

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

Mayor Ewald called the Special Meeting of the Township Committee of the Township of Chatham to order at 7:31 P.M.

**Adequate Notice** of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both *The Chatham Courier* and the *Morris County Daily Record* on July 17, 2024; notice was posted on the bulletin board in the main hallway of the Municipal Building on July 17, 2024; and notice was filed with the Township Clerk on July 17, 2024.

**Roll Call**

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

Mayor Ewald led the Flag Salute.

**Discussion**

Mr. Ruschke said that Colony Pool is classified as a public swimming pool, and any work needs to comply with the building codes. He said that the vertical wall was proposed to bring Colony Pool into compliance with current building codes. Mr. Ruschke noted that there is a rehab code that allows Colony Pool to be reconstructed in-kind. He also said that there is concern for liability, and the Township would have protection if the work is done according to the current codes. Mr. Ruschke suggested that DCA be contacted to be sure that the hybrid approach would be allowable.

Mr. Ruschke confirmed that the plans are to keep the beach area, and Colony Pool would still have a sandy bottom. There are not any plans for site work that would involve tree removal.

Deputy Mayor Choi asked if the proposed vertical wall would not be beyond the limits of the current pool. Mr. Ruschke confirmed that there are not any plans to excavate beyond the boundary of the current pool. Deputy Mayor Choi asked why the proposed concrete area will be six linear feet. Mr. Ruschke said that it would put the bottom of the wall below the frost line. Deputy Mayor Choi said that some line-of-sight concerns were raised, and asked if the design allows for lifeguards to survey the area. Mr. Ruschke said that the code has specific height requirements from the top of the wall to the water level. He said that the wall can act as a safety ledge. Deputy Mayor Choi asked about a 6-foot walkway. Mr. Ruschke said the width can be reduced. Mr. Ruschke also commented on the regulations of the height of the wall relative to the water level, and noted the safety issue of having the wall as somewhere people can grab on to. Deputy Mayor Choi asked if anecdotal evidence from other facilities with sloped walls was sought. Mr. Ruschke said that Colony Pool is a unique facility. HE also said that cost is a consideration but not necessarily the primary consideration.

Committeeman Lois asked about the storm drain next to the beach section of the pool. Mr. Ruschke said that he does not anticipate having to modify or relocate the drainage. Committeeman Lois asked about the walkway. Mr. Ruschke said that he proposes it be a concrete walkway, and other surfaces can be considered. He also said that the project can be quickly bid once a final concept is selected. Committeeman Lois said that the public input has been 3 to 1 against having the straight wall. He also asked why the Township Committee is having a question and answer period about the Colony Pool project. Mayor Ewald said that there was a lot of misinformation being spread, and she wants the public to understand what is actually being proposed.

Committeeman McHugh asked if he understood correctly that the top of the wall can be closer to the water level. Mr. Ruschke said that is correct. Committeeman McHugh asked if the proposal will have more or less concrete. Mr. Ruschke said that he is not sure if there will be a drastic difference. He said that there is a safety risk with the sloped surface that someone could slip on

it and get hurt. Committeeman McHugh asked how soon a response from DCA could be received if the hybrid approach would be allowed. Mr. Ruschke said he will have to submit a sketch of the proposal. He also noted the Township's potential liability if someone got hurt. Committeeman McHugh asked about making it clear that trees will not be removed, and Mr. Ruschke said that can be made clear in the specifications. Committeeman McHugh asked about the turnaround time to have the specifications. Mr. Ruschke said this may need to be a 2025 project if work cannot start soon after Labor Day.

Committeewoman Rowland asked if it is possible to have a step-down ledge. Mr. Ruschke said that there are safety ledges that can be incorporated into the wall.

Mayor Ewald said that the current wall is deteriorating and asked how urgent it is to repair the wall. Mr. Ruschke said the wall is at the end of its useful life. He noted that DPW may be able to make some repairs. Mayor Ewald asked if a failure of the wall would lead to a pool closure. Mr. Ruschke said that the surface of the sloped area needs to be secure. Mayor Ewald said that safety is the biggest consideration. She also said that the Committee was in agreement for wanting vertical walls in the lap lane area, and asked if that would qualify as a hybrid approach. Mr. Ruschke commented on the need to consult with DCA. Mayor Ewald asked if the Township should check with the JIF about safety issues. Mr. Shehady said that if the pool is built to code, then he does not think that an insurance review is not necessary. Mayor Ewald asked if there could be a more gradual incline. Mr. Ruschke said that a new sloped wall would likely have minor deviations. He also said that a shallower wall to be used as a ramp would need to be a 10% slope, which would result in a decreased capacity in the pool.

Mayor Ewald opened the floor for the public to ask questions.

1. Kathy Abbott, Wynwood Road, asked about the accident rate at the sloped side of Colony Pool versus cement pools.
2. Asher Robson, Pine Street, asked if the designer of the plans has ever been to Colony Pool.
3. Alex Tyo, Hillside Avenue, asked about the inception of the plan. He asked why vertical walls were considered.
4. Diane DuBrule, Pine Street, asked if the elevation drawings will be made public before any action is taken.

Mayor Ewald closed the floor to the public.

Regarding the inception of the project, Mayor Ewald said that the current wall is crumbling and needs to be replaced.

Mr. Ruschke commented on accident rates, and he does not think there is a database of information. He also said that Colony Pool is not comparable to other commercial pools, and he is not aware of available statistics regarding accidents. Mr. Ruschke also said that he has been the Township Engineer for over 20 years, and has been there many times.

Committeewoman Rowland said that she is leaning toward keeping the slope so long as there are not any safety issues.

Committeeman McHugh said that he wants to keep the feel and uniqueness of Colony Pool as much as possible.

Committeeman Lois said that the Township Staff can execute a project if given direction, and he questioned the process for this project. He began questioning the process that will be used for upgrades to the Municipal Building. Mayor Ewald said that there is a rush to get a project started on time, and she noted that this meeting is being held to solicit public input.

Deputy Mayor Choi asked why only three texturized mats are proposed for the side of the pool rather than having the mats on the whole side. Mr. Ruschke said that it is not a proper entryway where people should be encouraged to walk.

Mayor Ewald asked if there was any objection to a vertical wall in the lap lane. There was not any objection expressed. Mayor Ewald asked if there is a consensus regarding the stair entry ways. Committeeman McHugh opined that there should be four rather than six, and there was consensus for that. Committeeman Lois said that having the stairs is beneficial for seniors, and he provided suggestions for how the stairs should be designed.

Mayor Ewald said that on the snack shack side of the pool, if the sloped entry is maintained, there needs to be an adjustment to address a blind spot. She also recommended that the Rec Committee review updated plans.

### **Hearing of Citizens**

Mayor Ewald opened the Hearing of Citizens.

1. Erika Lopes-McLeman, Tree Top Lane, said that safety and aesthetics seem to be the main concerns. She said that a deviation from the current aesthetic should only be made if there is a safety need based on expert reports. Mrs. Lopes-McLeman also said that there should not be sharp edges on the beach due to safety concerns.
2. Joni Diskint, Rose Terrace, said she has been a Colony Pool member for 34 years, and she thinks that the feel of the pool should be kept. She also noted that railings should be installed for seniors to get to the snack bar.
3. Diane DuBrule, Pine Street, spoke in favor of maintaining the slopes. She also mentioned the rate at which people become quadriplegic from diving into shallow water.
4. Rachel Welz, Shunpike Road, said she has been a member of Colony Pool since 2010, and she spoke in favor of having an additional set of stairs. Mrs. Welz also opined that the whole wall should have the mats.
5. Asher Robson, Pine Street, said that based on her experience as a lifeguard, the sloped walls are safer than the straight walls due to pushing and running that only occurs by the straight wall.
6. Dante Di Turi, Southern Boulevard, said he has been a lifeguard for three years. He said he has seen more breakage of the wall by vertical edge than at the sloped edge. Mr. Di Turi also agreed with Ms. Robson's comments.
7. Jessica Romeo, Pine Street, thanked the Committee and professionals for having this meeting.
8. Alex Tayo, Pine Street, commented on how cloudy and shallow the water is at Colony Pool, and said that visitors might not realize how shallow the pool is. Mr. Tayo also recommended that the Township Committee wait for definite plan to be created before moving forward. Mr. Tayo also recommended that the pool not have a vertical wall due to the shallow and cloudy water.

Mr. LaConte read written comments that were submitted.

9. Erin Burgo, Candace Lane, provided comments in favor of a sloped wall rather than a straight wall.
10. Phil Ankel, Jay Road, submitted comments in favor of public input on this matter, and recommended keeping the current look and feel of Colony Pool.
11. Sue Lin, Westminster Road, wrote a letter expressing a preference for a sloped wall at Colony Pool.

12. Maureen Kelly, Mountain Ave, opposed the seemingly rushed nature of the proposal, and expressed a desire for additional public input.
13. Jen O'Brien, Chatham Street, asked the cost associated with the project, what the timeline is for the project, and why a vertical wall was proposed.
14. Julia Chaykin, Edgewood Road (Chatham Borough), said that the atmosphere at Colony Pool is why her family remains a member there. She opposed having the wall become a vertical wall.

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

Mr. Shehady said that the resolution would authorize advertisement of public bidding. He noted that Mr. Ruschke will need to complete the bid specifications. Mr. Ruschke said that he would prefer to have a revised concept plan available to make sure the final design is agreed upon before the final bid specs are drafted. Mr. Shehady said that the Township Committee could pass the resolution and have the Recreation Subcommittee approve the final design. Committeeman Lois objected to approving the final design. He also expressed his objection to the process by which capital projects are approved.

Committeeman McHugh said that he would also prefer to have the final design to come back before the Township Committee before the specifications are finalized.

Deputy Mayor Choi asked if a revised concept plan was ready for review in the next few weeks for review at the next meeting, would the project still be able to be completed this year. Mr. Shehady said that it is already uncertain whether the project can be completed this year. Mr. Ruschke warned that unfavorable winter and spring conditions could delay the opening of the pool if the project starts too late.

Mayor Ewald asked if there was a motion to adopt the resolution for authorizing bidding. There was not a motion. The matter will be carried to the August 13<sup>th</sup> meeting.

Committeeman McHugh moved to adjourn at 9:25 PM. Committeewoman Rowland seconded the motion, which carried unanimously.

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Gregory J. LaConte  
Municipal Clerk