

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
APRIL 8, 2021**

Mayor Ness called the Regular Meeting of the Township Committee of the Township of Chatham to order at 6:30 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, 2021; notice was posted on the front door and the bulletin board in the main hallway of the Municipal Building on January 8, 2021; and notice was filed with the Township Clerk on January 8, 2021.

Roll Call

Answering present to the roll call were Committeewoman Felice, Committeewoman Fondaco, Committeeman Hamilton, Deputy Mayor Ewald and Mayor Ness.

Committeewoman Felice, Committeewoman Fondaco and Deputy Mayor Ewald participated in the meeting via Zoom.

Executive Session

**RESOLUTION 2021-P-08
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. Attorney-Client Privilege
 - b. Litigation –Kronos Holdings, LLC v. Township of Chatham et al Docket No. MRS-L-2024-20
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.

Deputy Mayor Ewald moved to adopt Resolution 2021-P-08 to enter Executive Session at 6:32 PM. Committeewoman Fondaco seconded the motion.

Roll call: Committeewoman Felice, Aye; Committeeman Hamilton, Aye; Committeewoman Fondaco, Aye; Deputy Mayor Ewald, Aye; Mayor Ness, Aye.

The Township Committee returned to Public Session at 7:30 PM.

Mayor Ness led the Flag Salute.

Approval of Agenda

Administrator Hoffmann asked that the Colony Pool Fees ordinance be moved up to Introduction of Ordinances and that the Goals & Objectives resolution be moved up to the Non-Consent Agenda.

Deputy Mayor Ewald moved to approve the Agenda as amended. Committeewoman Fondaco seconded the motion, which carried unanimously.

Annual Report – Board of Health

Board of Health President Lucille Plantemoli presented the 2020 Annual Report.

Mrs. Plantemoli gave an introduction of the membership of the Board of Health, and also noted the professionals who work with the Board. She said that the Board of Health is an autonomous Board and gave an overview of the Board's mission and purpose.

Mrs. Plantemoli discussed the programs that the Board of Health ran during 2020. She said that March was when the pandemic lockdown began. Mrs. Plantemoli also praised the work performed by Health Officer Mike Fitzpatrick and Public Health Nurse Marlene Dolan to coordinate between the Board of Health and various other committees and organizations, particularly with the reopening of schools. The Health Department also assisted in the reopening of the Library of the Chathams and provided guidance to small businesses.

Mrs. Plantemoli also provided COVID statistics for the past month, stating that there were 83 new cases from March 5, 2021 to April 5, 2021. Mrs. Plantemoli stressed the need for people to keep their guard up regarding COVID. Mrs. Plantemoli provided a breakdown of percentages of cases in age brackets for the past five quarters. She noted that in the first quarter of 2021 the highest percentage of cases has been among those 18 years old and younger.

Mrs. Plantemoli reported on the guidance received from the Health Officer regarding COVID protocols. She also reported on the services and reports provided by the Public Health Nurse. Mrs. Plantemoli noted that school immunization audits have been completed, and two flu clinics were held in 2020. Mrs. Plantemoli also commented on efforts to distribute COVID vaccines to the public. The lead screening program has also continued with 77 children having been screened in 2020.

Mrs. Plantemoli also said that routine inspections of retail food establishments were conducted. Noise from leaf blowers was also discussed following a resident complaint. Mrs. Plantemoli stated that the Board of Health's recommendations are as follows:

- ▶ To continue to provide cost-effective public health services and environmental health services to our community as required by the state.
- ▶ To continue to be a resource to our community regarding public health issues, such as Covid-19 Management.
- ▶ To continue to provide public health education and resources to the community as needed.
- ▶ To continue to work with the other municipal committees and groups in providing public health services and expertise, ie: OEM, Chatham Township Committee.

Mayor Ness thanked Mrs. Plantemoli for her service and the work performed by the Board of Health and the Health Department. She also noted the Board of Health's guidance to the Joint Recreation Committee.

Administrator Hoffmann noted the efforts provided by Mr. Fitzpatrick and Mrs. Dolan for the opening of Colony Pool in 2020.

Reports

Mayor Ness reported that on this meeting's agenda there are two items related to Affordable Housing. The Township and Kronos Holdings LLC agreed upon a fair market value for the property in the sum of \$4,800,000.00. With this agreement, the Township and Kronos are also resolving the litigation initiated by Kronos challenging the Township's designation of the property as an area in need of condemnation redevelopment and the adoption of a

Redevelopment Plan for the property. Also resolved are the Kronos challenges to the original Bond Ordinance and Condemnation Ordinance. Mayor Ness also announced that Kronos dismissed its challenge without prejudice. During this meeting, the Township Committee will consider adopting a Supplemental Bond Ordinance to increase the amount of the appropriation for the purchase from \$3,685,000.00 to \$4,800,000.00 and additional costs of acquisition. The Township Committee will also consider a Resolution authorizing the Mayor and the Clerk to sign a Settlement Agreement. The settlement is conditioned upon the Township Committee adopting a Resolution authorizing the settlement and adopting a final non-appealable Supplemental Bond Ordinance and the availability of the bond proceeds. There remain collateral issues to be resolved, including the termination of the Purchase and Sale Agreement between Kronos and SL Chatham II, LLC for the property and those issues will be addressed separately from the fair market price for the property. SL purchased the Noe Pond Club at the end of last year. With this settlement, the Township moved substantially closer to meeting the sole condition of the Conditional Judgment of Compliance and Repose entered by the Superior Court of New Jersey on January 19, 2021; namely, the acquisition of 522 Southern Boulevard. Mayor Ness thanked Attorney Cruz for all of his efforts in the negotiation process. She also thanked the Kronos Holdings LLC family and the Township's professionals.

Mayor Ness noted that the Township received a \$150,000 grant to explore a shared service agreement related to Public Works equipment in conjunction with Chatham Borough, Madison Borough, Morris Township and Morris Plains. There is a resolution of the Agenda to approve a grant application for improvements to the Wastewater Treatment Plant.

Mayor Ness said that there is concern about the growing number of COVID cases. There are currently 40 active cases for the second week in a row with 14 new cases on Monday and 6 new cases on Thursday. Several of the new cases are in the under 18 age range. Mayor Ness urges residents to stay vigilant.

Mayor Ness reported that the Rolling Knolls Landfill has been undergoing testing for a long time. A revised feasibility study is available on the Great Swamp Watershed Association website for the public to review.

Committeewoman Felice reported that the Colony Pool Committee met, and they are working on a marketing plan and an events schedule.

Committeeman Hamilton thanked Mrs. Plantemoli for her report and said he has enjoyed serving on the Board of Health. He also said that he anticipates having a report for the committees and boards for which he is the liaison for the next meeting.

Committeewoman Fondaco reported on the upcoming events for the Chatham Township Historical Society upcoming events. She also reported that the Town & Country Garden Club has been assisting with weeding and planting daffodils by the Red Brick Schoolhouse. Committeewoman Fondaco also provided a report on upcoming events for the Great Swamp Watershed Association and the Chatham Township Environmental Commission. Committeewoman Fondaco further reported that she saved the Township \$250 in insurance premiums by taking an online seminar for the Joint Insurance Fund, and she encouraged the rest of the Township Committee to do the same.

Deputy Mayor Ewald reported that the Planning Board conducted a Master Plan Consistency Review on Ordinance 2021-08. The Board's findings were that the ordinance is not inconsistent with the Master Plan. The Affordable Housing Committee has met, and they are working on goals and objectives. Deputy Mayor Ewald also reported that there are residents who are concerned about the development of the Dixiedale property. She noted that the corn crib from the site was able to be preserved and moved to the trailhead across the street.

Engineer Ruschke reported that a preconstruction meeting for the Hilltop Trail Project is scheduled for April 9th and he expects the project to be complete by May or June. He expects the new Alum Tank to be installed later in the summer. For the 2021 Road Repaving Program, Engineer Ruschke said that he has reached out to the Morris County Co-op. He noted that utilizing the Morris County Co-op offers savings to the Township.

Mayor Ness asked about the PSE&G Monopole Project. Engineer Ruschke said that a lot of the work is being done in the easement along the swamp. The mats along Southern Boulevard are due to the proximity to the Great Swamp. Engineer Ruschke said that the biggest impact to residents will be in the vicinity of Colony Pool. Parking at Colony Pool will not be affected, and

the operation of the pool facility should not be affected either. Engineer Ruschke said that access to the Colony Tennis Courts may be impacted in the fall.

The Township Clerk reported that the June Primary Election is anticipated to have voting in-person. The deadline to change political party affiliations is April 14th, and the deadline to register to vote in the June Primary is May 18th. The June Primary is on June 8th. Voter registration forms are available at the Municipal Building.

Administrator Hoffmann reported that he took the same insurance course as Committeewoman Fondaco. Regarding the Monopole Project, Administrator Hoffmann said that the Police Department have been monitoring traffic and are developing a plan to mitigate the impact on student drop-off for Southern Boulevard School. Administrator Hoffmann further noted the resolution to ratify and confirm the submission of a grant application for the Wastewater Treatment Plant. He also reported that a proposal for Nash Field lighting will be evaluated by the Baseball Association and the Chatham Athletic Foundation.

Administrator Hoffmann reported on the recent bond anticipation note sale that occurred on March 30th. The closing is scheduled for April 9th. There were four bidders. The best overall value was the bid submitted by BNY Mello Capital Markets which included a Principal Amount of \$11,45,000.00 with a maturity date of April 8, 2022 and a Net Interest Cost of 0.2179%. Administrator Hofmann also stated that the premium will go to fund balance to help with bond note payments.

Hearing of Citizens

The Township Clerk indicated that there were not any written comments received prior to the meeting.

Mayor Ness opened the Hearing of Citizens.

1. Lisa McHugh, Ormont Road, said she is concerned about the Rolling Knolls Superfund Site. Mrs. McHugh said she would like to see a substantial cleanup of the site than what has been recommended by the EPA. She said that the EPA would listen to the Township Committee if they ask for a more thorough cleanup, and asked what the position is of the Township Committee members regarding Rolling Knolls.

Administrator Hoffmann said that the Township Committee is still in the education and information phase on this matter, and it would not yet be appropriate for the Township Committee to answer Mrs. McHugh's questions. He noted that there are new members of the Township Committee who need time to tour the site, gather information and ask questions before giving an informed response to the public.

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

Public Hearing/Final Adoption of Ordinances

Ordinance 2021-07

ORDINANCE 2021-07

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER II, ADMINISTRATION, OF THE TOWNSHIP CODE TO ADD ALTERNATE MEMBERS TO THE OPEN SPACE ADVISORY COMMITTEE

BE IT ORDAINED, by the Township Committee of the Township of Chatham that the Chapter II of the Code of the Township of Chatham at Section 2-28, Open Space Advisory Committee, is amended at Subsection 2-28.2 to read as follows:

Section 1.

- a. The Open Space Advisory Committee shall consist of nine members to be appointed, each for a term of one year, by the Township Committee, with the Chairman to be appointed by the Mayor
- b. The membership of the Open Space Advisory Committee shall include:
 1. A member of the Township Committee;
 2. A member of the Planning Board;

3. A member of the Environmental Commission;
 4. Six residents of the Township of Chatham.
- c. Two Township of Chatham residents shall be appointed by the Township Committee as alternate members and shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2". The terms of the alternate members shall be for one year. A vacancy occurring in the alternate members shall be for the unexpired term and shall be filled by appointment of the Township Committee. An alternate member may participate in discussions but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No.1 shall vote first.
- d. The following personnel shall serve as advisors to the Open Space Advisory Committee:
1. Chief of Police or his designee;
 2. Recreation Director;
 3. Public Works Director or his designee;
 4. Township Administrator.

Section 2. This Ordinance shall take effect in accordance with law.

Mayor Ness opened the Public Hearing on Ordinance 2021-07.

Seeing no public comment, Mayor Ness closed the Public Hearing.

Committeewoman Fondaco moved to adopt Ordinance 2021-07. Deputy Mayor Ewald seconded the motion.

Roll call: Committeewoman Felice, Aye; Committeeman Hamilton, Aye; Committeewoman Fondaco, Aye; Deputy Mayor Ewald, Aye; Mayor Ness, Aye.

Ordinance 2021-09

ORDINANCE 2021-09

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,049,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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

Section 1. The Township of Chatham, in the County of Morris, State of New Jersey (the "Township") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new information technology equipment and a new automotive vehicle, including original apparatus and equipment, in, by and for said Township, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Acquisition of new additional or replacement equipment and machinery and a new automotive vehicle, including original apparatus and equipment, for the use of the Department of Public Works ("DPW"), including, but not limited to, (i) a mini-excavator, (ii) plows, (iii) a street sweeper and (iv) a dump truck.

Appropriation and Estimated Cost	\$ 105,000
Down Payment Appropriated	\$ 5,250
Bonds and Notes Authorized	\$ 99,750
Period of Usefulness	5 years

B. Acquisition of new information technology equipment and new additional or replacement equipment and machinery for the use of the Police Department, including, but not limited to, (i) a license plate reader and (ii) body cameras.

Appropriation and Estimated Cost	\$ 61,000
Down Payment Appropriated	\$ 3,050
Bonds and Notes Authorized	\$ 57,950
Period of Usefulness	7 years

C. Undertaking of improvements to various roads and construction of sidewalks, as set forth on a list prepared or to be prepared by the Township Engineer and placed on file with the Township Clerk and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Township Committee, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 300,000
Down Payment Appropriated	\$ 15,000
Bonds and Notes Authorized	\$ 285,000
Period of Usefulness	10 years

D. Undertaking of various recreation improvements, including, but not limited to, funding the Township's portion of the cost of the installation of field lighting at Nash Field, including related drainage improvements.

Appropriation and Estimated Cost	\$ 150,000
Down Payment Appropriated	\$ 7,500
Bonds and Notes Authorized	\$ 142,500
Period of Usefulness	15 years

E. Undertaking of improvements to various public buildings, including, but not limited, to the Municipal Building, Police Headquarters and DPW buildings. It is hereby determined and stated that said public buildings to be improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 63,000
Down Payment Appropriated	\$ 3,150
Bonds and Notes Authorized	\$ 59,850
Period of Usefulness	15 years

F. (i) Undertaking of the Township Records Management Project and (ii) acquisition of new information technology equipment consisting of computer system upgrade equipment for the use of various Township departments, offices and agencies.

Appropriation and Estimated Cost	\$ 95,000
Down Payment Appropriated	\$ 4,750
Bonds and Notes Authorized	\$ 90,250
Period of Usefulness	5 years

G. Acquisition of new additional or replacement equipment and machinery consisting of self-contained breathing apparatus equipment and various items of firefighting, emergency and safety equipment for the use of the Volunteer Fire Departments.

Appropriation and Estimated Cost	\$ 50,000
Down Payment Appropriated	\$ 2,500
Bonds and Notes Authorized	\$ 47,500
Period of Usefulness	5 years

H. Undertaking of various improvements to Colony Pool.

Appropriation and Estimated Cost	\$ 50,000
Down Payment Appropriated	\$ 2,500
Bonds and Notes Authorized	\$ 47,500
Period of Usefulness	15 years

I. Undertaking of building demolition and site improvements at 490 River Road (previously acquired by the Township) for future use for affordable housing purposes.

Appropriation and Estimated Cost	\$ 175,000
Down Payment Appropriated	\$ 8,750
Bonds and Notes Authorized	\$ 166,250
Period of Usefulness	40 years

Aggregate Appropriation and Estimated Cost	\$1,049,000
Aggregate Down Payment Appropriated	\$ 52,450
Aggregate Amount of Bonds and Notes Authorized	\$ 996,550

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$30,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$52,450, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$52,450 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$996,550 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$996,550 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 14.89 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$996,550 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local

Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 15. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mayor Ness opened the Public Hearing on Ordinance 2021-09.

Seeing no public comment, Mayor Ness closed the Public Hearing.

Committeewoman Fondaco moved to adopt Ordinance 2021-09. Deputy Mayor Ewald seconded the motion.

Roll call: Committeewoman Felice, Aye; Committeeman Hamilton, Aye; Committeewoman Fondaco, Aye; Deputy Mayor Ewald, Aye; Mayor Ness, Aye.

Ordinance 2021-10

ORDINANCE 2021-10
CAPITAL ORDINANCE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY AUTHORIZING THE UNDERTAKING OF VARIOUS IMPROVEMENTS IN, BY AND FOR THE SEWER UTILITY OF THE TOWNSHIP, APPROPRIATING THEREFOR THE SUM OF \$200,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE SEWER UTILITY CAPITAL IMPROVEMENT FUND OF 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. The Township of Chatham, in the County of Morris, New Jersey (the "Township") is hereby authorized to undertake various improvements in, by and for the Sewer Utility of the Township, including, but not limited to, (i) replacement of pumps at pump stations and (ii) roof replacement at the Water Pollution Control Plant. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$200,000 is hereby appropriated to the payment of the cost of the improvements authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be raised from the Sewer Utility Capital Improvement Fund of the Township. The sum of \$200,000 is hereby appropriated from the Sewer Utility Capital Improvement Fund of the Township to the payment of the cost of said purpose.

Section 3. Said improvements are lawful capital improvements of the Township having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefitted.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 5. This ordinance shall take effect at the time and in the manner provided by law.

Mayor Ness opened the Public Hearing on Ordinance 2021-10.

Seeing no public comment, Mayor Ness closed the Public Hearing.

Committeeman Hamilton moved to adopt Ordinance 2021-10. Deputy Mayor Ewald seconded the motion.

Roll call: Committeewoman Felice, Aye; Committeeman Hamilton, Aye; Committeewoman Fondaco, Aye; Deputy Mayor Ewald, Aye; Mayor Ness, Aye.

Introduction of Ordinances

Ordinance 2021-11

ORDINANCE 2021-11

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP BY ADDING A NEW SECTION 19-3 TITLED “SITING OF POLES, CABINETS AND ANTENNAS” IN CHAPTER 19 TITLED “STREETS AND SIDEWALKS”

WHEREAS, the Township of Chatham (“Township”) is aware that certain technological developments have made access to its Municipal Rights-of-Way desirable by certain telecommunications companies for the placement of small cell wireless facilities (“Small Cells”); and

WHEREAS, it is “axiomatic that municipal corporations are required to exercise ordinary care to maintain their streets and sidewalks . . . [n]or may a municipality in any way surrender or impair its control over the streets”. McQuillan Mun. Corp. (3rd Ed), Section 30.73; and

WHEREAS, the Township acknowledges that its streets “are used for the ordinary purposes of travel and such other uses as customarily pertain there-to which, in recent years, are numerous and various. It thus follows that these public ways must be kept free from obstruction, nuisances, or unreasonable encroachments which destroy, in whole or in part, or materially impair, their use as public thoroughfares” Id.; and

WHEREAS, the Township has determined that its Municipal Rights-of-Way, such as they are or may be, themselves constitute a valuable resource, finite in nature, and which exist as a common right of the public to pass and repass freely over and across said lands without unreasonable obstruction or interference, and which therefore must be managed carefully; and

WHEREAS, the Federal Telecommunications Act preserves local government’s ability to “manage the public Rights-of-Way . . . on a competitively neutral and non-discriminatory basis”, 47 U.S.C. 253(c); and

WHEREAS, the Federal Telecommunications Act preserves local government’s authority over the “placement, construction and modification of personal wireless service facilities”, 47 U.S.C. 332(c)(7)(A); and

WHEREAS, the Federal Telecommunications Act makes it unlawful for local government to prohibit or have the effect of prohibiting the provision of personal wireless service, 47 U.S.C. 332(c)(7)(B)(i)(II); and

WHEREAS, the Federal Telecommunications Act provides that municipalities “shall not unreasonably discriminate among providers of functionally equivalent services”, 47 U.S.C. 332(c)(7)(B)(i)(I); and

WHEREAS, recent developments in wireless technology, specifically the development of 5G, involve the placement of Small Cells and Cabinets in the Municipal Right-of-Way; and

WHEREAS, New Jersey municipalities must give consent before a Small Cell, i.e. a small antenna, can be placed on existing poles pursuant to N.J.S.A. 48:3-19 and for the erection of New Poles within the Municipal Right-of-Way pursuant to N.J.S.A. 48:17-10; and

WHEREAS, the Federal Highway Administration has acknowledged the problem of overburdening the Municipal Right-of-Way by stating “[as] demand for the finite space in existing ROW increases, the difficulty and cost of adding new utility facilities and relocating existing utility facilities also increases. Just as significant is how utility service interruptions may add to public discontent with overall highway construction. It is therefore essential for planners, designers, and builders of street and highway projects to avoid unnecessary utility relocation . . . ”Federal Highway Administration, Avoiding Utility Relocations, <https://www.fhwa.dot.gov/utilities/utilityrelo/2.cfm> ; and

WHEREAS, the Federal Communications Commission (“FCC”) adopted an order “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment” WT Docket No. 17-79; WC Docket 17-84, which places a shot clock on municipal review and approval for the placement of Small Cells on Existing Poles and the placement of New Poles and Cabinets in the Municipal Right-of-Way; and

WHEREAS, the erection of New Poles and Ground Level Cabinets in the Municipal Right-of-Way raises significant aesthetic and safety concerns; and

WHEREAS, Ground Level Cabinets attached to small cells trigger certain collocation requirements pursuant to Section 6409(a) of the Middle Class Tax Relief and Jobs Creation Act of 2012 which raises serious concerns as to the ability of local government to protect the public’s interest in the Municipal Rights-of-Way when it comes to aesthetics and the ability of the public to pass and repass over same; and

WHEREAS, New Poles and Ground Level Cabinets also raise concerns related to sight triangle encroachments and other safety related issues related to the use of roadways by the public; and

WHEREAS, it is the Township’s goal to increase collocation of antennas, to the maximum amount possible, on existing poles thereby precluding the proliferation of new poles; and

WHEREAS, the Township understands that technology is advancing in this area and that greater collocation may be required as same becomes more technologically possible; and

WHEREAS, the FCC in its order provides that municipalities can impose aesthetic and location requirements on Small Cells where said requirements are: 1) reasonable; 2) no more burdensome than those applied to other types of infrastructure deployments; and 3) published in advance; and

WHEREAS, the FCC in its order further clarified what it considers “reasonable” aesthetic requirements by stating that “in assessing that this standard has been met, aesthetic requirements that are more burdensome than those the state or locality applies to similar infrastructure deployments are not permissible, because such discriminatory application evidences that the requirements are not, in fact, reasonable and directed at remedying the impact of the wireless infrastructure deployment”; and

WHEREAS, the FCC’s requirement that, in order to protect the aesthetics of the Township’s Municipal Rights-of-Way, it must treat like infrastructure in a like manner, necessitates the introduction of broader aesthetic requirements that apply to all Poles and Antennas and Cabinets in the Municipal Rights-of-Way and not just Small Cells; and

WHEREAS, the Township has determined that the most efficient way to handle this process is to create a Rights-of-Way Permit system for all New Poles, Cabinets and Antennas in the Municipal Rights-of-Way; and

WHEREAS, the Township has determined that it is necessary to set forth standards in relation to the siting of Poles, Cabinets and Antennas for the benefit of its citizens and any utilities which use or will seek to make use of said Municipal Rights-of-Way.

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

Section 1. Chapter 19 titled “Streets and Sidewalks” of the Revised General Ordinances of the Township of Chatham is hereby amended through the addition of new Section 19-3 titled “Siting of Poles, Cabinets and Antennas in the Municipal Right-of-Way” as follows:

§19-3. DEFINITIONS.

- a. “Anticipated Municipal Expenses” means the cost of processing an application for a Right-of-Way Permit including, but not limited to, all professional fees such as engineering and attorney costs incurred by the Township.
- b. “Cabinet” shall mean a small box-like or rectangular structure used to facilitate utility or wireless service from within the Municipal Right-of-Way.
- c. “Electric Distribution System” shall mean the part of the electric system, after the transmission system, that is dedicated to delivering electric energy to an end user.
- d. “Existing Pole” shall mean a pole that is in lawful existence within the Municipal Right-of-Way.
- e. “Ground Level Cabinets” shall mean a Cabinet that is not attached to an existing pole and is touching or directly supported by the ground.
- f. “Municipal Right-of-Way” or “Municipal Rights-of-Way” shall mean the surface of, and the space above or below, any public street, road, place, public way or place, sidewalk, alley, boulevard, parkway, drive held by the Township as an easement or in fee simple ownership. This term also includes rights-of-way held by the County of Morris where the Township’s approval is required for the use of same pursuant to N.J.S.A. 27:16-6. This term shall not include private roadways.
- g. “Pole” shall mean a long, slender, rounded piece of wood, concrete or metal.
- h. “Pole Mounted Antenna” shall mean a device that is attached to a Pole and used to transmit radio or microwave signals and shall include, but not be limited to, small cell equipment and transmission media such as femtocells, picocells, microcells, and outside distributed antenna systems.
- i. “Pole Mounted Cabinet” shall mean a Cabinet that is proposed to be placed on an Existing or Proposed Pole.
- j. “Proposed Pole” shall mean a Pole that is proposed to be placed in the Municipal Right-of-Way.
- k. “Right-of-Way Agreement” shall mean an agreement that sets forth the terms and conditions for use of the Municipal Right-of-Way and includes, but is not limited to, municipal franchise agreements.
- l. “Right-of-Way Permit” shall mean an approval from the Township setting forth applicant’s compliance with the requirements of this Section 19-3.
- m. “Surrounding Streetscape” shall mean Existing Poles within the same right-of-way which are located within five hundred linear (500) feet of the Proposed Pole carrying electric transmission lines shall not be considered part of the “Surrounding Streetscape”.
- n. “Township Committee” shall mean the Township Committee of the Township of Chatham.
- o. “Utilities Regulated by the Board of Public Utilities” shall mean companies subject to regulation by the New Jersey Board of Public Utilities under Title 48 of the Revised Statutes.
- p. “Utility Service” shall mean electric, telephone, or cable service.
- q. “Zone, Non-Residential” shall mean the B-1 Business Center District, and B-2 Neighborhood Business District; PI-1 Professional and Institutional Districts; Planned Commercial District Zones as designated in §30-75 of the Revised General Ordinances of the Township of Chatham.

- r. “Zone, Residential” shall mean any zones permitting single family, two family, or multifamily residences, assisted-living residences, nursing homes, and/or residential health care facilities.

§19-3.2 ACCESS TO RIGHT-OF-WAY, RIGHT-OF-WAY AGREEMENTS.

- a. No person shall operate or place any type of Pole Mounted Antenna, Cabinet or Pole within the Municipal Right-of-Way without first entering into a Right-of-Way Agreement pursuant to the provisions of this Section.
- b. The terms of said Right-of-Way agreement shall include:
 - i. A term not to exceed 15 (fifteen) years;
 - ii. Reasonable insurance requirements;
 - iii. Fine for unauthorized installations;
 - iv. A reference to the siting standards as set forth in this Section 19-3; and
 - v. Any other items which may reasonably be required.

§19-3.3 APPLICATION TO UTILITIES REGULATED BY THE BOARD OF PUBLIC UTILITIES.

- a. Notwithstanding any franchise or Right-of-Way Agreement to the contrary, all Antennas, Poles and Cabinets proposed to be placed within the Municipal Right-of-Way by a Utility Regulated by the Board of Public Utilities, or any other entity with legal access to the Municipal Right-of-Way, shall be subject to the standards and procedures set forth in this Section 19-3 and shall require Right-of-Way Permits for the siting of Poles, Antennas and Cabinets in the Municipal Right-of-Way.

§19-3.4 439-46 RIGHT-OF-WAY PERMITS, SITING STANDARDS FOR POLES, ANTENNAS AND CABINETS IN THE RIGHT-OF-WAY.

- a. No Pole, Antenna or Cabinet shall be installed within the Municipal Right-of-Way without the issuance of a Right-of-Way Permit.
- b. Pole Siting Standards:
 - i. Height. No Pole shall be taller than thirty-five (35) feet or 110% of the average height of Poles in the Surrounding Streetscape, whichever is higher.
 - ii. Location, Safety and Aesthetics. No Pole shall be erected in the Right-of-Way unless it:
 - 1. Is used to bring Utility Service across the Right-of-Way to an existing or proposed development from an Existing Pole; or
 - 2. Is replacing an Existing Pole; or
 - 3. Approved pursuant to a land development application by either the Township’s Zoning Board of Adjustment or Planning Board pursuant a land use application; or
 - 4. Located on the opposite side of the street from the Electric Distribution System; and
 - 5. For sites in Residential Zones, is two hundred linear feet from any other Existing Pole or Proposed Pole along the same side of the street, or for sites in Non-Residential Zones is one hundred linear feet from any other Existing Pole or Proposed Pole along the same side of the street; and
 - 6. Is not located in an area with underground utilities; and
 - 7. Does not inhibit any existing sight triangles or sight distance; and
 - 8. Allows adequate room for the public to pass and re-pass across the Municipal Right-of-Way; and
 - 9. Is finished and/or painted, constructed and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties, and to permit the colocation of additional Pole Mounted Antennas thereon.
- c. Ground Level Cabinet Site Standards
 - i. Ground Level Cabinets are prohibited in Residential Zones.
 - ii. Ground Level Cabinets are permitted in Non-Residential Zones provided that each Ground Level Cabinet:
 - 1. Is less than twenty-eight cubic feet in volume; and

2. Is finished and/or painted to blend in compatibly with its background to minimize its visual impact on surrounding properties; and
3. Does not inhibit an existing sight triangles or sight distance; and
4. Allows adequate room for the public to pass and repass across the Municipal Right-of-Way.

d. Pole Mounted Antenna and Pole Mounted Cabinet Siting Standards

- i. Pole Mounted Antennas are permitted on Existing Poles in all zones, provided that each Pole Mounted Antenna:
 1. Does not exceed three (3) cubic feet in volume; and
 2. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, to blend in compatibly with its background to minimize its visual impact on surrounding properties; and
 3. Does not inhibit sight triangles or sight distance; and
 4. Allows adequate room for the public to pass and repass across the Municipal Right-of-Way.
- ii. Pole Mounted Cabinets are permitted on Existing Poles in all zones, provided that each Pole Mounted Cabinet:
 1. Does not exceed sixteen (16) cubic feet; and
 2. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, to blend in compatibly with its background to minimize its visual impact on surrounding properties; and
 3. Does not inhibit sight triangles or sight distance; and
 4. Allows adequate room for the public to pass and repass across the Municipal Right-of-Way.
- iii. The Township may also require that an applicant provide a certification from a licensed engineer attesting to the structural integrity of any Pole Mounted Antenna or Pole Mounted Cabinet and the structure on which it is proposed to be mounted.

§19-3.5 APPLICATION PROCESS.

- a. Pre-Application Meeting - While not required by the Township, prior to making a formal application with the Township for use of the Municipal Right-of-Way, all applicants are advised to meet with the Township Engineer to review the scope of applicant's proposal.
- b. The Township Committee shall, by Resolution, approve or disapprove every Right-of-Way Permit application based on the recommendations provided to it pursuant to subsection (e) below.
- c. All applications made under this Section 19-3 which trigger Federal Communications Commission shot clock rules pursuant to the Federal Communications Commission Order "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by the Removal of Barriers to Infrastructure Investment." WT Docket No. 17-79; WC Docket No. 17-84 shall be processed on an expedited basis.
- d. Every application for a Proposed Pole must include a stamped survey prepared by a New Jersey licensed surveyor demonstrating that any such Proposed Pole is located within the Municipal Right-of-Way. An application which does not include such a survey shall immediately be deemed incomplete.
- e. The Township Engineer shall review applications made pursuant to this Section 19-3 and advise the Township Committee of his or her recommendation to approve or disapprove same. If he or she recommends that an application be disapproved, the factual basis for that recommendation must be transmitted to the Township Committee in writing.
- f. If the Township Committee denies any application made under this Section 19-3, it shall do so in writing and set forth the factual basis therefor.

§19-3.6 WAIVER.

- a. The Township Committee may, by Resolution, waive any siting standard set forth in Section 19-3.4 where the applicant demonstrates that strict enforcement of said standard:
 - i. Will prohibit or have the effect of prohibiting any interstate or intrastate telecommunications service pursuant to 47 U.S.C. 253(a); or
 - ii. Will prohibit or have the effect of prohibiting personal wireless service pursuant to 47 U.S.C. 332(c)(7)(B)(i)(II); or

- iii. Will violate any requirement set forth by the Federal Communications Commission Order “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment.” WT Docket No. 17-79; WC Docket 17-84.

§19-3.7 RIGHT-OF-WAY PERMIT FEES AND DEPOSIT TOWARDS ANTICIPATED MUNICIPAL EXPENSES.

- a. Every Right-of-Way Permit application must include a Right-of-Way Permit Fee in the following amounts:
 - i. One (1) to five (5) collocation sites on Existing Poles- \$500.00.
 - ii. Each additional collocation site on an Existing Pole- \$100.00.
- b. Deposit Towards Anticipated Municipal Expenses
 - i. In addition to the Right-of-Way Permit Fee, the Township Engineer may, in his or her own discretion, require the posting of a Two Thousand Dollar (\$2,000.00) Deposit Towards Anticipated Municipal Expenses related to an application made pursuant to this Section 19-3.
 - ii. Applicant’s Deposit Towards Anticipated Municipal Expenses shall be placed in an escrow account. If said deposit contains insufficient funds to enable the Township to perform its review, the Chief Financial Officer of the Township or designee shall provide applicant a notice of insufficient balance. In order for review to continue, the applicant shall, within ten (10) days post a deposit to the account in an amount to be mutually agreed upon.
 - iii. The Chief Financial Officer or designee shall, upon request by the applicant, and after a final decision has been made by the Township Committee regarding his or her pending Right-of-Way Permit application, and subject to review by the Township Engineer, refund any unused balance from applicant’s Deposit Towards Anticipated Municipal Expenses.

§19-3.8 Colocation Requirement

Any applicant for a Right-of-Way permit shall, as a condition to the issuance of same, permit the colocation of Pole Mounted Antennas onto any new Pole to the maximum amount that colocation is technically feasible which, in any event, shall not be less than two Pole Mounted Antennas.

§19-3.8 Miscellaneous Provisions.

- a. Any approval received pursuant to this Section 19-3 does not relieve the applicant from receiving consent from the owner of the land above which an applicant’s facility may be located as may be required under New Jersey law, or the owner of any existing pole on which the facility may be mounted.
- b. Applicant must, in addition to receiving a Right-of-Way Permit, also receive all necessary road opening permits, construction permits and any other requirement set forth in the Revised Ordinances of the Township of Chatham or state statutes.
- c. The Township’s consent for use of County Roads, as required pursuant to N.J.S.A. 27:16-6, shall take the form of a Right-of-Way Permit subject to the standards and application process set forth in this Section 19-3. No such applicant shall be required to enter into a Right-of-Way Agreement with the Township.
- d. Applicant must comply with all applicable state, local and federal regulations including.
- e. Any agreement or Right-of-Way permit issued pursuant to this Section 19-3 shall not supersede or in any way take the place of any local approvals or franchises which otherwise in the future may be required by applicant under the New Jersey Cable Television Act, N.J.S.A. 48:5A-1, *et seq.*

Section 2. The Township Clerk is hereby directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerks of adjoining municipalities. The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this Section, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 3. After introduction, the Township Clerk is hereby directed to submit a copy of this Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within thirty-five (35) days after referral, a report including identification of any provisions in this proposed Ordinance which are inconsistent with the Township’s Master Plan and

recommendations concerning any inconsistencies and any other matters as the Board may deem appropriate.

Section 4. Any article, section, paragraph, subsection, clause, or other provision of the Revised General Ordinances of the Township of Chatham inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

Section 5. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Section 6. This Ordinance shall take immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Township Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Mayor Ness said that there was another municipality that had an unapproved small-site tower go up that had to be removed. She said this ordinance is a measure to be proactive regarding small cell towers.

Attorney Cruz said that although it is not a land use ordinance per se, he sent the draft to the Planning Board Attorney for review. Attorney Cruz and Attorney Warner agreed that Ordinance 2021-11 should be sent to the Planning Board for a Master Plan Consistency Review. Attorney Cruz said that Ordinance 2021-12 will also be treated as a land use ordinance.

Committeewoman Fondaco moved to introduce Ordinance 2021-11. Deputy Mayor Ewald seconded the motion.

Roll call: Committeewoman Felice, Aye; Committeeman Hamilton, Aye; Committeewoman Fondaco, Aye; Deputy Mayor Ewald, Aye; Mayor Ness, Aye.

Public Hearing for Ordinance 2021-11 will be scheduled for May 13, 2021.

Ordinance 2021-12

**ORDINANCE 2021-12
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY AMENDING THE LAND DEVELOPMENT ORDINANCE SECTION 30-60.5 TITLED “APPLICATION CONTENT” TO REDUCE THE NUMBER OF PAPER COPIES OF APPLICATIONS AND PLANS TO BE SUBMITTED**

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

Section 1.

Section 30-60.5 titled “Application Content” of the Revised General Ordinances of the Township of Chatham, the first full paragraph is hereby amended to change the number of hard copies of subdivision plats or site plans to four (4) and one (1) subdivision plat or site plan in electronic format and three (3) hard copies of the application and one (1) application in electronic format as follows:

30-60.5 Application Content.

Applications shall be made on forms available from the Board Manager of the Planning Board. Four (4) hard copies of the application and one (1) copy in electronic format accompanied by the required filing fee as specified in §30-17 shall be submitted. Four (4) hard copies of blue or black on white paper prints of the subdivision plat or site plan and one (1) plat or plan in electronic format, along with any other required documents and improvement plans.

Section 2.

30-60.5a is amended to delete: Two translucent tracing cloth copies;

The remainder of Section 30-60.5 is re-lettered.

Section 3.

All other subsections of Section 30-60.5 shall remain in full force and effect.

Section 4.

Attachment 5, Appendix II, Checklist A to Chapter 30, titled “Land Development”, the first and fourth Checklist items shall be revised to conform to the Ordinance as follows:

____ Three completed copies of the appropriate application form(s) and one complete copy in electronic format.

____ Four copies (blue or white) of the plat plan, site plan, building or subdivision plan (25 x 36 inches folded engineer style) and one complete plan in electronic format.

Section 5.

The Township Clerk is hereby directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerks of adjoining municipalities. The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this Section, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 6.

After introduction, the Township Clerk is hereby directed to submit a copy of this Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within thirty-five (35) days after referral, a report including identification of any provisions in this proposed Ordinance which are inconsistent with the Township’s Master Plan and recommendations concerning any inconsistencies and any other matters as the Board may deem appropriate.

Section 7.

Any article, section, paragraph, subsection, clause, or other provision of the Revised General Ordinances of the Township of Chatham inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

Section 8.

If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Section 9.

This Ordinance shall take effect immediately upon: (1) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Township Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Committeeman Hamilton moved to introduce Ordinance 2021-12. Deputy Mayor Ewald seconded the motion.

Roll call: Committeewoman Felice, Aye; Committeeman Hamilton, Aye; Committeewoman Fondaco, Aye; Deputy Mayor Ewald, Aye; Mayor Ness, Aye.

Public Hearing for Ordinance 2021-12 will be scheduled for May 13, 2021.

Ordinance 2021-13

RESOLUTION 2021-114

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CAPITAL BUDGET

WHEREAS, the Township of Chatham deems it necessary and desirable to revise the Funding Source and Debt Authorized to the existing Capital Project Titled Affordable Housing 522 Southern Blvd not previously reflected in the 2021 Capital Budget of said municipality, and

WHEREAS, N.J. A.C. 5:30-4.4B provides that the Capital Budget of a governing body shall be amended to reflect any provisions, changes or inconsistencies with said Capital Budget,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, that the 2021 Capital Budget shall be amended to

reflect the revised Funding Source and Debt Authorized as reflected in the attached 2021 Capital Budget Sheets not previously reflected for in the Capital Budget.

BE IT FURTHER RESOLVED that the attached form, as promulgated by the Local Finance Board shall represent the amended Capital Budget for the year 2021.

Administrator Hoffmann reported that an amendment to the Capital Budget is needed in order for the Township Committee to introduce Ordinance 2021-13.

Deputy Mayor Ewald moved to adopt Resolution 2021-114. Committeewoman Fondaco seconded the motion.

Roll call: Committeewoman Felice, Aye; Committeeman Hamilton, Aye; Committeewoman Fondaco, Aye; Deputy Mayor Ewald, Aye; Mayor Ness, Aye.

ORDINANCE 2021-13

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$1,115,000 FOR THE ACQUISITION OF REAL PROPERTY (BY PURCHASE OR EMINENT DOMAIN) FOR AFFORDABLE HOUSING PURPOSES IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

WHEREAS, the Township Committee of the Township of Chatham has heretofore authorized the acquisition of real property (by purchase or eminent domain) in, by and for the Township for affordable housing purposes (said property having a street address of 522 Southern Boulevard and designated as Block 128, Lot 2 on the Tax Assessment Map of the Township), and appropriated the sum of \$4,000,000 therefor pursuant to ordinance no. 2020-14 adopted by the Township Committee of said Township on September 10, 2020; and

WHEREAS, the Township Committee now finds and determines that the additional sum of \$1,115,000 is required for such improvement,

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

Section 1. The additional sum of \$1,115,000 is hereby appropriated to the payment of the cost of the improvement authorized by ordinance no. 2020-14 adopted by the Township Committee of the Township on September 10, 2020 (the "Prior Ordinance"). Said additional appropriation shall be met from the down payment appropriated and from the proceeds of the sale of the bonds authorized by this ordinance. Said improvement has been and shall be made as a general improvement and no part of the cost thereof has been nor shall be assessed against property specially benefited.

Section 2. It is hereby determined and stated that (1) the making of such improvement (hereinafter referred to as "purpose") is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose authorized by the Prior Ordinance is \$5,115,000, including the sum of \$4,000,000 appropriated by the Prior Ordinance and the \$1,115,000 appropriated by this ordinance, and (4) \$255,000 of said sum is to be provided by the down payment, including the \$200,000 appropriated by the Prior Ordinance and the \$55,000 hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$4,860,000, including the \$3,800,000 authorized by the Prior Ordinance and the \$1,060,000 hereinafter authorized, and (6) the cost of such purpose includes the sum of \$315,000 stated in the Prior Ordinance, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 3. It is hereby determined and stated that the sum of \$55,000 in the Township's Affordable Housing Trust Fund is now available to serve as the down payment on said purpose. The sum of \$55,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 4. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$1,060,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 5. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$1,060,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 7. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 8. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,060,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 9. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 10. The Township intends to issue the bonds or notes to finance the cost of the improvement authorized by the Prior Ordinance and described herein. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 11. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 12. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Deputy Mayor Ewald moved to introduce Ordinance 2021-13. Committeewoman Fondaco seconded the motion.

Roll call: Committeewoman Felice, Aye; Committeeman Hamilton, Aye; Committeewoman Fondaco, Aye; Deputy Mayor Ewald, Aye; Mayor Ness, Aye.

Public Hearing for Ordinance 2021-13 will be scheduled for April 22, 2021.

Ordinance 2021-14

ORDINANCE 2021-14
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING POOL MEMBERSHIP FEES FOR COLONY RECREATION CENTER COMMENCING 2021

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Section 20-1 of the Township Code is hereby amended to read as follows:

1. **20-1 POOL MEMBERSHIP FEES AT THE COLONY RECREATION CENTER.**
 - a. The following schedule of Colony Recreation Center Fees for Pool Membership is hereby established:

Patron of the Pool	\$875
Family Membership	\$550
Non-Resident Family Membership	\$650
Couple Membership	\$405

Non-Resident Couple Membership	\$550
Individual Membership (14 years or older)	\$250
Non-Resident Individual Membership (14 years or older)	\$315
Babysitter / Parent Helper	\$120
Non-Resident Babysitter / Parent Helper	\$160
Senior Couple Membership	\$115
Non-Resident Senior Couple Membership	\$120
Senior Individual Membership	\$55
Non-Resident Senior Individual Membership	\$60
Adult Resident Twilight Daily Fee (4:30 P.M. until closing) (Township Residents only)	\$5
Daily Guest - Accompanied by Member	\$10

No refunds will be made after opening day.

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), shall be entitled to a fifty (50%) percent reduction in the fee for the appropriate pool membership category listed above.

2. The Township Administrator, in consultation with the Colony Recreation Center liaison, may authorize special promotional events and offer special discounts to promote Colony Recreation Center membership.

3. This ordinance shall take effect on May 1, 2021.

Mayor Ness noted that Administrator Hoffmann prepared a spreadsheet with an analysis of proposed Colony Pool fees relative to the anticipated revenues in the 2021 Budget. Administrator Hoffmann reported that as of April 8th the Township has received \$54,995.00 in Colony Pool fees under the Early Bird rates, which is 48.2% of the revenue collected in the 2020 season and 39.2% of what was anticipated in 2021. Administrator Hoffmann said that Ordinance 2021-14 is based on an analysis that was started by the Colony Pool Committee, as well as on the consensus stemming from the Township Committee's review.

Deputy Mayor Ewald moved to introduce Ordinance 2021-14. Committeewoman Fondaco seconded the motion. Mayor Ness said that she is not aware of any bylaws setting a limit.

Committeeman Hamilton disagreed that the ordinance is based on the Township Committee's consensus, and he said that at the last meeting he was in favor of a higher fee structure. Committeeman Hamilton also said that a lower increase in fees is an increase in taxes.

Deputy Mayor Ewald asked if there is a limit to how many times someone can enter the pool on a guest pass. Administrator Hoffmann said that he is not aware of any limit. Administrator Hoffmann said that adding a limit to the ordinance would be a substantive change. Mayor Ness said that the matter could be addressed in the Colony Pool Bylaws.

Deputy Mayor Ness asked about having Chatham Borough residents pay the resident rate rather than the non-resident rate. Administrator Hoffmann said that his analysis did not make any assumptions about how Chatham Borough residents would be regarded. Committeewoman Felice opined that Chatham Borough residents should not be offered the resident rate for Colony Pool. Deputy Mayor Ewald asked if Borough residents get the resident rate for the Early Bird pricing. Mayor Ness said that they do. Deputy Mayor Ewald said that Borough residents would be able to still get the resident rate until May 1st. Committeewoman Felice noted that the Township's taxpayers are subsidizing Colony Pool. She also noted that the 2020 pro-rated rates were not adopted by ordinance. Attorney Cruz said that the 2019 Colony Fees Ordinance does not distinguish between Township and Borough residents, and presumably Borough residents would pay the non-resident rate.

Attorney Cruz asked if the ordinance will be introduced as drafted. Committeewoman Felice clarified that Borough residents would be charged the non-resident rate.

Roll call: Committeewoman Felice, Aye; Committeeman Hamilton, Aye; Committeewoman Fondaco, Aye; Deputy Mayor Ewald, Aye; Mayor Ness, Aye.

Public Hearing for Ordinance 2021-14 will be scheduled for April 22, 2021.

Consent Agenda

RESOLUTION 2021-115

**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 \$1,680,090.10 and the prior month's payroll of \$447,502.25 Current Fund, \$50,733.22 Sewer No. 1, \$11,427.79 Sewer No. 2, and \$38,280.12 Police Private Employment be paid.

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

RESOLUTION 2021-116

**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 March 25, 2021.

RESOLUTION 2021-117

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

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on March 25, 2021.

RESOLUTION 2021-118

**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>
Daniel Yang 16 Dogwood Drive Chatham, NJ 07928	BOA 19-35-1	7765172273	\$42.10
Joanna Smith 12 Yarmouth Road Chatham, NJ 07928	BOA 19-88-5	7765172471	\$120.00
NJ American Water Attn: Nancy Carscadden 167 JFK Parkway Short Hills, NJ 07078	RO1 21-005 362 Green Village Road	7765172653	\$300.00
NJ American Water Attn: Nancy Carscadden 167 JFK Parkway Short Hills, NJ 07078	RO1 21-023 362 Green Village Road	7765172653	\$300.00

RESOLUTION 2021-119

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

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

WHEREAS, the Tax Collector has recommended the refund of such overpayment,
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
60	7.01	Spiotti & Associates 271 Highway 46 , Suite F105 Fairfield, NJ 07004 RE: East Park Builders, LLC	\$2,839.50 STATE TAX APPEAL Tax Year 2020

RESOLUTION 2021-120
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE TOWNSHIP OF CHATHAM AND AUTHORIZING THE MAYOR, TOWNSHIP CLERK, CHIEF FINANCIAL OFFICER AND OTHER TOWNSHIP OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE

WHEREAS, the Township of Chatham, in the County of Morris, New Jersey (the "Township") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, that require issuers of tax-exempt obligations, such as the Township, to account for and rebate certain arbitrage earnings to the United States Treasury and to take such other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Township intends to issue an \$11,475,000 bond anticipation note, dated April 9, 2021 and payable April 8, 2022 (the "Note");

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 Township Committee hereby covenants on behalf of the Township, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Township (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Township Clerk, Chief Financial Officer and the other officials of the Township are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. This resolution shall take effect immediately upon its adoption.

RESOLUTION 2021-121
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM REFUNDING CCO INSPECTION FEE

WHEREAS, the Township Committee has considered the request submitted by the Construction Official with regard to a fee that was paid for a CCO Inspection that was submitted to the Township; and

WHEREAS, both the realtor and homeowner submitted a \$50 check for the same inspection.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following amount be refunded to the depositor of record:

<u>NAME</u>	<u>AMOUNT</u>
Vitale Group eXp Realty Katrina Vitale 28 Valley Road Montclair, NJ 07042	\$50.00

RESOLUTION 2021-122
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, REGARDING A PERSON-TO-PERSON TRANSFER OF A PLENARY RETAIL DISTRIBUTION LICENSE

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Distribution License Number 1405-44-003-007, issued to N and M Chatham, Inc., for a license held at 641 Shunpike Road, Chatham, New Jersey;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the Division of Alcoholic Beverage Control reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham does hereby approve, effective April 8, 2021, the Person-to-Person transfer of the aforesaid Plenary Retail Distribution License from N and M Chatham, Inc to Jay Krishna LLC, and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to Jay Krishna LLC effective April 8, 2021.”

RESOLUTION 2021-123
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
REFUNDING CONSTRUCTION PERMIT FEE

WHEREAS, the Township Committee has considered the request submitted by the Construction Official with regard to the fees that was paid for road opening permits that were submitted to the Township; and

WHEREAS, the roads for which the permit applications were submitted are County Roads.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following amount be refunded to the depositor of record:

<u>NAME</u>	<u>PERMIT #</u>	<u>AMOUNT</u>
NJ American Water Attn: Nancy Carscadden 167 JFK Parkway Short Hills, NJ 07078	RO1 21-005	\$100.00
NJ American Water Attn: Nancy Carscadden 167 JFK Parkway Short Hills, NJ 07078	RO1 21-023	\$100.00

Committeeman Hamilton asked about the transfer of a liquor license. The Township Clerk indicated that the ownership of the Hickory Wine Cellar is changing, and the transfer of the license facilitates that transaction.

Committeeman Hamilton moved to adopt the Consent Agenda. Committeewoman Fondaco seconded the motion.

Roll call: Committeewoman Felice, Aye; Committeeman Hamilton, Aye; Committeewoman Fondaco, Aye; Deputy Mayor Ewald, Aye; Mayor Ness, Aye.

Non-Consent Agenda

Recreation Sunday Start Times

RESOLUTION 2021-112
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY ESTABLISHING THE SUNDAY START TIME FOR ORGANIZED SPORT USE OF
RECREATION FIELDS WITHIN THE TOWNSHIP

WHEREAS, on March 11, 2021, the Chair of the Recreation Advisory Committee appeared before the Township Committee of the Township of Chatham to recommend that the Township

Committee adopt a policy establishing the Sunday start time for the organized sport use of fields within the Township of Chatham; and

WHEREAS, the recommendation of the Recreation Advisory Committee was a Sunday start time of 9:00 a.m.; and

WHEREAS, the Township Committee weighed the arguments in favor of and in opposition to Sunday start time for organized sport of 9:00 a.m. and concluded that a reasonable Sunday start time for organized sport use of fields within the Township was 10:30 a.m.; and

WHEREAS, this start time does not apply to the use of the fields within the Township by individuals which are not an organized sport; and

WHEREAS, the Township Committee desires that the Sunday start time for organized sport use be enforced through the Joint Recreation Department scheduling the use of fields within the Township after 10:30 a.m. on Sundays; and

WHEREAS, Township Committee desires to thank the Recreation Advisory Committee for its thoughtful recommendation.

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

1. That the Sunday start time for organized sport use of fields within the Township of Chatham shall be 10:30 a.m.
2. That this Resolution shall take effect immediately.

Deputy Mayor Ewald moved to adopt Resolution 2021-112. Committeewoman Fondaco seconded the motion.

Committeeman Hamilton said he had previously expressed concern about notifying neighbors of the recreational fields about the proposal for earlier start times on Sundays. He said that he is satisfied that the matter was adequately publicized, and he spoke with some residents who live near the fields who were did not appear to be any objections to the earlier start times.

Roll call: Committeewoman Felice, Aye; Committeeman Hamilton, Aye; Committeewoman Fondaco, Aye; Deputy Mayor Ewald, Aye; Mayor Ness, Aye.

Settlement Agreement

RESOLUTION 2021-124

A RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR AND CLERK TO SIGN A SETTLEMENT AGREEMENT AND THE TOWNSHIP ATTORNEY TO SIGN A STIPULATION OF SETTLEMENT WITH PREJUDICE AND WITHOUT COSTS OF THAT LITIGATION ENTITLED KRONOS HOLDINGS LLC V. TOWNSHIP OF CHATHAM, MRS-L-2024-20

WHEREAS, on October 8, 2020, Kronos Holdings LLC filed an action in lieu of prerogative writs against the Township of Chatham with the Superior Court of New Jersey, Law Division, Morris County, entitled Kronos Holdings LLC v. Township of Chatham, Docket No. MRS-L-2024-20, challenging the Township's authority to acquire 522 Southern Boulevard by purchase or condemnation; and

WHEREAS, on October 27, 2020, Kronos filed a First Amended Complaint; and

WHEREAS, on November 16, 2020, the Township filed an Answer denying the allegations in the Complaint and First Amended Complaint; and

WHEREAS, the Township and Kronos entered into settlement discussions and reached an agreement whereby Kronos will dismiss the Complaint and First Amended Complaint with prejudice and without costs; and

WHEREAS, the Township Committee believes that it is in the best interests of its residents to enter into a Settlement Agreement with Kronos providing for the dismissal of the Complaint and First Amended Complaint with prejudice and without costs.

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 Mayor and Clerk are hereby authorized to sign a Settlement Agreement in the form approved by the Township Administrator and Attorney.
2. The Township Attorney is hereby authorized to sign and file a Stipulation of Dismissal with prejudice and without costs in a form approved by the Township Attorney.
3. This Resolution shall take effect immediately.

Deputy Mayor Ewald moved to adopt Resolution 2021-124. Committeewoman Fondaco seconded the motion.

Committeeman Hamilton said that the Settlement Agreement is good news for the Township and noted the community's support for using 522 Southern Boulevard for Affordable Housing.

Roll call: Committeewoman Felice, Aye; Committeeman Hamilton, Aye; Committeewoman Fondaco, Aye; Deputy Mayor Ewald, Aye; Mayor Ness, Aye.

Grant Application for WPC Improvements

RESOLUTION 2021-125

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM CONFIRMING THE SUBMISSION OF A COMMUNITY PROJECTS GRANT APPLICATION AND AUTHORIZING THE EXECUTION OF FOLLOW UP GRANT SUBMITTALS WHICH MAY BE REQUIRED BY THE DEPARTMENT OF THE INTERIOR, ENVIRONMENTAL PROTECTION AGENCY FOR UPGRADES TO THE TANGLEWOOD TREATMENT PLANT

WHEREAS, the Township of Chatham was notified of potential federal government grant opportunities on Thursday afternoon, May 25, 2021; and

WHEREAS, the deadline to file a grant application for this new Federal program was Monday, April 5, 2021; and

WHEREAS, the Township Administrator, Township Engineer and Director of Public Works evaluated the funding categories against the needs of Township, and

WHEREAS, upgrades and improvements to the Water Pollution Control (WPC) Tanglewood Treatment Plant meet the criteria outlined in the grant application guidelines, and

WHEREAS, the total estimated project cost is \$785,000 and,

WHEREAS, the Township has submitted a grant application request of \$600,000, and if awarded the matching funds would be placed in a future capital ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham confirms and ratifies the submission of the grant application that was due on Monday, April 5, 2021; and,

BE IT FURTHER RESOLVED a copy of the grant application will be attached to this resolution and be on file for future reference.

Committeeman Hamilton moved to adopt Resolution 2021-125. Committeewoman Fondaco seconded the motion.

Mayor Ness expressed her appreciation for the work that has gone into the grant application process. She also stressed the need for the repairs to the Water Pollution Control Plant to avoid having any environmental issues develop.

Roll call: Committeewoman Felice, Aye; Committeeman Hamilton, Aye; Committeewoman Fondaco, Aye; Deputy Mayor Ewald, Aye; Mayor Ness, Aye.

Goals and Objectives

RESOLUTION 2021-126

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM ADOPTING GOALS AND OBJECTIVES

WHEREAS, the Township Committee developed a goals and objectives planning document for the year 2021 and beyond; and

WHEREAS, the goals and objectives planning document was discussed during public session at the March 25, 2021 and April 8, 2021 Township Committee Meeting; and,

WHEREAS, the goals and objectives planning document was reviewed by Township Administrator, key Department Heads and Professional staff to assure that there was no conflict with ongoing or previously scheduled projects.

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Chatham, Morris County, New Jersey, adopts the Goals and Objectives planning document.

Deputy Mayor Ewald moved to adopt Resolution 2021-126. Committeewoman Fondaco seconded the motion.

Deputy Mayor Ewald said that there is some subjective language in the Goals & Objectives that should be removed. She also said that some of the items can be consolidated. Deputy Mayor Ewald also recommended that the language regarding maintaining a healthy surplus be modified. She also commented on the goal about fully funding the fire departments and Police Department, and said that passing the annual budget is how that is accomplished.

Committeeman Hamilton disagreed with Administrator Hoffmann's memorandum that there is a consensus regarding the Goals and Objectives. He also opined that the Township Committee does not need to have Goals and Objectives.

Mayor Ness said that she cannot help Committeeman Hamilton if he cannot see the value in planning for the future. She said that Fortune 500 companies and other municipalities have Goals and Objectives, and only recently has Chatham Township adopted the process. Mayor Ness asked Committeeman Hamilton to see the value in planning and looking forward. Mayor Ness also questioned having the full funding of the Police Department in the goals and objectives, as the Police Department is fully funded in the annual budget.

Committeewoman Felice asked if the document is being edited or approved as-is. She also said she would like to review any edits before voting. Deputy Mayor Ewald said that there had not yet been an opportunity for editing. Deputy Mayor Ewald also said that the document was drafted by Administrator Hoffmann, and she suggested that any edits be sent to him for a vote at the next meeting.

Committeeman Hamilton noted that the draft agenda had the topic as a discussion item, and it had not previously been presented as an item for action at this meeting. Mayor Ness said that an email from Administrator Hoffmann indicated that there would be a resolution for consideration.

Committeeman Hamilton also said he does not agree with the Goal and Objective of limiting the number of political signs.

Administrator Hoffmann said that there will be a resolution on the April 22nd agenda for the Goals and Objectives. He also said that a consensus does not need to be unanimous. Administrator Hoffmann further said that the Goals and Objectives is a living document, and he will make the revisions. He also noted that the 2020 Goals and Objectives were listed in regular text and the 2021 additions were in italics.

Hearing of Citizens

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

Committeeman Hamilton moved to adjourn at 9:57 PM. Committeewoman Fondaco seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk