

ORDINANCE 2021-17

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY AMENDING CHAPTER 3 OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP TITLED “POLICE REGULATIONS” TO A NEW
SECTION 3-14 TITLED “OPERATION AND LICENSING OF CANNABIS
BUSINESSES PROHIBITED” WITHIN THE TOWNSHIP’S GEOGRAPHICAL
BOUNDARIES**

WHEREAS, on April 22, 2021, the Township Committee of the Township of Chatham adopted Ordinance 2021-08 titled “An Ordinance of the Township of Chatham, County of Morris, New Jersey Prohibiting the Operation of Any Class of Cannabis Businesses within the Township’s Geographical Boundaries and Replacing Section 30-96.9(b) which is Part of Section 30-96.9 Titled ‘Prohibited Uses’ of the Revised General Ordinance of the Township of Chatham”; and

WHEREAS, the Township Committee also desires to amend Chapter 3 of the Revised General Ordinances of the Township titled “Police Regulations” to add a new Section 3-14 titled “Operation and Licensing of Cannabis Businesses Prohibited” within the geographical boundaries of the Township; and

WHEREAS, Ordinance 2021-08 expresses the desire of the Township Committee to prohibit the operation of cannabis businesses within the geographical boundaries of the Township pursuant to P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement, Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Township Committee also desires to prohibit the operation and licensing of cannabis businesses as defined in the Act within the geographic boundaries pursuant N.J.S.A. 40:48-1 et seq., the municipal police power to regulated the public health, safety and welfare of its residents; and

WHEREAS, this Ordinance is not intended to repeal Section 30-96.9(b) (Ordinance 2021-08) but is intended to supplement Section 30-96.9(b) (Ordinance 2021-08) to make clear that the Township is prohibiting the operation and licensing of all cannabis businesses as defined in the Act under both the municipal authority to regulate land use within a municipality and the municipal police power to protect the public health, safety and welfare of its residents;

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

Section 1. Chapter 3 of the Revised General Ordinances of the Township titled “Police Regulations” is hereby amended to add a new Section 3-14 titled “Operation and Licensing of Cannabis Businesses Prohibited”.

Section 2. Section 3-14.1 titled “Purpose” is added as follows:

§3-14.1 Purpose. The purpose of this Section 3-14 is not to repeal Section 30-96.9(b) (Ordinance 2021-08) but is intended to supplement Section 30-96.9(b) (Ordinance 2021-08) to make clear that the intent of the Township is to prohibit the operation and licensing of all cannabis businesses as defined in Section 3 of P.L. 2021, c.161, the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”, within the geographic boundaries of the Township pursuant to N.J.S.A. 40:48-1 et seq., the Township’s authority to protect the public health, safety and welfare of its residents.

Section 3. Section 3-14.2 titled “Operation and Licensing of Cannabis Businesses Prohibited” is added as follows:

§3-14.2 Operation and Licensing of Cannabis Businesses Prohibited. All classes of cannabis operations or establishments or cannabis distributors or cannabis delivery services as said terms are defined in Section 3 of P.L. 2021, c.161, but not the delivery of cannabis items and related supplies by a delivery service, are prohibited from operating and being licensed within the geographic boundaries of the Township of Chatham.

Section 4. Section 3-14.3 titled “Repeal by Implication” is added as follows:

§3-14.2 Repeal by Implication. This Section 3-14 is not inconsistent with and is not intended to repeal by implication or otherwise any section, paragraph, subsection, clause, or other provision of Section 30-96.9(b) of the Revised General Ordinances of the Township of Chatham.

Section 5. Section 3-14.4 titled “Effective Date” is added as follows:

§3-14.4 Effective Date. This Ordinance shall take effect immediately as provided by law.

Introduced: June 24, 2021

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

Adopted:

Attest:

BY: _____
Stacey Ewald, Deputy Mayor

Gregory J. LaConte, Clerk

ORDINANCE 2021-18

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING AND ESTABLISHING TRANSPORTATION FOR THE AFFORDABLE HOUSING DEVELOPMENT TO BE KNOWN AS CHATHAM FAMILY APARTMENTS LOCATED AT 522 SOUTHERN BOULEVARD IN THE TOWNSHIP OF CHATHAM

WHEREAS, Walters-Cornerstone Development LLC has been named as the affordable housing developer of the site located at 522 Southern Boulevard in the Township of Chatham upon which a 63-unit affordable housing development to be known as Chatham Family Apartments shall be constructed (the “Development”); and

WHEREAS, upon occupancy of the Development, the Township Committee desires to provide public transportation to residents of the Development by establishing a regularly scheduled public bus service (the “Bus Service”), which Bus Service will include a bus stop to be located directly in front of the Development (the “Bus Stop”), with service to Madison New Jersey Transit public railway station, which is an established railway station in the nearby municipality of Madison, New Jersey; and

WHEREAS, the Bus Service shall be provided daily at least once between the hours of 6:30 a.m. and 9:30 a.m. and at least once between the hours of 3:00 p.m. and 6:00 p.m. Monday through Friday.

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 hereby authorizes and establishes at its sole cost and expense the Bus Service with a minimum of two stops per day during both the morning rush hours and during the evening rush hours (defined as daily service at least once between 6:30 A.M. to 9:30 A.M. and at least once between 3:00 P.M. to 6:00 P.M.), Monday through Friday, year-round on an on-going basis, from the Bus Stop to the Madison New Jersey Transit railway station, which provides daily public transportation operating Monday through Friday with regularly scheduled service during commuter hours.
2. The Bus Service shall commence on or before the first occupancy of the Development and shall be available to the general public.
3. The Township may designate any other public stops along the Bus Service route as it deems necessary to serve the residents of the Township.
4. The Township may charge a reasonable fixed fee to riders for the Bus Service.
5. This Ordinance shall take effect as provided by law.

Introduced: June 24, 2021

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

Adopted:

Attest:

BY: _____
Stacey Ewald, Deputy Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2021-177

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM SELECTING MAYOR FOR 2021**

BE IT RESOLVED by the Township Committee of the Township of Chatham that _____
_____ is hereby selected as Mayor of the Township of Chatham for the remainder of the
year 2021.

Adopted: June 24, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Stacey Ewald, Deputy Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2021-178

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM SELECTING DEPUTY MAYOR FOR 2021**

BE IT RESOLVED by the Township Committee of the Township of Chatham that _____
_____ is hereby selected as Deputy Mayor of the Township of Chatham for the
remainder of the year 2021.

Adopted: June 24, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Stacey Ewald, Deputy Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2021-192

**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 \$1,706,855.52 and the prior month's payroll of \$477,209.34 Current Fund, \$51,715.53 Sewer No. 1, \$12,161.01 Sewer No. 2, and \$52,837.11 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of July 2021, in the amount of \$4,316,176.00 be paid.

Adopted: July 15, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Stacey Ewald, Deputy Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2021-193

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

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meetings held on June 24, 2021 and July 8, 2021.

Adopted: July 15, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Stacey Ewald, Deputy Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2021-194

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

BE IT RESOLVED that the Township Committee of the Township of Chatham
acknowledges receipt of and approves Executive Session minutes of the Township Committee
meeting held on June 24, 2021.

Adopted: July 15, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Stacey Ewald, Deputy Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2021-195

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2021 BUDGET.

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham will received \$529,465.88 from the American Rescue Plan Act Local Fiscal Recovery Funds and wishes to amend its 2021 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$529,465.88 which is now available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:

American Rescue Plan Act Local Fiscal Recovery Funds Grant, and

BE IT FURTHER RESOLVED, that a like sum of \$529,465.88 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

American Rescue Plan Act Local Fiscal Recovery Funds Grant.

BE IT FURTHER RESOLVED, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

Adopted: July 15, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By: _____
Stacey Ewald, Deputy Mayor

RESOLUTION 2021-196

**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>
48.21	170	Depirro, Nicholas,& Jessica Lakin 485 Green Village Rd Green Village, NJ 07935	\$1,767.59 2 nd Quarter 2021

Adopted: July 15, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Stacey Ewald, Deputy Mayor

RESOLUTION 2021-197

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

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

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

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

<u>BLOCK</u>	<u>LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
48.10	34	Lienholder: LSG TL Holdings LLC 1985 Cedar Bridge Ave Suite 1 Lakewood, NJ 08701 Certificate #19-00001 Hay, Ryan H. & Stacie H. 51 Runnymede Rd.	\$1,084.01 – Certificate <u>1,100.00 – Premium</u> \$ 2,184.01-Total
12	10.01	Lienholder: MMU Defined Benefit Plan 6971 N. Federal Hwy Suite 100 Boca Raton, FL 33487-1648 Certificate #17-00007 Smith, Gary S. 160 Meyersville Rd.	\$68,828.68 – Certificate <u>44,100.00 – Premium</u> \$ 112,928.68-Total

BE IT FURTHER RESOLVED that the Tax Collector is authorized to prepare and sign a Discharge of Certificate 19-00001 and 17-00007.

Adopted: July 15, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By: _____
Stacey Ewald, Mayor

RESOLUTION 2021-198

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM AUTHORIZING A CHANGE ORDER NO. 1 TO THE
CONTRACT WITH SCHIFANO CONSTRUCTION CORP. FOR THE
2021 ROAD RESURFACING PROJECT**

WHEREAS, the Township Committee of the Township of Chatham adopted Resolution 2021-150 on May 13, 2021 to award a contract through the Morris County Co-op to Schifano Construction Corp., with address at 1 Smalley Avenue, Middlesex, NJ 08846 for the 2021 Road Resurfacing Project in the amount of \$284,389.43;

WHEREAS, costs were increased due to a fuel price adjustment in the amount of \$9,549.97, asphalt price adjustment in the amount of \$14,838.72 and increases in final as-built quantities in the amount of \$1,429.20; and

WHEREAS, the Township wishes to amend the Contract with Schifano Construction Corp. to cover the unanticipated extra costs; and

WHEREAS, the total cost of the 2021 Road Resurfacing Project was \$310,207.32.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that it hereby approves Change Order No. 1 amending the final Contract amount to \$310,207.32.

Adopted: July 15, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Stacey Ewald, Deputy Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2021-199

RESOLUTION OF THE TOWNSHIP OF CHATHAM APPOINTING WILLIAM T. SMITH, ESQ. TO THE POSITION OF JOINT MUNICIPAL COURT ARBITRATION ATTORNEY FOR THE TOWNSHIP OF CHATHAM

WHEREAS, Harding Township has formally requested the appointment of an arbitrator to determine their appropriate 2021 budget allocation to fund the Joint Court; and

WHEREAS, the Joint Court Operating Committee appointed the Hon. Peter F. Bariso, Jr. A.J.S.C (ret) as arbitrator for this purpose; and

WHEREAS, Madison Borough, Chatham Borough, Chatham Township and Morris Township wish to also independently hire William T. Smith, Esq. to represent them in this matter; and

WHEREAS, Madison Borough, Chatham Borough, Chatham Township and Morris Township will equally share the costs associated with hiring William T. Smith, Esq.; and

WHEREAS, to simplify billing from William T. Smith, Esq. and payments to William T. Smith, Esq., Chatham Borough, Chatham Township and Morris Township will pay their share of the costs to Madison Borough, and Madison Borough in turn will make payments to William T. Smith, Esq.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Chatham that William T. Smith, Esq. is hereby appointed as arbitration attorney for the Borough of Madison, for Joint Municipal Court matters, at the hourly rate of \$150.00/hr. with costs to be equally shared with Madison Borough, Chatham Borough, Chatham Township and Morris Township.

Adopted: July 15, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Stacey Ewald, Deputy Mayor

RESOLUTION 2021-200

**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>
Giuseppe Peluso GNP RE LLC 8 Lyons Place East Hanover, NJ 07936	PerBd 21-60-18.01	7765173031	\$10,001.81
Mitul Patel 11 Loantaka Lane South Morristown, NJ 07960	BOH 16-130-16	7763180179	\$585.00

Adopted: July 15, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Stacey Ewald, Deputy Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2021-201

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE PREPARATION AND ADVERTISING FOR RESPONSES TO A REQUEST FOR PROPOSAL (RFP) FOR PROFESSIONAL PLANNING SERVICES FOR MASTER PLAN UPDATE

WHEREAS, the Township of Chatham Planning Board in calendar year 2020 and 2021 recommended that a forward-looking Master Plan update be considered; and,

WHEREAS, the 2021 Township Committee agreed that a Master Plan update should be completed with an RFP issued during the second half of 2021; and

WHEREAS, the Township Administrator has prepared an RFP for the Master Plan Update; and

WHEREAS, the 2021 Planning Board Chairman and the current Planner have proofed the document and offered edits that have improved its content which will ensure a more complete response or deliverable; and

WHEREAS, the current Planner advised on the RFP and will not respond to this RFP but will offer assistance when requested to the successful respondent during the Master Plan update process.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham hereby authorizes the advertisement for an RFP for Professional Planning Services – Master Plan.

Adopted: July 15, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Stacey Ewald, Deputy Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2021-202

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM AUTHORIZING THE ADVERTISING AND HIRING PROCESS FOR THE
SELECTION OF POLICE OFFICERS**

WHEREAS, the Township of Chatham anticipates that it will have the need to hire Police Officers due to anticipated retirements; and,

WHEREAS, lead time is required to advertise for and obtain applications from interested individuals who must then pass physical fitness and other tests as well as background checks; and

WHEREAS, when qualified candidates are identified and vetted, they may be selected for a position that is vacant after receiving a consensus from the Township Committee.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham hereby authorizes the Township Administrator and Chief of Police to advertise for candidates for future employment with the Township of Chatham Police Department.

Adopted: July 15, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Stacey Ewald, Deputy Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2021-204

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM AUTHORIZING THE PURCHASE OF SECURITY CAMERAS AND
OTHER EQUIPMENT FOR THE TOWNSHIP OF CHATHAM POLICE
DEPARTMENT**

WHEREAS, the Township of Chatham was scheduled to update security cameras and related equipment during calendar year 2022; and,

WHEREAS, one of the pieces of equipment scheduled to be replaced requires repairs; and,

WHEREAS, due to the age of the equipment, the parts required will be difficult to obtain and costly; and,

WHEREAS, it is more cost effective in the long term to replace and update the equipment in 2021 instead of waiting until 2022.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham hereby the purchase of security cameras and other equipment as outlined in a June 3, 2021 proposal from EXTEL under State Contract Number 88737 for an amount not to exceed \$24,325.00

BE IT FURTHER RESOLVED, that funds are available for this purchase in the following Capital Accounts:

- Ordinance 2017-07-4 \$13,397.08
- Ordinance 2018-10-4 \$10,927.92

Adopted: July 15, 2021

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Stacey Ewald, Deputy Mayor

Gregory J. LaConte, Clerk

CERTIFICATION OF THE AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-14.5, and any other applicable requirement, I, Debra A. King, Chief Financial Officer of the Township of Chatham, certify that there are available sufficient, uncommitted appropriations pursuant to Ordinance 2017-07-4 (\$13,397.08) and Ordinance 2018-10-4 (\$10,927.92) to award a contract to EXTEL COMMUNICATIONS, INC in the maximum amount not to exceed \$24,325.00.

Debra A. King
Chief Financial Officer