

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
MARCH 25, 2025**

Mayor Choi called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:30 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.

Committeeman McHugh participated via Zoom.

Mayor Choi led the Flag Salute.

Mayor's Message

Mayor Choi announced that online payments will soon be available for the Construction Department and for pet licensing. He also commented on the proposed 2025 Budget, and highlighted appropriations and use of fund balances. Mayor Choi also said that for a house with an average assessment, the municipal purposes portion of a property tax bill would be \$2969, up from \$2797.

Mayor Choi noted that orders for mulch deliveries are now being accepted by the Department for Public Works.

Reports

Committeeman McHugh reported that the Community Garden Committee will have a meeting on March 27th, and they will have a guest speaker. The fence along the north side of the Community Garden is going to be replaced. The Friends of the Library Book Sale raised almost \$45,000 this year. The Library has a Museum Passes program. Committeeman McHugh noted that the Library is having a program on jewelry appraisals on April 13th. He also reported that Earth Day is in April, and the Environmental Commission is holding a native plants sale and a seedling giveaway. Work will also be done at the Shunpike Reforestation Project. The Open Space Committee will be highlighting National Trails Day. A program will be held by the Environmental Commission about invasive species.

Committeewoman Ewald reported that upgrades to Colony Pool are being considered, and plans will be posted on the Township website. The appointment of a new Pool Manager and two assistant managers is on the Consent Agenda. Committeewoman Ewald reported that the Events Committee is planning a spring event. She further reported that the Senior Center has reopened following building improvements, and they are planning an event in June. The Shred Event will be on April 26th. The Planning Board met recently and discussed detached accessory units. Committeewoman Ewald thanked Carol Nauta for her service as Recreation Director, and wished her the best in her retirement.

Deputy Mayor Rowland reported that the Board of Education presented their budget. She also reported that the calendar has been updated to use three unused snow days. Deputy Mayor Rowland reported on the recent Historical Society meeting.

Committeeman Alperowitz reported that basketball season is wrapping up, and spring youth sports are starting up. Adult basketball and women's volleyball both have openings. He also thanked Carol Nauta for her work in the Chatham Recreation Program. Committeeman

Alperowitz recognized the efforts of the Public Works Department to prepare recreation fields for use.

Mayor Choi recognized Carol Nauta upon her retirement. He also recognized the appointment of Phil Ankel and Elin Khroun to the Garden Committee, and Steve Gesell to the Environmental Commission.

Hearing of Citizens

Mayor Choi opened the Hearing of Citizens.

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

Committeewoman Ewald noted that several decades ago a dinosaur footprint was found at Esternay Field.

Public Hearing/Final Adoption of Ordinances

Ordinance 2025-07

ORDINANCE 2025-07

ORDINANCE OF TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 4, GENERAL LICENSING, SECTION 4-1, LICENSING OF PEDDLERS, SOLICITORS AND CANVASSERS, SUBSECTION 4-1.24, LITTER, OF THE TOWNSHIP CODE

WHEREAS, unsolicited materials can become the cause of rubbish strewn upon the streets and sidewalks of the Township of Chatham (the “**Township**”) resulting in not only a poor appearance but also in clogging stormwater inlets, and placing persons and property in danger of flooding; and

WHEREAS, the Township Committee of the Township desires to amend the Revised General Ordinances of the Township (the “**Township Code**”), Chapter 4, General Licensing, Section 4-1, Licensing of Peddlers, Solicitors and Canvassers, subsection 4-1.24, Litter, to prevent unsolicited distribution of print materials which cause the aforementioned dangers; and

WHEREAS, the Township Committee believes it is in the best interests of the residents of the Township to adopt this Ordinance preventing the distribution of unsolicited print materials.

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 4, General Licensing, Section 4-1, Licensing of Peddlers, Solicitors and Canvassers, subsection 4-1.24, Litter, is hereby amended to read as follows:

§ 4-1.24. Litter.

a. No peddler, solicitor or canvasser shall cause any litter or distribute any printed material to houses in the Township by throwing or dropping such material on driveways, walks or lawns or distribute any printed material in a manner that is likely to cause it to become windblown.

b. It shall be unlawful for any person to deliver or deposit, or for any person, firm or corporation to cause the delivery or deposit of, any unsolicited for profit or commercial advertising circulars, newspapers and other like-printed material to or upon any private premises within the Township, except in accordance with the terms hereof. For the purposes of this section, “unsolicited” shall mean unsolicited advertising circulars, newspapers and other like-printed material which has not been ordered, subscribed to or requested by the recipient.

c. Such unsolicited for profit or commercial advertising circulars, newspapers and other like-printed material shall be placed at the primary entrance of the premises, on the ground or floor at the place where the premises receives its mail or within a three-foot radius of that point. The unsolicited for profit or commercial advertising circulars, newspapers and other like-printed material shall clearly state the contact person and telephone number to whom notice may be given, requesting that such delivery of the unsolicited advertising circulars, newspapers and other like-printed material be ceased or canceled.

d. There shall be no intentional delivery of any such unsolicited printed material to the premises after the owner or tenant of such premises has notified the contact person, referred to in subsection C hereof, that such delivery shall cease or be suspended for a stated period of time. For the purposes of condominiums or other common properties, notification must come from the individual unit owner or tenant.

e. Any person found to be in violation of the provisions of this Section 4-1.24 shall be subject to a fine as follows:

1. First offense: \$100.
2. Second offense: \$200.
3. Any subsequent offense: \$300.

Each day a violation continues shall be deemed a separate offense.

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.

Committeeman Alperowitz moved to adopt Ordinance 2025-07. Deputy Mayor Rowland seconded the motion.

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

Committeewoman Ewald noted that there is an opt out option for those who do not wish to receive the unsolicited printed material, and contact information for the distributors will be needed.

Deputy Mayor Rowland noted that there have been inquiries on the Chatham Community Forum on this topic.

Ordinance 2025-08

ORDINANCE 2025-08 ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Chatham in the County of Morris finds it advisable and necessary to increase its CY 2025 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 1.0% increase in the budget for said year, amounting to \$136,192.95 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Chatham, in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2025 budget year, the final appropriations of the Township of Chatham shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$476,675.33, and that the CY 2025 municipal budget for the Township of Chatham be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,
BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mr. Shehady explained how the Cap Bank works.

Committeewoman Ewald moved to adopt Ordinance 2025-08. Deputy Mayor Rowland 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 2025-09

ORDINANCE 2025-09 ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 30, LAND DEVELOPMENT, SECTION 30-17, FEES, OF THE TOWNSHIP CODE TO UPDATE CERTAIN LAND USE APPLICATION FEES

WHEREAS, the Township Committee of the Township of Chatham (the “**Township**”) desires to amend Chapter 30, Land Development, Section 30-17, Fees, of the Township Code to update certain land use application fees; and

WHEREAS, upon first reading of this ordinance, the Township refers this ordinance to the Township Planning Board pursuant to N.J.S.A. 40:55D-26, requesting that they review it for consistency with the Township’s Master Plan and to prepare recommendations regarding the amendments contained herein; and

WHEREAS, upon first reading of this ordinance, the Township directs the Township Clerk and Township Attorney to provide the required public notice of the public hearing for second reading and adoption as set forth in N.J.S.A. 40:55D-15.

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 30, Land Development, Section 30-17, Fees, subsection 30-17.1, Fees, paragraph a, Application Fees, is hereby amended as follows:

- a. Application Fees. At the time of an application for development the applicant shall pay to the Township application fees in accordance with the following schedule:

1. Concept Plan: \$500.
2. Minor Subdivision - Simple Lot Line Change: \$250.
3. Minor Subdivision - Three lots or less: \$475.
4. Preliminary Plat - Major Subdivision: \$300 plus \$150 per lot
5. Final Plat - Major Subdivision: \$300 plus \$100 per lot.
6. Preliminary Site Plan Conventional: \$300 plus \$50 for each 1,000 square feet or fraction thereof.
7. Final Site Plan Conventional: One-half of fee for Preliminary Site Plan.
8. Preliminary Site Plan Multi-Family: \$300 plus \$50 per 1,000 square feet of floor area or fraction thereof.
9. Final Site Plan Multi-Family: One-half of fee for Preliminary Site Plan.
10. Master Development Plan Multi-Family Housing Development: \$1,500 plus \$50 per dwelling unit.

- 11. Waiver of Complete Site Plan Approval: \$400.
- 12. Amended Site Plan: \$400.

Section 3. The Township Code, Chapter 30, Land Development, Section 30-17, Fees, subsection 30-17.2, Conditional Uses, Variances and Appeals, is hereby amended as follows:

| | Type of Application | Application Fee |
|----|--|-----------------|
| a. | Conditional Use | \$500 |
| b. | Appeals from decision of a Construction or Zoning Official pursuant to Subsection 30-47.1 | \$200 |
| c. | Interpretation of Zoning Map or Zoning regulations or for decisions on other special questions pursuant to Subsection 30-47.2 | \$200 |
| d. | Variances pursuant to Subsection 30-47.3 from lot area, lot dimensional, setback and yard requirements. | \$300 |
| e. | Variances from use regulations pursuant to Subsection 30-47.4. | \$700 |
| f. | Direction pursuant to Subsection 30-47.6 for issuance of a permit for building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved on an official map. | \$200 |
| g. | Direction pursuant to Subsection 30-47.7 for issuance of a permit for a building or structure not related to a street. | \$200 |
| h. | The fees in Subsections a through g inclusive above shall be in addition to any applicable fee in connection with a subdivision or site plan as provided in Subsection 30-17.1. | |
| i. | Appeals to the Township Committee pursuant to 30-13. | \$300 |

Section 4. 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 5. All ordinances or parts of ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. Pursuant to N.J.S.A. 40:55D-16, upon adoption, the Township Clerk shall file a copy of this ordinance with the County Planning Board. Thereafter, this Ordinance shall take effect according to law.

Mr. Shehady said that this ordinance addresses costs for land use board applications. The fees are proposed to be raised due to rising costs and so that tax payers do not have to subsidize costs that should be borne by those submitting applications to the Planning Board or the Zoning Board.

Committeeman Alperowitz moved to introduce Ordinance 2025-09. Committeewoman Ewald seconded the motion.

Committeeman Alperowitz said that these increases are overdue, and noted that there is not any burden on taxpayers.

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

Public Hearing on Ordinance 2025-09 will be scheduled for April 22, 2025.

Mr. LaConte noted that Ordinance 2025-09 will be referred to the Planning Board for a Master Plan Consistency Review.

Ordinance 2025-10

ORDINANCE 2025-10

ORDINANCE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP TO ENTER INTO A PURCHASE AND SALE AGREEMENT, PROVIDING FOR THE SALE OF PROPERTY LOCATED IN THE TOWNSHIP OF CHATHAM AND IDENTIFIED IN THE TOWNSHIP TAX RECORDS AS BLOCK 62, LOT 71.01, PURSUANT TO THE LOCAL LANDS AND BUILDINGS LAW

WHEREAS, the Township of Chatham (the “**Township**”) is a public body corporate and politic of the State of New Jersey, and, pursuant to N.J.S.A. 40A:12-13(b)(5) of the New Jersey Local Lands and Buildings Law, N.J.S.A. 40A:12-1 *et seq.* (the “**LLBL**”), the Township has determined to sell the real property located in the Township of Chatham, State of New Jersey designated as Block 62, Lot 71.01 (the “**Property**”) and to exercise the powers contained in the LLBL to facilitate such sale; and

WHEREAS, Deniz Sinal (the “**Buyer**”) is the owner of certain real property designated as Block 62, Lot 72, commonly known as 476 River Road, which is contiguous with the Property that is being sold to Buyer in order to eliminate an existing encroachment by Buyer; and

WHEREAS, on December 6, 2023, the Township commissioned an appraisal of the Property from David Mailman, ASA, IFAS, SCGRE, Certified General Real Estate Appraiser, to determine the fair market value of the Property (the “**Appraisal Report**”), a copy of which is on file with the Township Clerk; and

WHEREAS, the Appraisal Report determined the fair market value of the Property to be Twenty Thousand Dollars (\$20,000); and

WHEREAS, the Township wishes to sell the Property to the Buyer at private sale pursuant to the authority granted to it under the LLBL; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b)(5) of the LLBL, the Township may sell real property at private sale; and

WHEREAS, in furtherance of the transactions contemplated herein, the Township and Buyer entered into a certain Escrow Agreement, pursuant to which the Buyer deposited the Purchase Price (as defined herein) for the purchase of the Property with the Township; and

WHEREAS, the Township desires to sell the Property to Buyer for a price of Twenty Thousand Dollars (\$20,000.00) (the “**Purchase Price**”), pursuant to the terms of a purchase and sale agreement, substantially in the form attached hereto as **Exhibit A** (the “**PSA**”), negotiated between the Township and Buyer.

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

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

Section 2. The Township Committee approves the PSA in substantially the form attached hereto as **Exhibit A**, together with any changes, insertions and omissions, after the Mayor’s consultation with counsel to the Township, deemed in their collective discretion to be necessary or desirable for the execution thereof.

Section 3. The Mayor and other necessary and desirable Township officials/employees and Township consultants are authorized to execute, deliver and administer the PSA, and take any other necessary actions or refrain from taking actions, execute and deliver documents and/or agreements that are reasonable and necessary to effectuate the PSA, this Ordinance and to close on the sale of the Property.

Section 4. The Township Committee further authorizes the sale of, and closing on the purchase of the Property to the Buyer in accordance with the PSA and the Mayor and other necessary and desirable Township officials/employees are hereby authorized to convey the Deed to the Property and any and all associated documents by and between the Buyer and the Township, and any other documents in accordance with the PSA and this Ordinance as reasonably required to effectuate said sale.

Section 5. The Township Clerk shall post this Ordinance on the bulletin board or other conspicuous space in the Municipal Building where the Township Committee holds its regular meetings, and shall further advertise this Ordinance, and the sale of the Property contemplated herein, in a newspaper circulating in the Township of Chatham within five (5) days of adoption of this Ordinance.

Section 6. The Township Clerk shall file sworn affidavits verifying the publication of advertisement of the Ordinance, and the sale of the Property contemplated herein, with the Director of the Division of Local Government Services in the Department of Community Affairs.

Section 7. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 8. This Ordinance shall take effect upon final passage and publication according to law.

Mr. Shehady explained that this ordinance is for a land sale regarding an encroachment onto municipal property.

Deputy Mayor Rowland moved to introduce Ordinance 2025-10. 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 2025-10 will be scheduled for April 22, 2025.

Mayor Choi said that this was an unexpected scenario, and the encroachment was discovered in the efforts to comply with the 3rd Round of Affordable Housing.

Introduction of the 2025 Municipal Budget

RESOLUTION 2025-079
See Attached

Deputy Mayor Rowland moved to adopt Resolution 2025-079 to introduce the 2025 Municipal Budget. Committeeman McHugh seconded the motion.

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

Mr. LaConte announced that the public hearing on the 2025 Municipal Budget will be held on April 22, 2025.

Consent Agenda

RESOLUTION 2025-080 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 \$1,342,756.87 and the prior month's payroll of \$575,089.47 Current Fund, \$63,841.71 Sewer Utility, and \$11,990.27 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of March 2025, in the amount of \$3,644,912.00 be paid.

RESOLUTION 2025-081 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, 2025 and March 11, 2025.

RESOLUTION 2025-082 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 meetings held on February 25, 2025 and March 11, 2025.

RESOLUTION 2025-083 RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AUTHORIZE THE MUNICIPAL ALLIANCE COMMITTEE TO SUBMIT A GCSUD GRANT APPLICATION

WHEREAS, the Governor's Council on Substance Use Disorder (GCSUD) established the Municipal Alliances for the Prevention of Substance Use Disorder in 1989 to educate and engage

residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent substance use disorder in communities throughout New Jersey.

WHEREAS, The Township Committee of the Township of Chatham, County of Morris, State of New Jersey recognizes that substance use disorder is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent substance use disorder in our community; and,

WHEREAS, the Township Committee has applied for funding to the Governor’s Council on Substance Use Disorder through the County of Morris;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of a strategic plan for the Chatham Municipal Alliance grant for fiscal year 2026 in the amount of:

| | |
|-------------|------------|
| GCSUD Grant | \$7,273.00 |
| Cash Match | \$1,818.25 |
| In-Kind | \$5,454.75 |

2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

RESOLUTION 2025-084

**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 2024 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

| <u>Appropriation</u> | <u>To</u> | <u>From</u> |
|-------------------------------------|--------------------|--------------------|
| Engineering Services Other Expenses | \$28,500.00 | |
| Utilities - Gasoline Other Expenses | | \$28,500.00 |
| Totals | \$28,500.00 | \$28,500.00 |

RESOLUTION 2025-085

**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 | REFUND REASON | PAYEE | TOTAL |
|---|---------------------------------|--|----------|
| BLOCK 117 LOT 12 31 OAK HILL ROAD | PREVIOUS OWNER PAID IN ERROR | CHRISTOPHER ORRICO 48 ORCHARD ST UNIT B SUMMIT NJ 07901 | \$187.50 |
| BLOCK 124 LOT 8 177 NOE AVENUE | DOUBLE PAYMENT | BIRGIT GENTILE 2 CRAMER LANE MENDHAM NJ 07945 | \$187.50 |

| | | | |
|---|--|--|-------------|
| BLOCK 90002 LOT 1 LOCATION N/A | NO LONGER PROVIDE SERVICE/REFUNDING OVERPAYMENT 2024 | VERIZON NJ INC C/O KROLL LLC PO BOX 2749 ADDISON TX 75001 | \$15,598.10 |
| BLOCK 104 LOT 5 15 SCHOOL AVE | PREVIOUS OWNER PAID IN ERROR | DANIEL HUNCZAK | \$187.50 |
| BLOCK 62.03 LOT 1 8 ROCKLEDGE TRL | DOUBLE PAYMENT | MEGAN MULLIGAN 8 ROCKLEDGE TRAIL CHATHAM NJ 07928 | \$2,743.33 |

RESOLUTION 2025-086

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING THE PURCHASE OF A CORNELL PUMP AND TECO MOTOR FROM
LONGO ELECTRICAL MECHANICAL, INC. PURSUANT TO NORTH JERSEY
WASTEWATER COOPERATIVE PRICING SYSTEM CONTRACT NO. B414-13**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a cooperative pricing system and to enter into cooperative pricing agreements with other contracting units as defined under N.J.S.A. 40A:11-2(1) for its procurement of goods and services; and

WHEREAS, the Township of Chatham (the “**Township**”), as a local government contracting unit, is a member of the North Jersey Wastewater Cooperative Pricing System (the “**NJWCPS**”); and

WHEREAS, the Township may, without advertising for bids, purchase any materials, supplies, services, or equipment under an approved cooperative contract, whereby the contracting unit, NJWCPS, serving as the lead agent, has complied with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) (the “**LPCL**”); and

WHEREAS, the NJWCPS awarded Contract B414-13 to Longo Electrical Mechanical, Inc., One Harry Shupe Boulevard, PO Box 511, Wharton, New Jersey 07885 (“**Longo**”), for the purchase of various manufacturer pumps and motor repairs, replacements, and installation; and

WHEREAS, the Township needs to purchase a Cornell pump and Teco motor as specifically set forth in quote No. 54452 from Longo, which is attached hereto as Exhibit A, pursuant to NJWCPS Contract B414-13 in an amount not to exceed Fifty Nine Thousand Nine Hundred Seventy Five Dollars (\$59,975.00); and

WHEREAS, the Chief Financial Officer of the Township has certified that adequate funds for such a purchase are available.

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

1. The forgoing Recitals are hereby incorporated herein by reference as if set forth at length.
2. The Township hereby authorizes the purchase of a Cornell pump and Teco motor as specifically set forth in quote No. 54452 from Longo, which is attached hereto as Exhibit A, pursuant to NJWCPS Contract B414-13 in an amount not to exceed Fifty Nine Thousand Nine Hundred Seventy Five Dollars (\$59,975.00).
3. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:
 - i. Township Purchasing Agent
 - ii. Township Chief Financial Officer
 - iii. Longo.
4. This Resolution shall take effect immediately.

RESOLUTION 2025-087

**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY SUPPORTING THE LIBRARY OF THE CHATHAMS FUNDING REQUEST FOR
THE RENOVATION & BUILDING INFRASTRUCTURE UPGRADE**

WHEREAS, since becoming a joint library in 1975, Library of the Chathams has provided services to the residents of Chatham Township and Chatham Borough; and

WHEREAS, the Library has conducted consumer research to ensure that the current services satisfy present needs as well as to identify emerging needs of the community including a Local History Room, study rooms, a Business Center, and a combination STEAM/Meeting Room; and

WHEREAS, the Library Board of Trustees has developed a Strategic Plan to respond to existing and emerging patron needs and changes in technology and resources used by our residents; and

WHEREAS, the present configuration of building layout limits the library's ability to accommodate the increasing usage of current services and facilities, and impedes the introduction of new services in response to needs identified in the consumer research; and

WHEREAS, an engineering study in 2014 identified structural, operational, and environmental deficiencies related to HVAC and aging electrical equipment the present building requiring correction; and

WHEREAS, the Library Board of Trustees has engaged architects to develop a plan, to address these deficiencies; and

WHEREAS, the Library of the Chathams would like to apply for an Economic Development Initiative Funding from the Department of Housing and Urban Development to aid in the funding of this project.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Chatham support the Library of the Chathams in their grant application.

RESOLUTION 2025-088

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING PAYMENT OF ATTORNEY'S FEES AND COSTS IN CONNECTION WITH THE FUSTER DEVINE OPRA LITIGATION

WHEREAS, CJ Griffin, Esq. of Pashman, Stein, Walder, Hayden, on behalf of Antonio Fuster and Brianna Devine, had filed certain litigation against the Township of Chatham and the Township Clerk (for ease of reference collectively the "Township"), with respect to their request under the Open Public Records Act ("OPRA") for certain government records, and specifically, to obtain certain body worn camera footage from the Township Police Department (the "BWC footage"), which litigation was initially brought before the Superior Court and captioned *Antonio Fuster and Brianne Devine, v. Chatham Township, et al.*, Docket No. MRS-L-1814-22, and then proceeded through the Appellate Division (Docket No. A-1673-22) and into the New Jersey Supreme Court (Docket No. 089030 (collectively, the "Litigation")); and

WHEREAS, following argument before the New Jersey Supreme Court in the Litigation, the Court, in *Antonio Fuster and Brianne Devine v. Chatham Township, et al.*, 259 N.J. 533 (2025), issued a published opinion which determined that the BWC footage be disclosed to Fuster and Devine, a determination which, under pre-September 3, 2024 amendments to OPRA (which apply to this case, which was commenced *prior to* those amendments), directs that a fee award be made in favor of Fuster and Devine, since they are prevailing party in the Litigation which resulted in the production of the sought BWC footage; and

WHEREAS, in the wake of the above ruling by the New Jersey Supreme Court in the Litigation, the parties were able to reach an amicable resolution of the fee award issue without further litigating the same, agreeing upon the payment of attorney's fees and costs in the amount of \$140,000.00, a nearly fifteen percent reduction from the \$164,000 originally sought by counsel; and

WHEREAS, the Township, in consideration of the forgoing and the attendant cost and expense of continuing the Litigation given the entitlement to a fee award, particularly given the fee shifting provisions under the pre-amendment provisions of OPRA which apply to this case, is desirous of authorizing the settlement and compromise of the same, including the authorization of the payment of \$140,000.00 for attorney's fees and costs, all as aforesaid.

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 aforementioned recitals are incorporated herein as though fully set forth at length.
2. The settlement of the fee shifting aspects of the Litigation for the sum of \$140,000.00, be and hereby are approved, and the appropriate Township personnel be and are hereby authorized and directed to process such payment to legal counsel for Fuster and Devine, CJ Griffin, Esq. of Pashman, Stein, Walder, Hayden, in accordance with such invoice, purchase order, W-9 and other information provided or which may be provided in connection with the resolution thereof. All appropriate Township personnel are also hereby authorized and directed to execute any such documents as may be reasonably necessary to effectuate the terms of the settlement, including as necessary the execution of any settlement agreement or waiver and release, in such form as may be approved by Township Administration in consultation with the Township Attorney.
3. This Resolution shall take effect immediately.

RESOLUTION 2025-089

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING FILING OF A MUNICIPAL TAX APPEAL OF A REAL PROPERTY ASSESSMENT

WHEREAS, 395 Southern LLC owns real property identified as Block 48.15, Lot 117.01, in the Township of Chatham, commonly known as 395 Southern Blvd, and formerly the home of the Noe Pond Club (the “Property”); and

WHEREAS, the Township authorized an investigation of the property tax assessment for the Property; and

WHEREAS, the 2025 tax assessment is the result of a 2005 County Tax Board Judgment;

WHEREAS, the subject property recently sold for a price of \$5,250,000, which is considerably higher than the current tax assessment;

WHEREAS, accordingly, the Township finds it to be in the best interest of the Township to authorize the Township Tax Attorney to file an appeal of the 2025 property tax assessment of the Property to seek an increased assessment to reflect the true value of the property.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Chatham, in the County of Morris, and the State of New Jersey that the Township Tax Attorneys, Martin Allen, Esq. and Kevin A. McDonald, Esq., of DiFrancesco, Bateman, Kunzman, Davis & Lehrer, P.C., to file a tax appeal of the 2025 property tax assessment of the Property for an increased assessment to reflect the true value of the property.

BE IT FURTHER RESOLVED that this Resolution shall be without prejudice to the Township of Chatham’s dealings with any other Township taxpayer(s).

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

RESOLUTION 2025-090

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A 60 MONTH LEASE WITH OPTION TO PURCHASE AGREEMENT WITH UNIVEST CAPITAL, INC. D/B/A MUNICIPAL CAPITAL FINANCE

WHEREAS, the Township of Chatham (the “**Township**”), pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3(a)(1) (the “**LPCL**”), is authorized to enter into contracts that do not exceed in a contract year the total sum of \$17,500 without public advertising for bids and bidding therefor; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15(7)(a), the Township may enter into a contract for the lease or service of equipment for a period not to exceed five years; and

WHEREAS, in accordance with the LPCL, the Township desires to lease a Ricoh IMC4510 Digital Copier with Accessories (the “**Copier**”); and

WHEREAS, the Township received a proposed Lease with Option to Purchase Agreement from Univest Capital, Inc. d/b/a Municipal Capital Finance (“**Univest**”) to lease the Copier to the Township for a total amount of One Hundred and Fifty-Six Dollars (\$156.00) per month for a maximum term of 60 months commencing on March 25, 2025, with an option to purchase starting at Seven Thousand Forty-Six Dollars Fifty-Five Cents (\$7,046.55) at month 13 decreasing each month ending at \$0 at month 60 (the “**Lease**”); and

WHEREAS, while the total value of the contract does not exceed the bid threshold and does not require public bidding, and would typically be awarded by the Township Purchasing Agent, because the term of the Lease exceeds 24 months, the Lease must be authorized by resolution of the Township Committee; and

WHEREAS, the Township desires to authorize the Lease.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Chatham that authorization is given as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township Committee hereby authorizes the Lease with Univest, substantially in the form as set forth on file with the Township Clerk in a total amount not to exceed Nine Thousand Three Hundred and Sixty Dollars (\$9,360.00).
3. This Resolution shall take effect immediately.

RESOLUTION 2025-091

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, RATIFYING AND CONFIRMING THE APPOINTMENT OF A POOL MANAGER

WHEREAS, the Township of Chatham desires to fill an anticipated vacancy in the position of Pool Manager; and

WHEREAS, the Township Administrator has recommended that it would be in the best interests of the Township to appoint Michael Cowen as a Pool Manager; and

WHEREAS, the Township Administrator appoints Michael Cowen as full-time, seasonal Pool Manager.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that they do hereby ratify and confirm the Township Administrator’s appointment of Michael Cowen as full-time, seasonal Pool Manager effective March 16, 2025 through September 15, 2025 at an

annual salary of \$26,000, pending satisfactory completion of a criminal background investigation, and subject to satisfactory completion of a probationary period of 180 days.

RESOLUTION 2025-092

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, RATIFYING AND CONFIRMING THE
APPOINTMENT OF AN ASSISTANT POOL MANAGER**

WHEREAS, the Township of Chatham desires to fill an anticipated vacancy in the position of Assistant Pool Manager; and

WHEREAS, the Township Administrator has recommended that it would be in the best interests of the Township to appoint Gina Viggiano as an Assistant Pool Manager; and

WHEREAS, the Township Administrator appoints Gina Viggiano as a part-time, seasonal Assistant Pool Manager.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that they do hereby ratify and confirm the Township Administrator's appointment of Gina Viggiano as a part-time, seasonal Assistant Pool Manager effective May 1, 2025 through September 1, 2025 at an hourly rate of \$30.00, pending satisfactory completion of a criminal background investigation, and subject to satisfactory completion of a probationary period of 180 days.

RESOLUTION 2025-093

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, RATIFYING AND CONFIRMING THE
APPOINTMENT OF AN ASSISTANT POOL MANAGER**

WHEREAS, the Township of Chatham desires to fill an anticipated vacancy in the position of Assistant Pool Manager; and

WHEREAS, the Township Administrator has recommended that it would be in the best interests of the Township to appoint Samantha Rendine as an Assistant Pool Manager; and

WHEREAS, the Township Administrator appoints Samantha Rendine as a part-time, seasonal Assistant Pool Manager.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that they do hereby ratify and confirm the Township Administrator's appointment of Samantha Rendine as a part-time, seasonal Assistant Pool Manager effective May 1, 2025 through September 1, 2025 at an hourly rate of \$30.00, pending satisfactory completion of a criminal background investigation, and subject to satisfactory completion of a probationary period of 180 days.

RESOLUTION 2025-094

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING CHANGE ORDER NO. 1
FOR A CONTRACT WITH MOTT MACDONALD, LLC IN CONNECTION WITH UPDATING
THE EXISTING TAX MAPS AND THE CREATION OF NEW DIGITAL TAX MAPS**

WHEREAS, on May 21, 2024, the Township of Chatham (the "**Township**") adopted Resolution No. 2024-128 awarding a contract to Mott MacDonald, LLC ("**Mott MacDonald**") for the updating of the existing tax maps and creation of new digital tax maps in accordance with the specifications and standards provided by the New Jersey Division of Taxation (the "**Project**") for a total contract amount of Seventy-Five Thousand Dollars (\$75,000.00) (the "**Contract**"); and

WHEREAS, a change order is required to address an increase in the budget for the Project as set forth in detail in the Township Engineer's March 19, 2025 correspondence (the "**Change Order No. 1**"); and

WHEREAS, Change Order No. 1 results in an increase to the Contract of an amount not to exceed Twenty-Seven Thousand Dollars (\$27,000.00), resulting in the total Contract amount increasing from Seventy-Five Thousand Dollars (\$75,000.00) to an amount not to exceed One Hundred and Two Thousand Dollars (\$102,000.00); and

WHEREAS, the Township Engineer has reviewed Change Order No. 1 and has recommended the Township's execution and payment of Change Order No. 1.

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. 1 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. 1 to the Contract and take any and all actions necessary to effectuate Change Order No. 1.

- 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 2025-095
RESOLUTION OF THE 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:

| NAME | <u>Project</u> | <u>A/C NUMBER</u> | <u>AMOUNT</u> |
|---|---|--------------------------|----------------------|
| Tina Romano 2 Overlook Road Chatham, NJ 07928 | BOA 22-019 | E7766178577 | \$75.95 |
| The Washington Humane Society 71 Oglethorpe St. NW Washington, DC 20011 | Re: Engineering Inspections at St. Hubert's Animal Welfare Center Block:142, Lot:4.01 | E7760011255 | \$0.00 |
| Kush Teotia 9 Birch Hill Drive Chatham, NJ 07928 | BOA 18-62.12-4 | E7764943261 | \$1,363.75 |

RESOLUTION 2025-096
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING MEMBERS TO THE COMMUNITY GARDEN COMMITTEE

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following committee appointments be made:

Community Garden Committee

- 1. Phil Ankel (2025)
- 2. Elin Krhoun (2025)

RESOLUTION 2025-097
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING MEMBERS TO THE COLONY POOL ADVISORY COMMITTEE

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following committee appointments be made:

Colony Pool Advisory Committee

- 1. Sabino Losco (2025)

RESOLUTION 2025-098

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING THE RESIGNATION OF TERRY FLOOD

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

WHEREAS, the Employee resigned effective April 4, 2025.

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

Committeewoman Ewald moved to adopt 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.

Hearing of Citizens

Mayor Choi opened the Hearing of Citizens.

1. Erin Burgo, Candace Lane, asked if Committeewoman Ewald could provide clarification about when the plans will be publicly available, and asked what changes are being made.

Mr. Shehady said that the initial plans are currently on the Township website, and the revised plans will be published online this week. The topic will be further discussed at the April 8th Township Committee meeting. Committeewoman Ewald discussed the desire to maintain the sloped entrance on the side of the pool facing the snack bar. Mr. Shehady noted that the Township Committee has already authorized bidding, which can move forward once there is consensus on the design. He also said that the Township Engineer hopes to go out to bid by the end of April. Committeeman Alperowitz encouraged any residents looking to give more feedback to do so prior to the next workshop meeting.

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

Committeewoman Ewald moved to adjourn at 8:22 PM. Deputy Mayor Rowland seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk