

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
JANUARY 28, 2025**

Mayor Choi called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:00 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 8, 2025; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 8, 2025; and notice was filed with the Township Clerk on January 8, 2025.

Roll Call

Answering present to the roll call were Committeeman Alperowitz, Committeewoman Ewald, Committeeman McHugh, Deputy Mayor Rowland and Mayor Choi.

Executive Session

**RESOLUTION 2025-P-03
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING CONFERENCE OF
THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED**

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

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

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

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Litigation
 - b. 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.

Committeewoman Ewald moved to adopt Resolution 2024-P-03 to enter Executive Session at 7:01 PM. Deputy Mayor Rowland seconded the motion.

Roll call: Committeeman Alperowitz, Aye; Committeewoman Ewald, Aye; Committeeman McHugh, Aye; Deputy Mayor Rowland, Aye; Mayor Choi, Aye.

The Township Committee returned to Public Session at 7:35 PM.

Mayor Choi led the Flag Salute.

Mayor's Message

Mayor Choi announced that Emily Chang has been appointed to the Planning Board as Alternate 1, with a term ending December 31, 2025. Dan Miller has been appointed to the Planning Board as Alternate 2 with a term ending December 31, 2026.

Mayor Choi addressed a resolution on the agenda pertaining to Affordable Housing. He said that municipalities are required by January 31st to accept or challenge the State's figures on affordable housing obligations. Mayor Choi said that the Township Committee is challenging

the State's number in a meaningful and methodical way. The Township's number is a 10% reduction, and is based on data analysis. Mayor Choi further said that the Township will have until June 30th to develop an affordable housing plan for the new round.

Reports

Committeeman McHugh reported that Phase II of the Environmental Commission's Shunpike Restoration Project will be coming in the Spring. He also noted that the Environmental Commission is always seeking volunteers. Committeeman McHugh further reported that books can be donated for the Library of the Chatham's Book Sale. The Library is also a collection point for a local Girl Scout Troop who is collecting supplies for people facing homelessness. A collection was recently taken for victims of the LA wildfires. Committeeman McHugh reported that there is a new children's program that involves all five senses. The Library is offering access to Consumer Reports.

Committeewoman Ewald reported that the Senior Center has a variety of wonderful programs. The lighting project has been delayed.

Deputy Mayor Rowland reported that the Chamber of Commerce will soon have their first meeting of the year. The Historical Society will have the Red Brick Schoolhouse open over the weekend, and there is an upcoming program about Geraldine Dodge. Deputy Mayor Rowland further reported that online pet registration will be offered soon. She also said that she recently attended the Chinese Lunar New Year event at Chatham High School.

Committeeman Alperowitz reported that he attended the Green Village Fire Department's Annual Installation Dinner. He noted that the fire departments and the Chatham Emergency Squad are seeking new volunteers. The Chatham Fire Department is seeking donations of used chainsaws, and the Chatham Emergency Squad will soon hold its fund drive. Committeeman Alperowitz further reported that the Passaic Street Bridge will soon be closed for a construction project.

Mayor Choi reported that a service was held for Martin Luther King Jr. Day, and a proclamation was issued. A food drive was also held at Chatham United Methodist Church.

Hearing of Citizens

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

Public Hearing/Final Adoption of Ordinances

ORDINANCE 2025-01

ORDINANCE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$650,000 FOR A PROGRAM OF REVALUATION OF REAL PROPERTY IN, BY AND FOR THE TOWNSHIP.

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

Section 1. Pursuant to N.J.S.A. 40A:4-53, the sum of \$650,000 is hereby appropriated for the preparation and execution of a program of revaluation of real property and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53 and 40A:4-55.

Section 2. The amount to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized, pursuant to N.J.S.A. 40A:4-55.

Section 3. A certified copy of this ordinance shall be filed with the Director of the Division of Local Government Services.

Section 4. This ordinance shall take effect at the time and in the manner provided by law.

Mayor Choi opened the Public Hearing on Ordinance 2025-01.
Seeing no public comment, Mayor Choi closed the Public Hearing.

Committeewoman Ewald moved to adopt Ordinance 2025-01. Committeeman Alperowitz seconded the motion.

Roll call: Committeeman Alperowitz, Aye; Committeewoman Ewald, Aye; Committeeman McHugh, Aye; Deputy Mayor Rowland, Aye; Mayor Choi, Aye.

Introduction of Ordinances

Ordinance 2025-02

ORDINANCE 2025-02

ORDINANCE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AWARDING THE LEASE FOR, AND AUTHORIZING THE TOWNSHIP TO ENTER INTO, THE CELL TOWER LEASE FOR THE WIRELESS COMMUNICATIONS FACILITY AT 405 SOUTHERN BOULEVARD

WHEREAS, the Mayor and the Township Committee of the Township of Chatham (the “**Township**”) adopted Resolution 2024-131 on May 21, 2024, authorizing the Township to publicly seek bids for a new land lease (the “**Lease**”) for a portion of the property owned by the Township known as Block 48.16, Lot 117.27 and commonly known as the Department of Public Works site located at 405 Southern Boulevard, which contains the wireless communications facility (the “**Property**”); and

WHEREAS, the Township received two (2) bids on January 3, 2025, including a total bid for annual base rent year one of Forty-Eight Thousand Dollars (\$48,000.00) from Crown Atlantic Company LLC; and a total bid for annual base rent year one of Sixty-Three Thousand Six Hundred Sixty-Three Dollars (\$63,663.00) from Gaelic Communications LLC (“**Gaelic**”); and

WHEREAS, the Township Attorney reviewed the bids received and recommends awarding the Lease for the Property to Gaelic as the highest responsive and responsible bidder in the total amount of Sixty-Three Thousand Six Hundred Sixty-Three Dollars (\$63,663.00) (the “**Lease Amount**”).

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Lease for the Property is hereby awarded to Gaelic in the amount of Sixty-Three Thousand Six Hundred Sixty-Three Dollars (\$63,663.00) for the annual base rent year one, subject to the terms and conditions set forth in the bid specifications. The Mayor, Township Administrator, Township Clerk and all other necessary Township personnel, are hereby directed and authorized to enter into the Lease for the Property with Gaelic, and to in all other ways carry out and effectuate the purposes thereof.

Section 3. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 4. This ordinance shall take effect in accordance with applicable law.

Mr. Shehady provided an overview of Ordinance 2025-02. He said that the ordinance will effectuate a lease for an existing cellular tower on municipal property, and it is a revenue opportunity for the Township.

Committeeman McHugh moved to introduce Ordinance 2025-02. Committeewoman Ewald seconded the motion.

Roll call: Committeeman Alperowitz, Aye; Committeewoman Ewald, Aye; Committeeman McHugh, Aye; Deputy Mayor Rowland, Aye; Mayor Choi, Aye.

Public Hearing on Ordinance 2025-02 will be scheduled for February 25, 2025.

Ordinance 2025-03

ORDINANCE 2025-03

AN ORDINANCE TO AMENDING MINIMUM AND MAXIMUM RANGES FOR COMPENSATION FOR CERTAIN POSITIONS OF EMPLOYMENT IN THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY

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

Section 1. The following offices and positions of employment in the Township of Chatham in the County of Morris are hereby established and the persons occupying such offices and positions shall be compensated at the rates, or within the ranges, set forth below. Actual compensation, consistent with the salary ranges established herein, is established by Township Resolution.

A. Governing Body

	Minimum	Maximum
Township Committee Member	\$ -	\$ 2,400

B. Office

	Minimum	Maximum
Township Administrator	\$ 160,000	\$ 229,000
Township Clerk/Registrar	\$ 65,000	\$ 109,000
Chief of Police	\$ 165,000	\$ 225,000
Chief Financial Officer	\$ 125,000	\$ 180,000
Assistant Treasurer	\$ 60,000	\$ 109,000
Finance Clerk/Payroll Clerk/Accounts Payable Clerk	\$ 50,000	\$ 99,000
Human Resources Manager	\$ 50,000	\$ 99,000
Human Resources Specialist	\$ 50,000	\$ 69,000
Tax Collector/Utility Collector	\$ 75,000	\$ 129,000
Assistant Tax & Utility Collector	\$ 40,000	\$ 99,000
Assistant Tax Assessor	\$ 40,000	\$ 99,000
Public Works Manager	\$ 125,000	\$ 169,000
Assistant Public Works Manager	\$ 100,000	\$ 149,000
Wastewater Treatment Facility Manager	\$ 109,000	\$ 149,000
Construction Official	\$ 95,000	\$ 139,000
Recreation Director	\$ 60,000	\$ 129,000
Administrative Assistant/Confidential Administrative Assistant	\$ 50,000	\$ 69,000
Technical Assistant to the Construction Official	\$ 50,000	\$ 79,000

C. Part-Time Salaried Position

	Minimum	Maximum
Tax Assessor	\$ 30,000	\$ 50,000
Fire Prevention Official	\$ 14,000	\$ 29,000
Sub-Code Official/Inspector	\$ 10,000	\$ 35,000
Emergency Management Coordinator	\$ 5,000	\$ 19,000
Board Manager	\$ 40,000	\$ 55,000
Governmental Access TV Manager/Video Producer	\$ 5,000	\$ 19,000

D. Seasonal Salaried Position

	Minimum	Maximum
Pool Manager	\$ 25,000	\$ 39,000
Assistant Pool Manager	\$ 15,000	\$ 29,000
Second Assistant Pool Manager	\$ 5,000	\$ 20,000
Swim Team Coach	\$ 1,000	\$ 5,000
Assistant Swim Team Coach	\$ 1,000	\$ 3,000

E. Part-Time Non-Salaried Position

	Minimum	Maximum
Clerk/Typist (per hour)	\$ 15.00	\$ 25.00
Laborer (per hour)	\$ 20.00	\$ 30.00
Special Law Enforcement Officer III (per hour)	\$ 40.00	\$ 50.00
Lifeguard/Senior Lifeguard/Head Lifeguard (per hour)	\$ 11.90	\$ 30.00
Gate Attendants (per hour)	\$ 11.90	\$ 20.00
Crossing Guards (per hour)	\$ 25.00	\$ 30.00
Sub-Code Official/Inspector (per hour)	\$ 45.00	\$ 75.00
Assistant Pool Manager (per hour)	\$ 20.00	\$ 30.00
Second Assistant Pool Manager (per hour)	\$ 20.00	\$ 30.00
Swim Team Coach (per hour)	\$ 20.00	\$ 30.00
Assistant Swim Team Coach (per hour)	\$ 20.00	\$ 30.00

F. Stipends and dual positions: Full-time employees who have been permanently appointed to hold more than one title, shall be compensated at the rates of the titles held with the highest salary range. The following stipends shall be paid to employees who have assumed additional positions within the Township in addition to their primary employment position.

	Minimum	Maximum
Deputy Clerk	\$ -	\$ 10,000
Deputy Registrar	\$ -	\$ 10,000
Emergency Management Coordinator	\$ -	\$ 19,000
Deputy Emergency Management Coordinator	\$ -	\$ 15,000
Deputy Zoning Officer	\$ -	\$ 15,000
Qualified Purchasing Agent	\$ -	\$ 15,000
Board of Health Secretary	\$ -	\$ 15,000
Planning Board Secretary (per meeting)		\$ 275
Zoning Board Secretary (per meeting)		\$ 275

Section 2. Overtime for eligible employees shall be at the rate of straight time for hours exceeding 35 per week and one and one-half times employee's regular rate of pay for hours exceeding 40 per week.

Section 3. Employees covered by a collective bargaining agreement shall be entitled to compensation as provided in their respective agreements.

Section 4. Salaries provided herein shall be effective January 1, 2025, for those employed with the Township.

Section 5. When required by law, the Township shall pay at least the minimum wage established for the State of New Jersey.

Section 6. This ordinance shall take effect upon publication as provided by the law.

Mr. Shehady explained that this ordinance sets the ranges for salaries, and the actual salaries for 2025 will be set by resolution at a later time.

Committeewoman Ewald moved to introduce Ordinance 2025-03. Committeeman McHugh seconded the motion.

Roll call: Committeeman Alperowitz, Aye; Committeewoman Ewald, Aye; Committeeman McHugh, Aye; Deputy Mayor Rowland, Aye; Mayor Choi, Aye.

Public Hearing on Ordinance 2025-03 will be scheduled for February 25, 2025.

Ordinance 2025-04

ORDINANCE 2025-04

ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING SECTION 2-1.12, RULES AND ORDER OF BUSINESS OF THE TOWNSHIP COMMITTEE, OF THE TOWNSHIP CODE

WHEREAS, the Township Committee of the Township of Chatham (the "**Township**") desires to amend the Revised General Ordinances of the Township (the "**Township Code**") Chapter 2, Administration, Section 2-1.12, Rules and Order of Business of the Township Committee, to: (i) amend subsection 2-1.12(d), Order of Business, to provide for amendments and/or modifications to the order of business; (ii) eliminate the Recreation Committee as a separate committee as that role is merged with the Administration/Personnel/Communications Committee; and (iii) eliminate the liaison to the Public Utilities as that role is satisfied by the Public Works/Sewer Utilities Committee.

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Township Code Chapter 2, Administration, Section 2-1.12, Rules and Order of Business of Township Committee, subsection 2-1.12(d), Order of Business, is hereby amended as follows:

d. Order of Business.

1. Unless otherwise amended or modified by the Township Committee, the following shall be the normal order of business of all meetings of the Township Committee:
 - (a) Meeting called to order.
 - (b) Open Public Meeting Act announcement.
 - (c) Closed session resolution; if applicable.
 - (d) Return to public session; if applicable.
 - (e) Salute to flag.
 - (f) Moment of Silent Reflection (as necessary).
 - (g) Roll Call.
 - (h) Announcements and Special Recognition.
 - (i) Reports.
 - (j) Hearing of citizens.
 - (k) Public Hearing and final adoption of ordinances.
 - (l) Introduction of ordinances.
 - (m) Approval of Consent Agenda.
 - (n) Adoption of resolutions.
 - (o) Miscellaneous business.
 - (p) Second Hearing of Citizens.
 - (q) Second closed session resolution; if applicable.
 - (r) Adjournment.

Section 3. Township Code Chapter 2, Administration, Section 2-1.12, Rules and Order of Business of the Township Committee, subsection 2-1.12(e)(1)(e), and subsection 2-1.12(e)(5)(g), are hereby deleted in their entirety.

Section 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, division, clause or provisions so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

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

Section 6. This Ordinance shall take effect according to law.

Mr. Shehady provided an overview to the changes in the bylaws. Committeewoman Ewald suggested that the Administration/Personnel/Communications Committee simply be called the Administration Committee. The consensus of the Township Committee was to add that change.

Deputy Mayor Rowland moved to introduce Ordinance 2025-04. Committeeman Alperowitz seconded the motion.

Roll call: Committeeman Alperowitz, Aye; Committeewoman Ewald, Aye; Committeeman McHugh, Aye; Deputy Mayor Rowland, Aye; Mayor Choi, Aye.

Public Hearing on Ordinance 2025-03 will be scheduled for February 25, 2025.

Ordinance 2025-05

ORDINANCE 2025-05
ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 2,
ADMINISTRATION, SECTION 2-11, POLICE DEPARTMENT, SUBSECTION 2-11.8,
QUALIFICATIONS FOR APPOINTMENT, OF THE TOWNSHIP CODE

WHEREAS, Chapter 2, Administration, Section 2-11, Police Department of the Revised General Ordinances of the Township (the “**Township Code**”) establishes the Police Department and outlines the composition of the Police Department and appointment of such officers; and

WHEREAS, N.J.S.A. 42:17b-66 et seq. established the police licensing program for all New Jersey law enforcement officers and requires that all law enforcement officers hold a valid, active license issued by the Police Training Commission in order to be employed as a police officer in the State of New Jersey; and

WHEREAS, the Township Committee of the Township of Chatham (the “**Township**”) desires to amend the Township Code Chapter 2, Administration, Section 2-11, Police Department, subsection 2-11.8, Qualifications for Appointment, to ensure compliance with the police licensing requirements.

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Township Code Chapter 2, Administration, Section 2-11, Section 2-11, Police Department, subsection 2-11.8, Qualifications for Appointment, is hereby amended to read as follows:

§ 2-11.8 Qualifications for Appointment.

Each person appointed to the Police Department shall meet the qualifications and requirements established by N.J.S.A. 40A:14-22 et seq. and any other applicable laws of the State of New Jersey. Additionally, pursuant to the provisions of N.J.S.A. 52:17B-67.1, all current and future law enforcement officers employed by the Township of Chatham Police Department shall hold a valid, active license issued by the Police Training Commission in order to be employed as a police officer in the State of New Jersey.

Section 3. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance and the remainder of the Ordinance shall be deemed valid and effective, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. All ordinances or parts of ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect according to law.

Mr. Shehady said that this ordinance adds a clarification to the Township Code Book that the State's licensing requirements must be met by Township Police Officers in order to be hired and remain in good standing.

Committeewoman Ewald moved to introduce Ordinance 2025-05. Deputy Mayor Rowland seconded the motion.

Committeeman Alperowitz noted that all the current Township Police Officers hold the requisite licensing.

Roll call: Committeeman Alperowitz, Aye; Committeewoman Ewald, Aye; Committeeman McHugh, Aye; Deputy Mayor Rowland, Aye; Mayor Choi, Aye.

Public Hearing on Ordinance 2025-05 will be scheduled for February 25, 2025.

Ordinance 2025-06

ORDINANCE 2025-06

ORDINANCE AMENDING CHAPTER 4, GENERAL LICENSING, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING SECTION 4-2, PRIVATE ALARM SYSTEMS, OF THE TOWNSHIP CODE

WHEREAS, the Township Committee of the Township of Chatham (the "**Township**") adopted Ordinance 16-77 authorizing the implementation of the Private Alarm System Ordinance of the Township, which is codified in Section 4-2 of the Township Code; and

WHEREAS, as a result of the technological advances in private alarm systems, the Private Alarm System Ordinance has become redundant, an administrative burden, and incompatible with modern alarm monitoring practices; and

WHEREAS, the Township desires to amend the Township Code, Chapter 4, General Licensing, Section 4-2, Private Alarm Systems, to eliminate (i) the definitions of Private Alarm System and Warning Device from Subsection 4-2.2, Definitions; and (ii) subsection 4-2.3, Private Alarm System Requirements, subsection 4-2.4, Warning Devices, and subsection 4-2.5, Disclaimer of Responsibility, in their entirety.

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Township Code Chapter 4, General Licensing, Section 4.2, Private Alarm Systems, subsection 4-2.2, Definitions, is hereby amended as follows:

§ 4-2.2 Definitions.

As used in this section:

FALSE ALARM

Shall mean:

- a. Any signal or message received at the police desk to which a response is initiated and which signal or message was directly or indirectly caused or produced by a private alarm system in the absence of any criminal activity or other emergency.
- b. Any sound by a warning device to which a response by the Chatham Township Police Department is initiated which was directly or indirectly caused or produced by a warning device in the absence of any criminal activity or other emergency.

Section 3. Township Code Chapter 4, General Licensing, Section 4-2, Private Alarm Systems, subsection 4-2.3, Private Alarm System Requirements, subsection 4-2.4, Warning Devices, and subsection 4-2.5 Disclaimer of Responsibility, are hereby repealed and rescinded in their entirety, and shall no longer be of, or remain in, any force or effect.

Section 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, division, clause or provisions so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

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

Section 6. This Ordinance shall take effect according to law.

Mr. Shehady said that this is a housekeeping ordinance to repeal a section of the Township Code Book that is obsolete.

Committeewoman Ewald moved to introduce Ordinance 2025-06. Committeeman McHugh seconded the motion.

Roll call: Committeeman Alperowitz, Aye; Committeewoman Ewald, Aye; Committeeman McHugh, Aye; Deputy Mayor Rowland, Aye; Mayor Choi, Aye.

Public Hearing on Ordinance 2025-06 will be scheduled for February 25, 2025.

Consent Agenda

RESOLUTION 2025-050

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 \$740,701.06 and the prior month's payroll of \$527,433.55 Current Fund, \$64,514.25 Sewer Utility, \$3.46 Open Space and \$38,474.12 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of January 2024, in the amount of \$3,644,911.00 be paid.

RESOLUTION 2025-051

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 January 7, 2025 and January 14, 2025.

RESOLUTION 2025-052
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING EXECUTIVE SESSION MINUTES

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 January 14, 2025.

RESOLUTION 2025-053
RESOLUTION OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE
OF NEW JERSEY, AUTHORIZING A SETTLEMENT AGREEMENT WITH MAK GROUP,
LLC WITH RESPECT TO THE MUNICIPAL BUILDING ROOFING PROJECT, AND
CERTAIN RELATED ACTIONS IN CONNECTION THEREWITH

WHEREAS, the Township of Chatham (“Township”) is a municipal corporation of the State of New Jersey; and

WHEREAS, the Township and MAK Group, LLC (“MAK”) had previously contracted with respect to the undertaking and performance of the CHATHAM TOWNSHIP MUNICIPAL BUILDING ROOFING PROJECT (the “Project”); and

WHEREAS, during the course of the undertaking and performance of the Project, disputes unfortunately developed between the parties with respect thereto, and with respect to Project close-out; and

WHEREAS, the parties subsequently became engaged in litigation with respect to the same, under the case captioned *MAK Group, LLC v. Township of Chatham, et al.*, BER-L-6144-24 and previously pending in the Superior Court of New Jersey (the “Litigation”), pertaining to their respective rights, interests and obligations with respect to the Project; and

WHEREAS, the parties now desire to resolve all claims and disputes amongst them in connection with the Project and the Litigation, on the following terms:

- a) MAK shall provide the Township with a credit, against the outstanding Project contract balance due it, of \$10,000, in resolution of any and all claims that the Township could have asserted in connection with the Project, excepting only any claims arising in connection with the performance or enforcement of the contemplated Settlement Agreement (“Agreement”), and any claims that may arise following Project acceptance by the Township, including by way of example and not limit, any claims relating to the quality of and any defects related to any Project work, if any, warranty claims, and the like.
- b) MAK shall comply with, and shall provide all requirements, deliverables and items required by, Items 2 and 3 of Project Engineer John Ruschke’s October 16, 2024 Memorandum respecting project close-out (“Close Out Memo”), including without limit, the provision of the Project manufacturer/supplier’s roof warranty. The parties shall work together on an agreed form of sample warranty which is reasonable to both. Compliance with the outstanding requirements of the Close Out Memo shall occur within the time frames set forth in the Settlement Agreement. Upon such compliance, which shall be confirmed by the Project Engineer, the monies to be held in escrow – as further set forth in the Agreement - will then be released to MAK and the Project manufacturer/supplier, respectively.
- c) Once the form of the Project manufacturer/supplier’s warranty is worked out to the satisfaction of both parties, the Township as Owner will then issue two (2) checks, to be held in escrow by the Township’s general counsel, McManimon, Scotland & Baumann, LLC (“Escrow Agent”). One shall be for the amount owed for, and payable to, the Project manufacturer/supplier for the roof warranty (\$175,186.63), and the other payable to MAK for the remaining Project balance due under the contract, less the \$10,000 credit referenced in this Agreement. Once the form of Project roof warranty is agreed upon, the Escrow Agent shall make payment to the Project manufacturer/supplier contemporaneous with the submission of the roof warranty to the same. MAK’s check shall issue from escrow upon both timely completion of all outstanding items set forth in the Close Out Memo, and the issuance of the roof warranty.
- d) MAK will provide lien releases from all subcontractors and suppliers on this Project to the Township through the Project Engineer.
- e) The parties agree that time is of the essence with respect to performance under the Agreement and that, as such, all outstanding items set forth in the Close Out Memo shall be completed by MAK to achieve complete Project Close Out, no later than sixty (60) days from full execution of the Settlement Agreement. Insofar as Project Close Out is not achieved within that time frame, and MAK presents no good cause for the failure to achieve Project Close Out within that sixty (60) day window (or any extension thereof which may be agreed upon in writing by the parties), MAK

shall pay \$200 *per diem* in liquidated damages for each day that passes until Project Close Out is achieved. The Township may credit such liquidated damages from the remaining Project contract balance before the same is paid to MAK by the Escrow Agent.

- f) Upon full execution of the Agreement, the parties shall execute and file with the Court in the Litigation a Stipulation of Dismissal *Without* Prejudice. Upon full performance under this Agreement, the parties shall thereafter file with the Court in the Litigation, a Stipulation of Dismissal *With* Prejudice; and

WHEREAS, subject to the foregoing and as otherwise set forth in the Settlement Agreement, the parties have agreed to amicably resolve, settle and compromise all outstanding issues, disputes and differences they have or may have existing as of the date of the Settlement Agreement in connection with the Project and Litigation in the manner set forth in the Agreement (subject to any exception as noted therein), and as authorized by formal action of each the parties as required by applicable law; and

WHEREAS, in furtherance of all of the forgoing, the Township Committee is now desirous of authorizing the Settlement Agreement with respect to the Project and the Litigation consistent with the above, including the execution of necessary documents to effectuate the said Settlement Agreement.

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

Section 1. The aforementioned Recitals are incorporated herein as though fully set forth at length.

Section 2. The Settlement Agreement with respect to the Project and the Litigation be and hereby is authorized, all consistent with the above Recitals. In that regard, all necessary officers, personnel and legal counsel of the Township be and hereby are authorized and directed to execute such documents as may be reasonably necessary, and in such form as may be approved in consultation with legal counsel, to effectuate the terms of the Settlement Agreement as aforesaid. It is anticipated that such documents shall include, without limitation but only by way of example, the Settlement Agreement itself, the entry of any and all necessary orders or stipulations within the Litigation to effectuate the Settlement Agreement, as well as any necessary release documents that may be executed with MAK with respect hereto.

Section 3. All actions previously taken by any Township authorized officers, or by any employee, contractor, legal counsel or consultant employed by or engaged by the Township, in connection with the subject of this Resolution, are hereby ratified, confirmed and approved.

Section 4. If any part(s) of this Resolution shall be deemed invalid, such part(s) shall be severed and the invalidity thereof shall not affect the remaining parts of this Resolution.

Section 5. This Resolution shall take effect immediately.

**RESOLUTION 2024-054
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY ACCEPTING THE RESIGNATION OF JUNE WOLF**

WHEREAS, the Township of Chatham has accepted the resignation of June Wolf (hereinafter “Employee”); and

WHEREAS, the Employee resigned effective January 21, 2025.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Chatham Committee, in the County of Morris, that the Committee accepts the resignation of June Wolf.

**RESOLUTION 2025-055
RESOLUTION AUTHORIZING THE SUBMISSION OF A FY2025 LOCAL RECREATION
IMPROVEMENT GRANT (LRIG) APPLICATION TO THE NEW JERSEY DEPARTMENT OF
COMMUNITY AFFAIRS FOR THE NASH FIELD PLAYGROUND IMPROVEMENT
PROJECT**

WHEREAS, the Township of Chatham desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$60,000 to carry out a project to reconstruct and replace deteriorating equipment at Nash Field Playground.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Council of the Township of Chatham does hereby authorize the application for such a grant; and,
2. Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs,

does further authorize the execution of any such grant agreement; and also upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Chatham and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the Mayor, Administrator, and Clerk are hereby authorized to sign the application and that they are authorized to sign the agreement, and any other documents necessary in connection therewith.

**RESOLUTION 2025-056
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS AND STATE OF
NEW JERSEY, SETTING COLONY POOL FEES FOR 2025**

BE IT RESOLVED by the Township Committee of the Township of Chatham, in the County of Morris, New Jersey, that Colony Pool Fees for the year 2025 are hereby established as shown below.

<u>Chatham Township Resident Memberships</u>	<u>2025 Season</u>	<u>Early Bird</u>
Family Membership	\$636	\$606
Couple Membership	\$460	\$438
Individual Membership (14 years or older)	\$290	\$276
Babysitter / Parent Helper	\$142	\$135
Senior Couple Membership	\$148	\$141
Senior Individual Membership	\$74	\$70

<u>Non-Resident Memberships</u>	<u>2025 Season</u>	<u>Early Bird</u>
Non-Resident Family Membership	\$731	\$696
Non-Resident Couple Membership	\$529	\$504
Non-Resident Individual Membership (14 years or older)	\$333	\$317
Non-Resident Babysitter / Parent Helper	\$163	\$155
Non-Resident Senior Couple Membership	\$170	\$162
Non-Resident Senior Individual Membership	\$85	\$81

<u>Other</u>	<u>2025 Season</u>
Single Daily Guest – Any Age - Accompanied by Member	\$13
20 Daily Guest Passes – Any Age - Accompanied by Member	\$218

- a) No refunds will be made after opening day. Guest passes expire at the end of the season.
- b) *Reduced Fees for Emergency Response Organization Volunteers.* Active members of the Chatham Emergency Squad, Green Village Volunteer Fire Department, and Chatham Township Volunteer Fire Department, who are eligible for the Length of Service Award Program (LOSAP), or any active duty Chatham Township Police Officer shall be entitled to the Resident Senior Membership rate for individuals and the Resident Senior Couple Membership rate for a couple or family membership.
- c) The Early Bird Special will end on March 31, 2025.
- d) This resolution shall take effect immediately.

**RESOLUTION 2025-057
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING CHANGE ORDER NO. 2
FOR A CONTRACT FOR COLONY TENNIS IMPROVEMENTS WITH STRAIGHT EDGE
STRIPING**

WHEREAS, on June 27, 2023, the Township of Chatham (the “**Township**”) adopted Resolution No. 2023-148 awarding a contract to Straight Edge Striping (“**Straight Edge**”) for the Colony Tennis Courts Color and Striping Project (the “**Project**”) for a total contract amount of \$161,820.00 (the “**Contract**”); and

WHEREAS, on August 15, 2023, the Township adopted Resolution 2023-170 authorizing Change Order No. 1 to the Contract to include pickleball lines in the Project for an additional cost of \$3,400 thereby increasing the total cost of the Contract from \$161,820.00 to \$165,220.00; and

WHEREAS, a second change order is required to pay for approximately 200 linear feet of additional crack repairs to the Colony Tennis Courts that were not contemplated in Straight Edge’s initial lump sum bid for the Project (collectively, “**Change Order No. 2**”);

WHEREAS, Change Order No. 2 results in an increase to the Contract of Seven Thousand Five Hundred Twenty-Five Dollars (\$7,525.00), resulting in the total Contract amount increasing from One Hundred Sixty-Five Thousand Two Hundred Twenty Dollars (\$165,220.00) to One Hundred Seventy-Two Thousand Seven Hundred Forty-Five Dollars (\$172,745.00); and

WHEREAS, the Township Engineer has reviewed Change Order No. 2 and has recommended the Township's execution and payment of Change Order No. 2.

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

1. The foregoing recitals are hereby incorporated herein by reference as if set forth at length.
2. Change Order No. 2 to the Contract is hereby authorized. The Mayor of the Township, the Township Administrator, Township Engineer, and other necessary Township employees and consultants are hereby authorized and directed to execute Change Order No. 2 to the Contract and take any and all actions necessary to effectuate Change Order No. 2.
3. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.
4. A copy of this Resolution shall be available for public inspection at the offices of the Township Clerk.
5. This Resolution shall take effect immediately.

RESOLUTION 2025-058

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ACCEPTING THE BID AND AWARDING THE CONTRACT FOR THE TOWNSHIP-WIDE PROPERTY TAX REVALUATION TO APPRAISAL SYSTEMS, INC. IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW

WHEREAS, the Morris County Board of Taxation ordered the Township of Chatham to complete a revaluation program to be effective for the 2027 tax year, and the order was approved by the Director of Taxation, State of New Jersey; and

WHEREAS, the Mayor and Township Committee of the Township of Chatham (the "Township") adopted Resolution No. 2024-205 on October 22, 2024, authorizing the Township to publicly seek bids for the completion of the 2027 property tax revaluation of the Township of Chatham (the "Services"); and

WHEREAS, the Township received one bid on December 20, 2024 from Appraisal Systems, Inc. in Morristown, New Jersey ("Appraisal") for the Services in the amount of Six Hundred Twenty Nine Thousand One Hundred Seventy-Five Dollars (\$629,175.00); and

WHEREAS, the Township Attorney reviewed the bid received and recommends awarding the contract for the Services to Appraisal as the only responsive and responsible bidder in the total amount of Six Hundred Twenty Nine Thousand One Hundred Seventy-Five Dollars (\$629,175.00) (hereinafter collectively referred to as the "Contract Amount"); and

WHEREAS, the Township Chief Financial Officer has certified the availability of funds for the Contract Amount; and

WHEREAS, the Township desires to adopt this Resolution authorizing the award of the contract for the Services to Appraisal.

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

1. The foregoing recitals are hereby incorporated herein by reference as if set forth at length.
2. The contract for the Services is hereby awarded to Appraisal located in Morristown, New Jersey, in the amount of Six Hundred Twenty-Nine Thousand One Hundred Seventy-Five Dollars (\$629,175.00). The Mayor, Township Administrator, Township Clerk and all other necessary Township personnel, are hereby directed and authorized to enter into a contract with Appraisal for the Services, and to in all other ways carry out and effectuate the purposes thereof.
3. This Resolution shall be effective immediately.

RESOLUTION 2025-059

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING A FINAL CHANGE ORDER TO THE CONTRACT WITH AA BERMS LLC FOR THE PEDESTRIAN SAFETY AND ADA IMPROVEMENT PROJECT

WHEREAS, the Town Committee of the Township of Chatham awarded a contract to AA Berms LLC for the Pedestrian Safety and ADA Improvement Project in the amount of \$353,499.00 on February 27, 2024; and

WHEREAS, the Pedestrian Safety and ADA Improvement Project was performed and completed by AA Berms LLC on January 13, 2025;

WHEREAS, the as-built amount completed and billed by AA Berms LLC is \$339,532.40 a decrease of \$13,966.60 from the contract amount of \$353,499.00;

WHEREAS, the decrease is based on as-built field measurements and quantities for the completed project.

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 the Change Order amending the final Contract amount to \$339,532.40.

RESOLUTION 2025-060

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 taxes has been made for the following property; 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:

PROPERTY	RE:	REFUND PAYEE	TOTAL
BLOCK 48.16 LOT 118 415 SOUTHERN BLVD CHATHAM HILLS REALTY LLC-CARERITE	STATE TAX APPEAL 2022-2024	ARCHER & GREINER P.C. 902 Carnegie Center Suite 500 Princeton NJ 08540	2022: \$19,498.92 2023: \$25,467.12 2024: \$28,880.28 <hr/> Payout: \$73,846.32

RESOLUTION 2025-061

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:

PROPERTY	CERT #	LIEN HOLDER	TOTAL
BLOCK 64.05 LOT 2.08 22C HERITAGE DRIVE LEBOVITZ, DORIS	23-00007	NASDOM LLC 33 Campbell Lane Berkeley Heights NJ 07922	Premium: \$25,700 Principal: \$7,614.45 Interest: \$137.80 <hr/> Payout: \$33,452.25

BE IT FURTHER RESOLVED that the Tax Collector is authorized to prepare and sign a Discharge of Certificate 23-00007.

Committeeman McHugh moved to approve the Consent Agenda. Committeeman Alperowitz seconded the motion.

Roll call: Committeeman Alperowitz, Aye; Committeewoman Ewald, Aye; Committeeman McHugh, Aye; Deputy Mayor Rowland, Aye; Mayor Choi, Aye.

Non-Consent Agenda

A presentation was given by Affordable Housing Attorney Jessica Almeida to explain the action to be taken by the Township Committee regarding the Affordable Housing Obligation. Mrs. Almeida provided a brief overview of the history of the Mount Laurel Doctrine. She said that the DCA calculated that the Township has a present need to rehabilitate (or pay to rehabilitate) 30 affordable units, and an obligation of 156 new units. Mrs. Almeida said that the Township's

Affordable Housing Planner performed an analysis, it was determined that the obligation should only be 141 units. She said that the Township will use available tools for further downward adjustments. Mrs. Almeida also said that the Township is not under obligation to build those units, and the obligation is over the next ten year period.

Committeeman Alperowitz thanked all those who worked on this analysis.

Committeewoman Ewald said that in the 3rd Round, the perspective need was much higher.

RESOLUTION 2025-062

RESOLUTION OF THE TOWNSHIP OF CHATHAM ESTABLISHING THE TOWNSHIP'S FOURTH ROUND PRESENT AND PROSPECTIVE AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the New Jersey Supreme Court declared that the discriminatory use of zoning powers was illegal and provided, as a matter of constitutional law, that each developing municipality “must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there, of course including those of low and moderate income,” In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1, 6 (2015) (“**Mount Laurel IV**”), citing S. Burlington County NAACP v. Township of Mount Laurel (“**Mount Laurel I**”), 67 N.J. 151, 179, 187, appeal dismissed and cert. denied, 423 U.S. 808, 96 S. Ct. 18, 46 L. Ed. 2d 28 (1975), and that this constitutional obligation requires that towns must provide “a realistic opportunity for the construction of [their] fair share of the present and prospective regional need for low and moderate income housing,” Id., citing S. Burlington County NAACP v. Township of Mount Laurel (“**Mount Laurel II**”), 92 N.J. 158, 205 (1983), (together with Mount Laurel I, the “**Mount Laurel Doctrine**”); and

WHEREAS, pursuant to Mount Laurel IV, the Township of Chatham (the “**Township**”) filed a declaratory judgment action on July 6, 2015, entitled “In the Matter of the Application of the Township of Chatham” Docket No. MRS-L-1659-15, seeking a judicial declaration that its Housing Element and Fair Share Plan (“**3rd Round HEFSP**”) satisfied the “fair share” of the regional need for very low - low- and moderate-income housing, pursuant to the Mount Laurel Doctrine; and

WHEREAS, that culminated in an amended settlement agreement with Fair Share Housing Center (“**FSHC**”) on July 23, 2020; and

WHEREAS, on October 25, 2021, the Court entered a Final Judgment of Compliance and Repose, granting the Township immunity from Builder’s Remedy lawsuits until July 2, 2025; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. (hereinafter “**A4**”) into law, amending the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329 (the “**Act**”) and establishing a new framework for determining and enforcing municipalities’ affordable housing obligations under the Mount Laurel doctrine for the years 2025 – 2035 (the “**Fourth Round**”); and

WHEREAS, A4 required the New Jersey Department of Community Affairs (the “**DCA**”) to produce non-binding estimates of need for present and prospective need for low- and moderate- income housing in each municipality for the Fourth Round on or before October 20, 2024; and

WHEREAS, on October 18, 2024, in furtherance of such requirement, the DCA issued a report entitled “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background” (the “**DCA Report**”) which report established the final calculation and obligations for each municipality in New Jersey, including the Township; and

WHEREAS, the DCA Report calculated the Township’s Fourth Round obligation as follows: a Present Need or Rehabilitation (“**Present Need**”) Obligation of 30 and a Prospective Need or New Construction Obligation (“**Prospective Need**”) of 156; and

WHEREAS, the Township has determined to accept its Present Need Obligation of 30; and

WHEREAS, the Township’s Affordable Housing Planner, Kendra Lelie, PP, AICP, LLA of Kyle + McManus Associates (the “**Affordable Housing Planner**”) has reviewed the DCA Report, specifically the data utilized by the DCA to determine the Township’s calculated share of the land capacity with regard to the determination of the Township’s Prospective Need;

WHEREAS, the Affordable Housing Planner determined the DCA mapping was overinclusive and included properties in the calculation of the land capacity factor which are not developable, including properties located inside floodways and properties not suitable for development due to these parcels containing gas main easements, open space restrictions, wetlands, being not accessible or being already developed; and

WHEREAS, when these properties were removed from Township’s weighted land area, the amount of developable space in the Township was adjusted from 12.2 acres to .26 acres, resulting in an adjustment of the Township’s calculated share of the region’s land capacity from .76% to .69%; and

WHEREAS, when this correction is made, the Township’s Prospective Need Obligation is adjusted to 141 units; and

WHEREAS, upon the advice of its Affordable Housing Planner and other professionals, the Township accepts a Prospective Need Obligation of 141 units; and

WHEREAS, the Affordable Housing Planner produced a report summarizing her findings, which is attached hereto as Exhibit A; and

WHEREAS, Section 3 of A4 provides “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of A4; and

WHEREAS, the Affordable Housing Planner utilized the formulas established in Sections 6 and 7 of A4, and provided in the DCA published worksheet, to recalculate the Township’s Fourth Round Prospective Need Obligation to 141 units; and

WHEREAS, A4 provides that a municipality shall adopt a binding resolution determining the present and prospective fair share obligation no later than January 31, 2025; and

WHEREAS, the Township’s calculation of need is entitled to a “presumption of validity” as it complies with Sections 6 and 7 of A4; and

WHEREAS, the Township specifically reserves the right to adjust the Fourth Round Obligation based the following adjustments or others identified during the process of promulgating a Fourth Round Housing Element and Fair Share Plan (“**4th Round HEFSP**”): 1) a “windshield survey” or similar survey which accounts for a lower estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sewer or lack of water or both); 4) an adjustment to the Land Capacity factor; and/or 5) an adjustment predicated upon regional planning entity formulas, inputs, or considerations, including, but not limited to the County and State Regional Master Plan; and

WHEREAS, in addition to the foregoing, the Township specifically reserves all rights and positions, without prejudice, to revoke this resolution and commitment in the event of a successful challenge to A4 in the context of Township of Montvale, et al. v. State of New Jersey, Docket No. MER-L-1778-24 or any other such action challenging A4 or calculations of Fourth Round Present or Prospective Obligations, or any legislation adopted and signed into law by the Governor of New Jersey altering the deadlines and/or requirements of A4; and

WHEREAS, in addition to the foregoing, nothing in A4 requires or can require an increase in the Township’s Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of A4 is to establish, for example, unchallenged numbers by default on March 1, 2025; and

WHEREAS, pursuant to the Administrative Directive #14-24, dated December 13, 2024 (the “**Directive**”), implementing the Affordable Housing Dispute Resolution Program (the “**Program**”), a municipality seeking certification with the Act, shall file an action in the form of a declaratory judgment complaint in the county in which the municipality is located; and

WHEREAS, the Township authorizes the filing of a declaratory judgment action pursuant to the Directive within forty-eight hours after the adoption of this resolution to seek compliance with the Act; and

WHEREAS, the Township further authorizes its professionals to prepare the 4th Round HEFSP and present the same for adoption prior to June 30, 2025; and

WHEREAS, in light of the above, the Township finds it is in the best interest of the Township to declare its Fourth Round Present and Prospective Need Obligations, authorize the filing of a declaratory judgment action pursuant to the Directive, and direct its professionals to prepare a 4th Round HEFSP, all in accordance with A4,

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

Section 1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

Section 2. The Township’s Fourth Round obligation is adopted as follows: a Present Need or Rehabilitation Obligation of 30 and a Prospective Need or New Construction Obligation of 141, as described above, and subject to all reservations of rights, including but not limited to:

- A. The right to adjust the number based on one or any of the following: a windshield survey, vacant land assessment, durational adjustments, variations in the Land Capacity Factor, and/or regional planning inputs; and
- B. The right to revoke this resolution in the event of a successful legal challenge to A4 or the Act, any legislative changes to A4 and signed into law by the Governor, or to the calculations of Fourth Round Present or Prospective Obligations.

Section 3. The Township authorizes its professionals to file a declaratory judgment action within forty-eight hours after the adoption of this resolution in order to comply with the Directive.

Section 4. The Township further authorizes its professionals to prepare the 4th Round HEFSP and present the same for adoption prior to June 30, 2025.

Section 5. This resolution shall take effect immediately.

Committeewoman Ewald moved to adopt Resolution 2025-062. Deputy Mayor Rowland seconded the motion.

Roll call: Committeeman Alperowitz, Aye; Committeewoman Ewald, Aye; Committeeman McHugh, Aye; Deputy Mayor Rowland, Aye; Mayor Choi, Aye.

Hearing of Citizens

Mayor Choi opened the Hearing of Citizens.

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

Committeeman McHugh moved to adjourn at 8:12 PM. Committeeman Alperowitz seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk