

ORDINANCE 2021-05

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, NAMING STREETS LOCATED IN THE TOWNSHIP OF CHATHAM IN THE DIXIE DALE DEVELOPMENT

WHEREAS, on October 21, 2021 the Planning Board granted approval for a major subdivision application for the property located at Block 66, Lot 1, also known as the Dixiedale Property; and

WHEREAS, a condition of approval was that the streets in the development be named in honor of the Averett Family; and

WHEREAS, the Developer has requested to have the entry boulevard be named Enclave Boulevard and the main road be named Samuel Way.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, in the County of Morris, and State of New Jersey, that the entry boulevard be named Enclave Boulevard and the main road be named Samuel Way; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication according to law; and

BE IT FURTHER ORDAINED that upon adoption of this Ordinance, the Township Clerk is hereby authorized and directed to forward a certified copy of same to the Township Engineering Department, the Township Tax Assessor, the Township Office of Emergency Management, the Township Police Department, the Township Fire Departments, the Post Master of the local post office, the County of Morris and the New Jersey Department of Transportation.

Introduced: February 25, 2021

Adopted:

TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY

BY: _____
Tracy Ness, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2021-088

**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 \$664,323.49 and the prior month's payroll of \$466,432.04 Current Fund, \$54,559.78 Sewer No. 1, \$11,544.06 Sewer No. 2, and \$19,774.83 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of March 2021, in the amount of \$3,270,037.00 be paid.

Adopted: March 11, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Tracy Ness, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2021-089

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM APPROVING MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meetings held on February 25, 2021.

Adopted: March 11, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Tracy Ness, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2021-090

**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 February 25, 2021.

Adopted: March 11, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Tracy Ness, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2021-091

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING A SETTLEMENT OF THE TAX APPEAL OF JONATHAN & ERIKA LOPES-McLEMAN

WHEREAS, Jonathan/Erika Lopes-McLeman (“Taxpayers”), the owner of Block 35, Lot 8.02 on the Township of Chatham’s Tax Assessment Maps, commonly known as 3 Tree Top Lane (“Property”), filed appeals of their 2020 tax assessment in the Tax Court of New Jersey, Docket No.: 006813-2020; and

WHEREAS, the Township Committee of the Township of Chatham, County of Morris, State of New Jersey met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor Special Tax Appeal Attorneys; and.

WHEREAS, the Property was assessed at \$1,400,000 for the year under appeal; and

WHEREAS, the Property was purchased by Taxpayers in June 2019 for \$1,287,000;

WHEREAS, the Director’s ratio for the 2020 tax year was 88.52%;

WHEREAS, an acceptable settlement of the aforesaid tax appeal has been negotiated which reduces the total tax assessment levied upon the Property for 2020; and

WHEREAS, the 2020 total tax assessment, based upon said reduction, will be \$1,275,000 instead of \$1,400,000 for the Property; and

WHEREAS, Taxpayers have agreed that any refunds due shall be without interest provided the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment; and

WHEREAS, the Township Committee leaves the allocation between land and improvements of the aforesaid tax assessment reduction to the Township of Chatham’s Tax Assessor’s discretion with the direction that the same be set so as to be most beneficial to the Township; and

WHEREAS, the aforesaid reduction has no general application to other properties within the Township of Chatham as a result of the aforesaid specific fact situation; and

WHEREAS, the Township Committee makes this settlement with Taxpayers without prejudice to its dealing with any other Chatham Township’s taxpayers’ request for tax assessment reduction; and

WHEREAS, the Mayor and Township Committee have reviewed a copy of the proposed Stipulation of Settlement, which is annexed hereto and incorporated herein by this reference.

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

1. The Township of Chatham's Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$1,275,000 total tax assessment for the 2020 Tax Year for Block 35, Lot 8.02, which is most beneficial to the Township of Chatham and advise the Township Attorney of that allocation.
2. The Special Tax Appeal Attorney is authorized to execute a Stipulation of Settlement relative to the tax appeal of Jonathan/Erika Lopes-McLeman ("Taxpayers") Docket No.: 006813-2020, which reduces the total tax assessment on Block 35, Lot 8.02 from \$1,400,000 to a total tax assessment of \$1,275,000 for the 2020 Tax Year; and which further provides that any refunds due shall be without interest provided the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment.
3. The settlement outlined above shall be without prejudice to the Township of Chatham's dealings with any other Township taxpayers' request for tax assessment reductions.

Adopted: March 11, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Tracy Ness, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2021-092

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY,
REFUNDING OVERPAYMENT OF TAXES**

WHEREAS, an overpayment of property taxes has been made for the following
properties; and

WHEREAS, the Tax Collector has recommended the refund of such overpayment,

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

<u>BLOCK</u>	<u>LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
48.10	3	Kleinbauer, Derek & Deborah 128 Westminster Rd Chatham, NJ 07928 Property Address- 128 Westminster Rd.	\$5,131.45 1 st Quarter 2021 Overpayment of Taxes

Adopted: March 11, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Tracy Ness, Mayor

RESOLUTION 2021-096

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING THE LIST OF VOLUNTEERS ELIGIBLE FOR LOSAP

WHEREAS, the Township of Chatham has received a list of volunteers eligible for LOSAP from the Green Village Volunteer Fire Department, the Chatham Township Volunteer Fire Department and the Chatham Emergency Squad; and

WHEREAS, the Township Committee has reviewed the list from each emergency service organization.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the volunteers on the attached certified lists are hereby approved as being eligible for LOSAP; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to each emergency service organization for a 30-day posting.

Adopted: March 11, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Tracy Ness, Mayor

Chatham Emergency Squad LOSAP - 2020

<u>NAME</u>	<u>TOTAL</u>
Rob Apati	\$1,200.00
Craig Alperowitz	\$1,200.00
Ellen Blazoski	\$1,200.00
Tom Boyle	\$1,200.00
Steve Davenport	\$1,200.00
Nicole DiMaggio	\$1,200.00
Sam Francis	\$0.00
Carol Grant	\$0.00
Christine Grobert	\$0.00
John Grobert	\$0.00
Marshall Hayes-new 2020	\$1,200.00
Brian Hernandez	\$0.00
Robin Hoppe	\$1,200.00
Joanne Howden	\$1,200.00
Todd Huffman-new 2020	\$1,200.00
Robert Kelly	\$1,200.00
Joseph Korkuch	\$1,200.00
Michael Lemons	\$1,200.00
Abigail Maddi	\$1,200.00
James Martin	\$1,200.00
Bryan McGookin	\$1,200.00
John Merwin	\$1,200.00
Richard Nelson	\$1,200.00
Susan Novak	\$1,200.00
Lewis Patterson, Jr.	\$1,200.00
Yevgeniy Rozhkov	\$1,200.00
Kenneth Sham	\$0.00
Evan Skinner	\$1,200.00
Jeff Stanton	\$1,200.00
Amanda Stent	\$1,200.00
Caitin Sweeney	\$0.00
Cathy Warbrick	\$1,200.00
Carol Wilmot	\$1,200.00
Program Total	<u><u>\$31,200.00</u></u>
Township of Chatham	\$15,600.00
Borough of Chatham	\$15,600.00

LOSAP 2020

<u>NAME</u>	<u>TOTAL</u>	<u>NAME</u>	<u>TOTAL</u>
Almgren, Jake	\$1,200.00	Casale, Giovanni James	\$1,200.00
Carlson, P	\$1,200.00	Colardeau, Carl	\$0.00
Carroll, James D.	\$0.00	Cosenza, F	\$1,200.00
Cavanaugh, S	\$0.00	DelCoro,C	\$0.00
Chase, Matt	\$1,200.00	Doherty, K	\$1,200.00
Cotter, J	\$0.00	Engelsman, D	\$1,200.00
Coyne, Michael	\$1,200.00	Fawcett, D	\$0.00
Dobiszewski, K	\$0.00	Fawcett, T	\$0.00
Evans, R	\$1,200.00	Fellippello, Lawrence	\$1,200.00
Gentles, Richard new 2020	\$1,200.00	Felts-Boch, S	\$1,200.00
Glogolich, Matt	\$0.00	Garita, B	\$0.00
Glogolich, Mike	\$0.00	Hand, Alfredo	\$1,200.00
Gorman, Michael new 2020	\$1,200.00	Jansen, A	\$1,200.00
Harnois, B	\$1,200.00	Jansen, K	\$0.00
Icart, Ron	\$1,200.00	Jansen, R	\$1,200.00
Kennedy, Ryan	\$0.00	Jara, Rafael	\$0.00
Kern, J	\$1,200.00	Jordan, Mark	\$0.00
LeClair III, Dennis	\$0.00	Miller, Daniel	\$1,200.00
Lemons, M	\$1,200.00	Mortensen, Brian	\$1,200.00
McCorry, Lucas	\$1,200.00	Munoz, Andres	\$1,200.00
Montero, Michael	\$0.00	Peterson, Karl	\$1,200.00
Mruk, Alex	\$0.00	Pignatello, J. Jr	\$1,200.00
Murray, T	\$0.00	Pignatello, J. Sr	\$1,200.00
Oare, Adam	\$1,200.00	Rawson, Michael	\$1,200.00
Rath, James	\$0.00	Sherlund, William	\$1,200.00
Robertson, John D.	\$0.00	Sodano, J	\$1,200.00
Ruckriegel, Andrew	\$0.00	Stiner, G	\$1,200.00
Sagendorf, G	\$0.00	Swenor, R	\$0.00
Sagendorf, Robert	\$1,200.00	Vastola, K	\$0.00
Sagendorf, Robert Jr.	\$0.00	Villalobos, Sergio	\$1,200.00
Schmucker, Andrew	\$1,200.00	Villalobos Sanchez, Carlos	\$0.00
Shockling, Matthew	\$1,200.00	Zalis, M	\$1,200.00
Sikora, S	\$0.00		
Soccodato, James	\$1,200.00		
Wurde mann, Brian	qualified-no app		

RESOLUTION 2021-097

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM AUTHORIZING THE SIGNING OF A CONTRACT FOR GRANT
FUNDED SIDEWALK IMPROVEMENTS ON LAFAEYTE AVENUE AND SPRING
STREET**

WHEREAS, On February 24, 2021 the Township of Chatham received notification from State approved Engineering Firm IH Engineers P.C. 103 College Road East, First Floor, Princeton, New Jersey 08540 that the State Department of Transportation has approved the final design for this project; and,

WHEREAS, the Township Engineer has reviewed the proposed bid specifications and other documents related to this phase of the project and recommends that the Township enter into an agreement with IH Engineers for the next phase of this grant funded project; and,

NOW THEREFORE BE IT RESOLVED, that the Township Committee authorizes the Mayor and Township Clerk to enter into an agreement on behalf of the Township of Chatham with IH Engineer P.C for work related to the next phase of this sidewalk and pedestrian safety project as outlined in the email and attachments dated February 24, 2021.

Adopted: March 11, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Tracy Ness, Mayor

RESOLUTION 2021-098

**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 2020 municipal reserve 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
Tax Collector Reserve for Tax Appeals	\$100,000.00	
Road Repair & Maintenance S&W	\$150,000.00	
Legal Services OE	\$60,000.00	
Planning Board OE	\$10,000.00	
Fire Department OE	\$5,000.00	
General Administration S&W		\$13,000.00
Mayor/Township Committee S&W		\$6,000.00
Municipal Clerk S&W		\$9,000.00
Computerized Data Process S&W		\$2,500.00
Tax Collector S&W		\$3,500.00
Planning Board S&W		\$2,500.00
Zoning Board of Adjustment S&W		\$2,000.00
Code Enforcement /Admin S&W		\$39,000.00
Police S&W		\$202,500.00
Solid Waste Collection S&W		\$25,500.00
Board of Health S&W		\$5,000.00
Defined Contribution Retirement Program		\$500.00
Social Security System		\$14,000.00
Current Fund Total	\$325,000.00	\$325,000.00

Adopted: March 11, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Tracy Ness, Mayor

RESOLUTION 2021-100

RESOLUTION OF THE TOWNSHIP OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, SUPPORTING THE STATE HOUSE COMMISSION FINAL APPLICATION TO THE NJDEP GREEN ACRES PROGRAM TO LEGALIZE UNAUTHORIZED DIVERSION AT ESTERNAY FIELD AND COLONY POOL

WHEREAS, Esternay Field, located on Fairmount Avenue and designated as Block 62.08, Lot 18, on the Township Tax Assessment Map, and Colony Pool, located at 55 School Avenue and designated as Block 105, Lot 6, on the Township Tax Assessment Map, are encumbered with restrictions against disposal or diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection's Green Acres Program; and

WHEREAS, T-Mobile Northeast LLC ("T-Mobile") had operated two wireless communications facilities in the Township on electric transmission towers owned by Public Service Electric and Gas Company ("PSE&G") since 1999; and

WHEREAS, in 2012, T-Mobile was directed by PSE&G to remove its facilities as a result of PSE&G's tower replacement project; and

WHEREAS, PSE&G estimated that the tower replacement project would last from two to three years and at the end of the project T-Mobile would be allowed to install its facilities on the new towers; and

WHEREAS, T-Mobile sought to install temporary antenna facilities in order to maintain uninterrupted service to its customers during the PSE&G project; and

WHEREAS, the siting options for the temporary towers were limited because the location of the existing facilities is overwhelmingly residential; and

WHEREAS, the Township agreed, subject to approval of the Green Acres Program, to lease space to T-Mobile for the construction of temporary communications facilities on the two Green Acres park properties, Esternay Field and Colony Pool; and

WHEREAS, T-Mobile secured permits from the Green Acres Program to use the two park properties for the construction of its temporary facilities and on July 17, 2012, the Township and T-Mobile entered into two identical leases ("Leases") for a duration of two years, with an option to extend for two additional six (6) month terms; and

WHEREAS, the PSE&G project took significantly longer than anticipated and extended beyond the term of T-Mobile's Leases and the Green Acres' permits; and

WHEREAS, pursuant to Green Acres' regulations, temporary leases may only be for a duration of two years, with one six-month extension, N.J.A.C. 7:36-25.14(b)2.ii, and a lease for a longer duration constitutes a diversion of parkland requiring State House Commission approval pursuant to N.J.A.C. 7:36-25.14(b)2.iii; and

WHEREAS, the Township sought to terminate the Leases and issued written notices to quit to T-Mobile; and

WHEREAS, T-Mobile brought an action in Superior Court of New Jersey to stay the Township's action and by Order dated September 19, 2016, the Court allowed T-Mobile's temporary facilities to remain at Esternay Field and Colony Pool until the PSE&G towers were available; and

WHEREAS, T-Mobile's permanent antenna facilities were installed, the park properties restored and the diversions ceased as of January 31, 2018; and

WHEREAS, in conjunction with the proposed diversion, it was necessary to remove the Green Acres restrictions from an approximately 1,000 square foot portion of Esternay Field and an approximately 1, 196 square foot portion of Colony Pool; and

WHEREAS, the removal of Green Acres restrictions from parkland requires the approval of the Commissioner of the New Jersey Department of Environmental Protection and the State House Commission pursuant to N.J.A.C. 7:36-26; and

WHEREAS, the Township of Chatham wishes to apply for approval for the T-Mobile temporary towers as a major disposal or diversion of parkland under N.J.A.C. 7:36-26; and

WHEREAS, Ordinance No. 2017-12 was adopted and Ordinance No. 2018-21 was adopted supporting the pre-application submission for the Esternay Field and Colony Pool diversions, pursuant to N.J.A.C. 7:36-26.9(d)11; and

WHEREAS, it was determined that the diversion period commenced when the respective Leases expired under Green Acres regulations and ended when the temporary facilities were removed and parks restored, as follows:

Esternay Field: September 1, 2015 through January 31, 2018
Colony Pool: January 17, 2015 through January 31, 2018

WHEREAS, it was further determined that the required compensation ratio would be 10:1 for financial compensation or 6:1 for replacement land and the Township decided that replacement land having a market value of \$217,942.98 would be appropriate compensation (based on the monthly rental payment of \$3,352.98 during the six-month lease extensions as an approximation of the fair market value of the diverted properties); and

WHEREAS, the Township has designated an approximately 0.86-acre parcel of land designated as Block 62, Lots 93 and 94, on the Township Tax Map as the replacement Green Acres parkland; and

WHEREAS, T-Mobile has paid to the Township the amount of \$217,942.98, the market value of the replacement land; and

WHEREAS, a public hearing was held on February 24, 2021 and continued on February 25, 2021, to review the diversion activities and the compensation proposal at which time no member of the public appeared to voice opposition to the compensation paid by T-Mobile; and

WHEREAS, in accordance with N.J.A.C. 7:36-26.11(i)4, it is necessary for the Township of Chatham to submit as part of the final application a Resolution endorsing the application to divert or dispose of parkland;

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 endorses the filing of a final application to the New Jersey Department of Environmental Protection Green Acres Program to legalize the unauthorized diversion at Esternay Field and Colony Pool pursuant to N.J.A.C. 7:36-26 and the payment of compensation as set forth above.
2. The Township did not receive oral or written comments during the public comment period and have made a finding that the major disposal or diversion of parkland is still in the best interest of the public.
3. The Township hereby finds that the Esternay Field and Colony Pool temporary diversion to allow for the continuity of wireless communications services met the minimum substantive criteria at N.J.A.C. 7:36-26.1(d) by protecting the public health and safety.

- 4. The Township acknowledges that in order to obtain the approval of the Esternay Field and Colony Pool diversions, all substantive and procedural requirements of N.J.A.C. 7:36-26 must be met, including compensation requirements at N.J.A.C. 7:36-26.10.
- 5. Upon approval of the Esternay Field and Colony Pool diversions by the Commissioner of the New Jersey Department of Environmental Protection and the State House Commission and proof that all terms and conditions of the approval have been satisfied or will be satisfied in a timely manner, the Township of Chatham hereby authorizes and directs the Mayor of the Township of Chatham to execute 1) a Green Acres Release and Compensation Agreement and 2) a Deed of Restriction for any replacement land serving in whole or in part as compensation for the diversion, in accordance with N.J.A.C. 7:36-26.11(m).

Adopted: March 11, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By: _____
Tracy Ness, Mayor

RESOLUTION 2021-101

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE MAYOR AND CLERK TO SIGN A RELOCATION AGREEMENT WITH SOUTHERN BOULEVARD URBAN RENEWAL, LLC AND CROWN ATLANTIC COMPANY, LLC AND A FIRST AMENDMENT TO LAND LEASE AGREEMENT WITH CROWN ATLANTIC

WHEREAS, the Township of Chatham is the owner of property located at 401-405 Southern Boulevard, Chatham, New Jersey on which the Police and Public Works Departments and the former Skate Park are located; and

WHEREAS, a portion of that property is also leased to Crown Atlantic Company, LLC for a telecommunications compound in which a cell tower is located; and

WHEREAS, the Township conveyed a portion to that property to Southern Boulevard Urban Renewal, LLC on which Southern is constructing a 100% affordable family rental development know as Arbor Green at Chatham; and

WHEREAS, there is a conduit from Southern Boulevard to the cell tower compound which has to be relocated because if it remains in its current location, the conduit will be underneath the Arbor Green building; and

WHEREAS, the Township, Crown Atlantic and Southern negotiated a Relocation Agreement because once the conduit is relocated, a portion of the conduit will remain on the Southern property, under a portion of the Arbor Green parking lot but not the building, and a portion will remain on the Township owned property; and

WHEREAS, Southern agreed to be responsible for all relocation costs; and

WHEREAS, Southern agreed to grant Crown Atlantic an easement over a portion of the Arbor Green property, which easement is memorialized in an Easement Agreement between Southern and Crown Castle; and

WHEREAS, there is also a need for the Township to enter into a First Amendment to Land Lease to make the existing Land Lease Agreement consistent with the Relocation Agreement; and

WHEREAS, the relocation of the conduit promotes the Township's efforts to comply with its affordable housing mandate as approved by the Superior Court of New Jersey, Law Division, by a Conditional Judgment of Compliance and Repose entered on January 19, 2021; and

WHEREAS, it is in the best interests of the Township to enter into the Relocation Agreement and First Amendment to Land Lease substantially in the form attached.

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 Relocation Agreement and First Amendment to Land Lease substantially in the form attached upon the approval of the Township Administrator, Engineer and Attorney.
2. That this Resolution shall take effect immediately.

Adopted: March 11, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Tracy Ness, Mayor

DRAFT

RESOLUTION 2021-P-06

**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 – Police Department
 - b. Litigation –Kronos Holdings, LLC v. Township of Chatham et al Docket No. MRS-L-2024-20
 - c. Potential Litigation – Municipal Real Estate Tax Appeal
 - d. Potential Property Acquisition for Open Space/Recreation
 - e. Contract Negotiations – NJAW
 - f. Contract Negotiations – Interlocal Service Agreement
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.

Adopted: March 11, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Tracy Ness, Mayor

Gregory J. LaConte, Clerk