

**MINUTES
TOWNSHIP COMMITTEE
WORKSHOP MEETING
MAY 7, 2024**

Mayor Ewald called the Workshop 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 3, 2024; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 3, 2024; and notice was filed with the Township Clerk on January 3, 2024.

Roll Call

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

Executive Session

**RESOLUTION 2024-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. Contract Negotiations
 - b. Litigation
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Committeewoman Rowland moved to adopt Resolution 2024-P-06 to enter Executive Session at 6:34 PM. Committeeman McHugh seconded the motion.

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

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

Mayor Ewald led the Flag Salute.

Hearing of Citizens

The Clerk indicated that no written comments were received.

Mayor Ewald opened the Hearing of Citizens.

1. Stewart Carr, Crestwood Drive, addressed OPRA reform. Mr. Carr said that the matter is being addressed again by the NJ Legislature. Mr. Carr asked if the Township Attorney could give a balanced view of the proposed legislation. He also defended the attorneys

who represent clients who have had OPRA requests rejected, and said that having more information on the Township website would reduce the number of OPRA requests. Mr. Carr also commented on the fee shifting that occurs with OPRA lawsuits.

2. Nicole Hagner, River Road, asked if the time for questions about the Green Village Connector Trail is now, or if an opportunity would be given after the presentation is made.

Mayor Ewald said that a hearing of citizens will be opened immediately following the presentation.

3. Jessica Romeo, Pine Street, said that if there are any questions for the Environmental Commission regarding the potential Native Plants Ordinance, she will provide answers.

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

Reports

Engineering

Regarding the Green Village Connector Trail, Mr. Ruschke reported that the project was first identified several years ago. He also said that the project is mentioned in the Master Plan. When the project was presented to Morris County, the County looked upon it favorably. Mr. Ruschke also said that the Township's portion of the trail is Phase I, and once the Township's portion is complete then the County would work to link it to the Loantaka Brook Reservation. He noted that the County has dictated where the crosswalk would cross Green Village Road, and there are plans to install a flashing warning light at the crosswalk.

Mr. Ruschke said that all the necessary permits have been obtained. The design was funded through a grant, and an additional grant for the construction has been awarded by the NJDOT.

Mr. Ruschke addressed some clearing that will be done to allow a drill rig to access the site. He said that it is unknown when the project would begin, as the bid process could take a lot of time.

Mr. Ruschke showed on the drawings where the path would transition from Macadam to boardwalk.

Committeeman Lois asked about the setbacks and the amount of clearing. He also commented on the grade difference between the upper skating rink and the lower skating rink.

Mayor Ewald opened the floor for the public to ask questions about the Green Village Connector Trail project.

1. Nicole Hagner, River Road, asked about the County's statement that they would eventually link the trail to the County Park System, and why the Township would move forward without more of a guarantee. She also asked about adequate sight distance. Mr. Ruschke noted the standard for adequate sight distance. Mrs. Hagner asked about having site restoration to make sure that neighbors have adequate privacy. She also asked for a site visit.

Mr. Ruschke said that there is a tree in the right-of-way that will be removed. He said that he is not aware of a commitment from the County for their timeframe for their portion of the overall project. Mr. Ruschke also commented on the County's review of the project. He also said that only a 15-foot side area needed for the trail will be cleared.

2. Robert Ortman, Green Village Road, said that the path appears to come close to his property, and he is unsure how safe the road crossing will be. He also commented on environmental concerns at the site. Mr. Ortman said he is surprised that the grant funds are being used for this trail rather than other potential projects. He suggested that it would make more sense for the trail to meet Green Village Road closer to Melrose.
3. Doug Heyl, Green Village Road, commented on the wetness in the project area.

4. Kelli Curran, Green Village Road, asked if there will be public access to the plans. She asked what type of fencing will be installed, and what measures will be taken to prevent people from using the path after dark.
5. Stewart Carr, Crestwood Drive, said that he does not live near Green Village Road, however he agrees with the Green Village residents who spoke. He said that there is not a need to use grant money to build a path when people can walk around Hickory Place. He also noted the existing walking trails in the area, and said that sidewalks could be installed on Green Village Road to improve pedestrian safety. Mr. Carr asked how many feet of boardwalk and how many feet of Macadam are proposed.

Seeing no further public comment, Mayor Ewald closed the floor to the public.

Mr. Ruschke commented on the number of flags on the site. He said some are for the alignment and some are for wetlands delineation. Mr. Ruschke noted that the plans will be on the Township website. He further stated that the grant funds do not apply to sidewalks. As Melrose is a private road, it was not considered for the project. Mr. Ruschke said that the wetness is why boardwalk is being used rather than macadam the whole way. He further commented on the timing of construction and the related regulations. Mr. Ruschke further said that a purpose of the project is to allow for public access to a pristine area. There is not any fencing proposed for the project, however the County may be willing to install some fencing. Mr. Ruschke said that closing or locking the trail has not been discussed. He said that the asphalt surface was a requirement from the County, and the Township originally planned for a gravel surface. Mr. Ruschke also addressed the dimensions of the proposed trail.

Mr. Shehady and Mr. Ruschke provided an update on the 2024 Road Resurfacing Project. Mr. Ruschke noted that Gates, Mitchell, Conger and Garden that were added to the list, which will add an estimated additional \$132,000 to the cost of the project. Mr. Shehady noted that there is an intersection proposed for improvements, and Chief Miller will address that at a future meeting. Mr. Ruschke addressed scheduling of paving projects.

Mr. Ruschke provided an update on the Morris County Trails Grant. He said that documents have been submitted and he is waiting for a response from the County. Mr. Ruschke said that there may be a need to wait until 2025 for the project to start. He recommended that a grant application not be submitted until everything is ready. Mr. Ruschke also suggested that the Open Space Committee be solicited for input on this project. Committeeman Lois recommended that the Historical Society also be contacted for input.

Finance

Mr. Shehady reported that a section of the code book referring to membership in a pricing cooperative can be repealed because it is outdated. He also noted that the Township normally joins cooperatives by resolution.

Mr. Shehady further noted that there will be a resolution at the next meeting to cancel a bond authorization for the purchase of the Fenske Property, as the money is available in the Open Space Trust.

Mr. Shehady said that there will be a resolution at the next meeting to adopt a new Purchasing Manual that was prepared by CFO Debbie King and Finance Clerk Ed Davenport. There will also be a resolution regarding claimant signatures on purchase orders.

Regarding banking services, Mr. Shehady reported that several banks were met with in recent months, and the Township was able to negotiate a better deal with TD Bank.

Mr. Shehady and Mrs. King presented the 2024 Capital Budget. Mr. Shehady noted the current outstanding debt. He also discussed capital financing that is currently appropriated. A seven-year outlook was provided. Mr. Shehady presented the planned capital spending for 2024. Projects include road resurfacing, some affordable housing costs, new apparatus and equipment for the Green Village Fire Department and Chatham Township Fire Department, and equipment and vehicles for the Police Department and Department of Public Works.

Mr. Shehady presented what is currently planned for 2025. Unassigned projects were also addressed, which include affordable housing obligations in the next round. Mr. Shehady noted needed upgrades to the Police Headquarters, and said that the Municipal Building needs additional maintenance and upgrades. Also discussed was the potential for having solar generation facilities. Library projects were also discussed.

Mrs. King addressed capital costs related to the purchase of the Fenske Property.

Committeeman Lois said that there should be a projection of debt execution relative to debt authorization. He also addressed capital expenses for the Municipal Building improvements relative to revenues that could be generated. Mr. Shehady discussed the ordinances that will need to be adopted for debt authorization, and how determinations would be made what that debt is used for. Mrs. King addressed the ability of the Township to pay down interest with small tax increases over time. She also discussed equity in the tax rate that can be used to fund capital projects.

Committeeman Lois said that there has not been sufficient discussions on the Township Committee's goals and priorities. Mr. Shehady commented on efforts to perfect the process for developing the Capital Budget. Mayor Ewald noted that she wanted to start this discussion so that public input could be solicited.

The Committee took a recess at 9:34 PM.

The meeting was resumed at 9:40 PM.

Administration

Mr. Shehady reported on negotiations with Morris County for the purchase of a vehicle and a ride-on mower. He noted that the resolution for cost of living increases for administrative employees will be on the next agenda.

An ordinance for use of native plants at municipal facilities was also presented. Committeeman McHugh noted that other municipalities have passed similar ordinances and he asked if there has been any feedback on their success. Environmental Commission Chair Jessica Romeo said that she has not received any feedback from other municipalities. She also commented on the draft ordinance. Mr. Shehady noted that there is an education component to the ordinance. Mrs. Romeo noted that there are some exemptions. Committeeman Lois said that the Township does not apply the requirements of the Tree Ordinance to municipal properties, and he would like to see the Township adhere to the standards that are required of private property owners.

Mr. Shehady reported that the shared service agreement for Health Department services is ready for approval. He also said that Mrs. Cofoni is working on an amendment to the Developer's Agreement with Nouvelle.

The issue of landscaper noise was discussed. Committeeman McHugh asked about ways to regulate decibel levels. He also noted the suggestion and potential complications of requiring landscapers to use rechargeable batteries rather than gas powered equipment. Mr. LaConte said that the topic has come up before the Board of Health several times, and a problem faced with enforcement of the Noise Ordinance is that when a complaint is received, by the time an inspector can get to the site with necessary equipment to check sound levels, the landscapers have already moved on to another location. Committeewoman Rowland noted that some people are more concerned about the safety issue caused by the parking of landscaper trucks. She suggested that a survey of residents be taken to see what people's greatest concerns are. Committeeman Lois suggested having a non-binding ballot question based on survey results.

Mr. Shehady reported on Colony Pool membership rates and revenues. Committeeman Lois noted problems with the Colony Pool website.

Mayor Ewald asked Mrs. Cofoni to comment on the OPRA amendments. Mrs. Cofoni addressed the component of the amendments related to fee shifting, and explained that the amendments would give judges discretion to determine if defendants should pay successful plaintiff's legal fees rather than having it be automatic.

Clerk

Mr. LaConte addressed recommendations for increasing fees for pool licenses, peddler license fees and solicitor permit fees. He noted that solicitor permit fees in the Township are very low compared to other municipalities. Mr. LaConte also noted that license fees help offset the cost of municipal services rather than having services fully paid through taxes. The Clerk also noted that the current pool license fees have been in effect since 1972, and there has been plenty of inflation since then. Mrs. Cofoni reiterated that fees are designed to offset costs. She also said that periodic review of and adjustment of fees can help avoid significant increases later.

The consensus of the Township Committee was to have the introduction of the fee adjustment ordinances placed on the next agenda.

Public Works

Mr. Shehady reported that Section 2-68 of the Township Code Book can be repealed as the agreement for which the ordinance was adopted is no longer applicable.

Tax Assessor

Mr. Shehady said that there will be a resolution at the next meeting for tax map updates.

Hearing of Citizens

Mayor Ewald opened the Hearing of Citizens.

1. Stewart Carr, Crestwood Drive, commented on fee shifting in OPRA lawsuits. He recommended that the Township Committee recommend that the Plaintiff only get attorney fees if there is malfeasance on behalf of the municipality. Mr. Carr also said that the volume of OPRA requests can be reduced if more information is available on the Township website.

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

Committeewoman Roland moved to adjourn at 10:23 PM. Committeeman McHugh seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk