Township, New Jersey (Block 105, Lot 6) ("Colony Pool") and Estemay Field, River Road Rear, Chatham Township, New Jersey (Block 62.8, Lot 18) ("Estemay Field") (collectively, the "Properties"); and

WHEREAS, the Township and T-Mobile Northeast, LLC, were parties to two (2) land leases for the Properties, specifically, the Land Lease Agreement, dated July 17, 2012 ("Colony Pool Lease"), and the Land Lease Agreement, dated March 1, 2012 ("Estemay Field Lease") (collectively, the "Leases"), whereby the Township leased a certain portion of the Properties to T-Mobile for two (2) temporary telecommunications facilities (collectively, the "Temporary Communications Facilities"); and

WHEREAS, the Properties are under certain Green Acres regulations, and T-Mobile's use of both Properties for temporary non-recreational use was approved by State of New Jersey, Department of Environmental Protection, Green Acres Program ("Green Acres"), but that approval expired in 2015; and

WHEREAS, as required by the New Jersey Department of Environmental Protection ("NJDEP") in connection with T-Mobile's continued use of the Properties, a Diversion Permit application is being prepared in order to legalize the past diversions created by the Temporary Communications Facilities ("Diversion Permit"); and

WHEREAS, on or about April 10, 2018, representatives of the Township and T-Mobile met with representatives from Green Acres to discuss the Diversion Permit and the resolution of T-Mobile's use of the Properties during the Diversion Period for the Temporary Communications Facilities; and

WHEREAS, pursuant to a letter from NJDEP, dated May 23, 2018, and a second letter from NJDEP, dated October 23, 2018, the NJDEP confirmed that the diversion of the Properties would require certain compensation in the form of replacement land with a total market value of \$217,942.98 ("Total Compensation"); and

WHEREAS, the Township agreed to move forward with designating certain parcels as replacement property with a total market value of not less than \$217,942.98, and in accordance with any additional requirements imposed by Green Acres; and

WHEREAS, the Township designated an undivided 0.86 acres of Block 62, Lots 93 and 94 as replacement property with a value of \$217,942.98; and

WHEREAS, T-Mobile agreed to reimburse the Township for the value of the replacement property in the sum of \$217,942.98; and

WHEREAS, the Township and T-Mobile desire to memorialize that reimbursement through the attached Reimbursement Agreement.

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. That the Mayor and Clerk are hereby authorized to sign the Reimbursement Agreement substantially in the form attached.
2. This Resolution shall take effect immediately.

RESOLUTION 2018-206
A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, CANCELLING VARIOUS UNEXPENDED
BALANCES

WHEREAS, The Report On Examination of Financial Statements (Audit) for the year ended December 31, 2017 revealed a number of miscellaneous items including unallocated receipts, appropriated reserves, reserves for special deposits, unexpended improvement authorizations, and state aid receivables and reserves, and

WHEREAS, The Chief Financial Officer has determined that these items may all be cancelled, **NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby cancels the following items:

Current Fund Schedule of State Aid Receivable	
Municipal Alliance Program DEDR	\$538.66
Municipal Alliance Program Supplemental	\$226.68
Current Fund Appropriation	
Matching Funds for Grants	
-Municipal Alliance Program	\$740.88

RESOLUTION 2018-207
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY,
CANCELLATION OF STALE DATED CHECKS

WHEREAS, there exist various reconciling items on the balance sheet of the Current Fund, Payroll, Municipal Alliance and General Capital; and

WHEREAS, the funds creating these reconciling items have been investigated and it has been determined that these reconciling items should be cancelled; and

WHEREAS, these cancelled funds will be returned to their respective funds and or accounts;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the following reconciling items are hereby cancelled:

<u>Current Fund</u>		
<u>Check #</u>	<u>\$ Amount</u>	<u>Date</u>
36730	\$19.70	14-Dec-17
	\$19.70	
<u>Payroll</u>		
<u>Check #</u>	<u>\$ Amount</u>	<u>Date</u>
61461	\$427.37	14-Jul-17
61577	\$344.01	30-Aug-17
	\$771.38	
<u>Municipal Alliance</u>		
<u>Check #</u>	<u>\$ Amount</u>	<u>Date</u>
3145	\$1,710.00	8-Mar-18
	\$1,710.00	
<u>General Capital</u>		
<u>Check #</u>	<u>\$ Amount</u>	<u>Date</u>
3632	\$8.00	21-Dec-17
	\$8.00	

RESOLUTION 2018-208
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING SEWER LIEN

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

WHEREAS, the Tax Collector has recommended the refund of such sewer lien

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>
60	18	Lienholder: US Bank Cust. For PC7 Firstrust 50 South 16 th St Suite 2050 Philadelphia, PA 19102 Certificate #17-00001 Doering, Dawn M. 694 Fairmount Ave	\$ 1,638.41-Certificate 700.00-Premium 2,338.41-Total

BE IT FURTHER RESOLVED that the Tax Collector is authorized to prepare and sign a Discharge of Certificate 17-00001.

**RESOLUTION 2018-209
 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
 AUTHORIZING BUDGET TRANSFERS**

WHEREAS, the Township Committee of the Township of Chatham, County of Morris has determined that certain appropriations, in the 2018 municipal budget, are not sufficient to meet anticipated expenses; and

WHEREAS, N.J.S. 40A: 4-58 authorizes the transfer from appropriations where excess exists to other appropriations that are anticipated to be insufficient.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris that the following transfers are hereby affected:

Current Fund

Appropriation	To	From
General Engineering	\$15,000	
Police OE	\$ 5,000	
Road Repairs OE	\$ 5,000	
Township Committee S&W		\$5,000
Bd of Adjustment OE		\$10,000
Colony Pool OE		\$10,000
Current Fund Total	\$25,000	\$25,000

Committeeman Sullivan moved to approve the Consent Agenda. Committeeman Kelly seconded the motion.

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

Discussion

Shared Service Agreement for Class III Special Law Enforcement Officer at CHS

**RESOLUTION 2018-211
 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
 CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING
 EXECUTION OF AN AGREEMENT BETWEEN THE TOWNSHIP OF CHATHAM
 AND THE SCHOOL DISTRICT OF THE CHATHAMS FOR SPECIAL LAW
 ENFORCEMENT OFFICER III**

WHEREAS, the Uniform Shared Services and Consolidations Act, N.J.S.A. 40A:65-1 authorizes local governmental entities to enter into an agreement, among other things, for the sharing of services; and

WHEREAS, the State of New Jersey has created a new class of special police officer, known as Special Law Enforcement Officer III ("SLEO III"), solely for the purpose of school security, as set forth in N.J.S.A. 40A:14-146.10 et seq.; and

WHEREAS, the Township Committee of the Township of Chatham is desirous of entering into an interlocal shared service agreement with the School District of the Chathams for the furnishing of a Special Law Enforcement Officer III ("SLEO III");

WHEREAS, the School District of the Chathams agrees to reimburse the Township on a quarterly basis for all costs related to the Township's hiring, training, outfitting, and employment of the SLEO III,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham hereby authorizes the Mayor and Township Clerk to execute an agreement with the School District of the Chathams for a Special Law Enforcement Officer III according to the terms and conditions of the attached agreement.

Administrator Ciccarone said that the School District has a budget allocation for the hiring of a Special Law Enforcement Officer III (SLEO). A shared services agreement has been proposed through which the Township would hire the SLEO, and the School District would reimburse the Township for all associated costs. The Township will hire the SLEO through the normal hiring process. Chief Miller commented said that the training requirements for the SLEO would be the same as for a regular officer.

Deputy Mayor Swartz moved to adopt Resolution 2018-211. Committeeman Selen seconded the motion.

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

Hearing of Citizens/Petitions

Mayor Ritter opened the Hearing of Citizens.

1. Stacey Ewald, 54 Nicholson Drive, said that tonight was the first time that she learned that the Skate Park land will be turned over to the developer. She also opined that Mr. Carr had valid points, and suggested that the Township Committee function like the School District and provide various options. Mrs. Ewald also asked for an inventory of the Township's recreation facilities and why they have not been selected for the Skate Park relocation. She specifically asked about having the Skate Park be moved to Giralda Farms.

Administrator Ciccarone said that the Skate Park cannot be moved to Giralda Farms because the open space there was purchased with Green Acres funding, which limits the land to passive recreation.

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

Executive Session

**RESOLUTION 2018-P-16
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. Personnel
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.

Administrator Ciccarone said that he will be asking the Township Committee to take action on one item following the Executive Session.

Committeeman Sullivan moved to adopt Resolution 2018-P-16 to enter Executive Session at 10:14 PM. Deputy Mayor Swartz seconded the motion.

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

The Township Committee returned to public session at 11:06 PM.

Deputy Mayor Swartz moved to approve the memorandum of understanding with the Teamsters. Committeeman Selen seconded the motion.

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

Committeeman Selen moved to adjourn at 11:07 PM. Committeeman Kelly seconded the motion, which carried unanimously.



Gregory J. LaConte
Municipal Clerk

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of the minutes of the Township Committee of the Township of Chatham regular meeting held on December 13, 2018.

Date Issued: 1/30/2020



Township Clerk