

**MINUTES
TOWNSHIP COMMITTEE
SPECIAL MEETING
DECEMBER 23, 2024**

Mayor Ewald called the Special Meeting of the Township Committee of the Township of Chatham to order at 1:31 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 December 19, 2024; notice was posted on the bulletin board in the main hallway of the Municipal Building on December 19, 2024; and notice was filed with the Township Clerk on December 19, 2024.

Roll Call

Answering present to the roll call were Committeeman McHugh, Committeewoman Rowland, Deputy Mayor Choi and Mayor Ewald. The meeting was held via Zoom.

Committeeman Lois was absent.

Mayor Ewald led the Flag Salute.

Executive Session

**RESOLUTION 2024-P-23
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY,
AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE
PUBLIC EXCLUDED**

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

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

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

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Litigation
 - b. Contract Negotiations
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 Rowland moved to adopt Resolution 2024-P-23 to enter Executive Session at 1:33 PM. Deputy Mayor Choi seconded the motion.

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

The Township Committee returned to Public Session at 1:57 PM.

Hearing of Citizens

Mayor Ewald opened the Hearing of Citizens.

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

Resolutions

RESOLUTION 2024-246

**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 CHATHAM HILLS REALTY -CARERITE**

WHEREAS, Chatham Hills Realty -Carerite (“Taxpayers”), the owner of Block 48.16, Lot 118 on the Township of Chatham’s Tax Assessment Maps, commonly known as 415 Southern Blvd. (“Property”), filed appeals of their 2021, 2022, 2023, and 2024 tax assessments in the Tax Court of New Jersey, Docket Nos.: 005153-2021; 004271-2022; 002630-2023; & 003512-2024; 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 and Special Tax Appeal Attorneys; and

WHEREAS, for the 2021 Tax Year, the Property was assessed at \$7,602,000 (AV), which when converted to equalized true value using the 2021 ratio of assessed to true value of 88.61% reflected a value of \$8,579,167; and

WHEREAS, for the 2022 Tax Year, the Property was assessed at \$7,602,000 (AV), which when converted to equalized true value using the 2022 ratio of assessed to true value of 87.79% reflected a value of \$8,659,301; and

WHEREAS, for the 2023 Tax Year, the Property was assessed at \$7,602,000 (AV), which when converted to equalized true value using the 2023 ratio of assessed to true value of 81.38% reflected a value of \$9,341,362; and

WHEREAS, for the 2024 Tax Year, the Property was assessed at \$7,602,000 (AV), which when converted to equalized true value using the 2023 ratio of assessed to true value of 76.08% reflected a value of \$9,992,114; and

WHEREAS, Taxpayers have provided an appraisal report that values the Property at \$4,800,000 for the 2021 tax year, which equates to assessed values as follows: \$4,253,280 (2021); \$4,213,920 (2022); \$3,906,240 (2023); and \$3,651,840 (2024); and

WHEREAS, an acceptable settlement of the aforesaid tax appeal has been negotiated which reduces the total tax assessment levied upon the Property for 2022, 2023, and 2024 only; and

WHEREAS, as a result of the proposed settlement, Taxpayers have agreed to withdraw their 2021 tax appeal; and

WHEREAS, based upon said reductions, the 2022 tax year assessment will be \$6,600,000, the 2023 tax year assessment will be \$6,300,000, and the 2024 tax year assessment will be \$6,150,000, for the Property; and

WHEREAS, based upon the proposed settlement, the Tax Assessor has agreed to set the 2025 assessment at \$5,350,000, and to set the 2026 assessment at \$5,150,000; and

WHEREAS, Taxpayers have agreed that any refunds due shall be without interest provided the tax refund is paid within sixty (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 Settlement Agreement, 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 \$6,600,000 total tax assessment for the 2022 Tax Year, \$6,300,000 for the 2023 Tax Year, and \$6,150,000 for the 2024 Tax Year, for Block 48.16, Lot 118, 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 Chatham Hills Realty-Carerite (“Taxpayers”) Docket Nos.: Docket Nos.: 005153-2021; 004271-2022; 002630-2023; & 003512-2024, which reduces the total tax assessment on Block 48.16, Lot 118 from \$7,602,000 to a total tax assessment of \$6,600,000 for the 2022 Tax Year, \$6,300,000 for the 2023 Tax Year, and \$6,150,000 for the 2024 Tax Year, with Taxpayers withdrawing the 2021 tax appeal; 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.

Committeeman McHugh moved to adopt Resolution 2024-246. Committeewoman Rowland seconded the motion.

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

RESOLUTION 2024-247

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING A CONTRACT WITH VERIZON NEW JERSEY INC., IN FURTHERANCE OF THE PUBLIC SAFETY INFORMATION SHARING TECHNOLOGY COMMUNITY PROJECT

WHEREAS, the Mayor and Township Committee of the Township of Chatham (the "Township") determined that its residents and members of the public would benefit from a fiber optic loop system in and around the Township as part of its infrastructure and Municipal facilities (the "Public Safety Information Sharing Technology Community Project" or the "Project"); and

WHEREAS, the Township received \$809,000 from a Community Oriented Policing Services grant and needs to hire an outside contractor to design and construct such system, which is anticipated to exceed the bid threshold requiring the Township to conduct public bidding for the Project in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Mayor and Township Committee of the Township adopted Resolution No. 2023-199 on October 24, 2023 authorizing the Township to advertise for bids for the Project; and

WHEREAS, the Township received one (1) bid from Millennium Communications Group, Inc. on December 19, 2023 which exceeded John Ruschke's, PE (the "Township Engineer"), of Mott MacDonald, estimates for the Project; and

WHEREAS, the Township Engineer recommended the rejection of the bid received on December 19, 2023 as it exceeded the Project estimate and on January 23, 2024, the Mayor and Township Committee adopted Resolution No. 2024-52, rejecting the bids received on December 19, 2023 and authorizing the Township to re-bid for the Project; and

WHEREAS, in response to the rebid, on March 14, 2024, the Township received two (2) bids, from Kane Communications in the total bid amount of \$1,556,405.00, and Millennium Communications Group, Inc. in the total bid amount of \$1,327,707.41; and

WHEREAS, the Township Engineer recommended the rejection of the bids received on March 14, 2024 and on April 23, 2024, the Mayor and Township Committee adopted Resolution No. 2024-112, rejecting the bids received on March 14, 2024 and authorizing the Township to re-bid for the Project; and

WHEREAS, in response to the rebid, on September 26, 2024, the Township received three (3) bids, from Millennium Communications Group, Inc. ("Millennium") in the total bid amount of \$795,872.19; Adesta LLC in the total bid amount of \$874,366.85; and Kane Communications in the total bid amount of \$1,403,330; and

WHEREAS, the Township Engineer recommended awarding the contract for the Project to Millennium as the lowest responsive and responsible bidder in the total amount of \$795,872.19 (the "Contract Amount"), which is consistent with the engineering cost estimates for the Project; and

WHEREAS, on October 22, 2024, the Township Committee adopted Resolution 2024-207 awarding the contract for the Project to Millenium in the amount of Seven Hundred Ninety-Five Thousand Eight Hundred Seventy-Two Dollars and Nineteen Cents (\$795,872.19) (the "Contract"); and

WHEREAS, Resolution 2024-207 authorized the Mayor, Township Administrator, Township Clerk and all other necessary Township personnel, to enter into a contract with Millennium for the Project, and to in all other ways carry out and effectuate the purposes thereof; and

WHEREAS, in furtherance of the Project and the Contract, the Township desires to authorize a License Agreement with Verizon New Jersey Inc. ("Verizon") which sets forth the terms and conditions authorizing the Township to place and maintain aerial and underground

cables, equipment and facilities on Poles, and in the Conduits or Rights of Way of Verizon in the form as set forth in the attached Exhibit A with all fees and costs incurred by the Township thereunder being paid through the Contract with Millennium (the “License Agreement”); and

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 Mayor is hereby authorized and directed to execute the License Agreement, in substantially the form as attached as Exhibit A, together with such additions, deletions and modifications as deemed necessary by the Mayor upon consultation with the Township Administrator and Township Attorney. The Clerk is hereby authorized and directed to attest to the signature of the Mayor on the License Agreement and to deliver same to Verizon.
3. The Mayor, Chief Financial Officer and Clerk are hereby authorized and directed to take any and all action and execute and deliver any and all documents, certificates, agreements or instruments necessary to effectuate the transactions contemplated by this Resolution and the License Agreement.
4. This Resolution shall be effective immediately.

Committeewoman Rowland moved to adopt Resolution 2024-247. Deputy Mayor Choi seconded the motion.

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

Hearing of Citizens

Mayor Ewald opened the Hearing of Citizens.

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

Committeeman McHugh moved to adjourn at 2:02 PM. Committeewoman Rowland seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk