

**MINUTES  
TOWNSHIP COMMITTEE  
REGULAR MEETING  
SEPTEMBER 24, 2024**

Mayor Ewald called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:03 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 McHugh, Committeewoman Rowland, Deputy Mayor Choi and Mayor Ewald.

Committeeman Lois arrived during Executive Session.

**Executive Session**

**RESOLUTION 2024-P-15  
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. Personnel
  - b. Contract Negotiations
  - c. Litigation
3. The matters to be discussed in closed session are to remain in the strictest of confidence by all Township Committee Members in furtherance of their fiduciary duties to the Township of Chatham.
4. 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.
5. The Committee will come back into Regular Session and may take further action.
6. This Resolution shall take effect immediately.

Committeewoman Rowland moved to adopt Resolution 2024-P-15 to enter Executive Session at 7:04 PM. Committeeman McHugh seconded the motion.

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

The Township Committee returned to Public Session at 7:31 PM.

Mayor Ewald led the Flag Salute.

## **Proclamation**

Mayor Ewald read aloud the attached proclamation for Ovarian Cancer Awareness Month. Board of Health member Ana McCormack was present to receive the proclamation.

Mrs. McCormack thanked the Township Committee for issuing the proclamation, and said that there is not a nationally mandated education campaign for ovarian cancer awareness. Mrs. McCormack noted that it is one of the deadliest of cancers.

## **Hearing of Citizens**

Mayor Ewald opened the Hearing of Citizens.

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

## **Mayor's Message**

Mayor Ewald said that the School District of the Chathams is considering a send-receive agreement for students from Harding Township to attend Chatham High School. As part of the negotiations, the Board of Education has asked the Joint Recreation Committee to determine if they could accommodate the K-8 students from Harding. Mayor Ewald emphasized that the Township Committee and the Chatham Borough Council do not have jurisdiction over the Board of Education. The Joint Recreation Committee will make a recommendation to the Township Committee and Borough Council regarding their assessment of whether or not Harding K-8 students can be accommodated in the Recreation Program.

Mayor Ewald noted that there is an ordinance on the agenda for adding Juneteenth to the list of holidays on which outdoor construction by contractors cannot occur. She noted that there is an additional suggestion to prohibit indoor construction on Sundays and holidays. Mayor Ewald also said that there is an ordinance on the agenda for introduction for an overlay zone for the Ferber Property which will offer structure for when the property is turned over to the Great Swamp Watershed Association. Mayor Ewald said that the Events Committee is working on planning a Fall Festival to be held on October 26<sup>th</sup> at Castle Park.

## **Township Committee Reports**

Committeeman Lois reported that PSE&G has requested a rate reduction. He also said that JCP&L and NJ American Water have recently had rate increases. Regarding the request about accommodating K-8 children from Harding into the Joint Recreation Program, Committeeman Lois also said that there already are children from other towns participating in sports teams and cited baseball as an example.

Committeeman McHugh reported that the Township was awarded bronze-level recertification for Sustainable Jersey, and he thanked the Environmental Commission for leading that effort. The Environmental Commission co-hosted a Sustainability Fair. The tri-town yard sale will be held on October 19<sup>th</sup>, with a rain date of the 20<sup>th</sup>, and signups are available on the Great Swamp Watershed Association website. Also on October 19<sup>th</sup> will be an educational program at the Library of the Chathams about mosquito management. Committeeman McHugh further reported that the Adopt-a-Drain Program is still running. A clean-up and workday for the Shunpike Restoration Project will be held on October 26<sup>th</sup> which may include a tree giveaway. The Library of the Chathams will be hosting a program about teens and their use of social media. Committeeman McHugh also said that the Library will be holding chess workshops for children. On October 12<sup>th</sup>, the Library will be holding a Diwali celebration. Committeeman McHugh reported that the Open Space Committee will be meeting at the end of October.

Committeewoman Rowland reported that the Chatham Township Historical Society opens the Red Brick Schoolhouse Museum on the first Sunday of the month, and they have received some new items for display. On October 20<sup>th</sup> the Historical Society will be hosting a program at the Library titled "Flexible Flyers & Other Great Sleds." Committeewoman Rowland further reported that food donations are still being accepted at the food pantry at the Chatham Methodist Church. She also reported that the Board of Health has expressed concern about e-bike safety, and the Police Department is actively working to provide education to e-bike riders.

Deputy Mayor Choi reported that the Board of Education spent a lot of time discussing the potential send/receive agreement with Harding Township, and their discussions are ongoing. Regarding the Joint Recreation Committee, the potential inclusion of the Harding K-8 children was discussed. The various club sports were asked to evaluate how this would impact their particular sports and report back to the Joint Recreation Committee whether or not they could accommodate an influx of participants.

Committeeman Lois said that the Fire Department has expressed concern about e-bikes, scooters and anything with a large battery. He said those items can cause fires, and he asked that the topic be brought up in workshop. Mayor Ewald asked if they have any proposed ordinances. Committeeman Lois said that there are regulations elsewhere that can be reviewed. Mayor Ewald asked Mr. Shehady to reach out to the Fire Departments to find out their concerns and suggestions.

**Public Hearing/Final Adoption of Ordinances**

**Ordinance 2024-17**

**ORDINANCE 2024-17**

**ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 3, POLICE REGULATIONS, SECTION 3-10, CONSTRUCTION AND CONTRACTOR ACTIVITY ON SUNDAYS AND HOLIDAYS, SUBSECTION 3-10.1, DEFINITIONS, OF THE TOWNSHIP CODE**

**WHEREAS**, the Township Committee of the Township of Chatham (the “Township”) desires to amend the Revised General Ordinances of the Township (the “Township Code”) Chapter 3, Police Regulations, Section 3-10, Construction and Contractor Activity on Sundays and Holidays, subsection 3-10.1, Definitions, to include Juneteenth within the definition of “Holidays.”

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Township Code Chapter 3, Police Regulations, Section 3-10, Construction and Contractor Activity on Sundays and Holidays, subsection 3-10.1, Definitions, is hereby amended to read as follows:

**§ 3-10.1 Definitions.**

**CONSTRUCTION OR CONTRACTOR ACTIVITY**

Shall mean any work performed by contractors for hire on any property within the Township of Chatham.

**HOLIDAYS**

Shall mean nationally designated holidays, i.e. New Years Day, Martin Luther King Day, Presidents' Day, Memorial Day, Juneteenth, Fourth of July, Labor Day, Columbus Day, Veterans' Day, Thanksgiving and Christmas Day.

**PERSON**

Shall mean and include any individual, corporation, partnership, sole proprietorship, or other business entity, and any property owner, tenant or occupant of property within the Township of Chatham.

**Section 3.** If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance and the remainder of the Ordinance shall be deemed valid and effective, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

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

**Section 5.** This Ordinance shall take effect according to law.

Mayor Ewald opened the Public Hearing on Ordinance 2024-17. Seeing no public comment, Mayor Ewald closed the Public Hearing.

Mr. Shehady said that this version of the ordinance only addresses the definition of holidays, and an amendment to address indoor work would be needed to make that change. Mr. Shehady said that would be a substantive change that would require an additional public hearing and legal advertisement. He noted that the Township Committee could also adopt the ordinance as-is, and address indoor construction in another ordinance in the future.

Committeewoman Rowland moved to adopt Ordinance 2024-17. Committeeman McHugh seconded the motion.

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

Ordinance 2024-18

**ORDINANCE 2024-18**

**ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 20, PARKS AND RECREATION FACILITIES, SECTION 20-3, SKATE PARK, AND COLONY RECREATION CENTER TENNIS RULES AND PROCEDURES, OF THE TOWNSHIP CODE**

**WHEREAS**, the Township Committee of the Township of Chatham (the “**Township**”) desires to amend the Revised General Ordinances of the Township (the “**Township Code**”) Chapter 20, Parks and Recreation Facilities, Section 20-3, Skate Park, and Colony Recreation Center Tennis Rules and Procedures, to implement rules and procedures governing the use of the Township’s parks.

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

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The Township Code Chapter 20, Parks and Recreation Facilities, Section 20-3, Skate Park, and Colony Recreation Center Tennis Rules and Procedures is hereby amended to read as follows:

**§ 20-3 Parks and Recreational Areas**

**§ 20-3.1 Park Hours.**

Hours of Closing; Special Permits. No person or group of persons shall occupy or use any public park or playground or any portion thereof for any purpose between the hours of (i) 7:00 p.m. to sunrise from November 1 through March 31 and (ii) 9:00 p.m. to sunrise from April 1 through October 31, except upon prior application for a special permit, upon good cause shown therefor, directly to the Township Administrator. The granting of any such permit shall be at the discretion of the Township Administrator. The parks operating hours are not applicable to Township's lighted fields for the use of Township sanctioned sports or recreational activities. No sports or recreational activity shall continue beyond 10:00 p.m. Use of the Township's tennis courts and/or basketball courts shall not exceed a two-hour limit.

**§ 20-3.2 Prohibited Uses; Rules of Conduct.**

On any land, park, playground, improvements and equipment owned by the Township of Chatham used for active and passive recreation activities, no person shall:

- a. Injure, deface, displace, remove, alter, disturb, tamper with, damage or destroy any trees, shrubs, soil, grass, plant life or any structure, building, post, playground equipment, water fountain, railing, fence, bench, seat, table, platform, walkway, telephone or electric pole, wires, pipes or appurtenances or any other park or recreational equipment or facility, or any hydrant, water, storm or sewer drain, pipe, main, basin covering, manhole or any appendage or appurtenance thereof, or any sign, inscription, post or monument erected or marked for any lawful purpose; or injure or in any way interfere with the operation of any machinery or equipment used under the direction of the Township or any of its

departments, agencies or officials; or deface, destroy, alter, damage or tamper with any drive, path, walk, bridge, parking area or shelter; or take up, remove or carry away any asphalt, concrete, stone, rock, wood, gravel, clay or earth or make any excavation of any kind.

- b. Create a disturbance which constitutes a nuisance or to disturb any wildlife or commit any act of nuisance in any park, playground, public open space area or floodplain.
- c. Take any animal into any parks or playgrounds except on a leash not longer than six feet or to permit any pet to go into any active public play area, apparatus area, athletic field or recreational enclosure or building unless said pet is participating in a Township program.
- d. For any leagues or organizations, take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, horseshoes, quoits or model airplanes without a permit issued by the Township of Chatham.
- e. Play or practice golfing unless such facility is specifically designated for such activity.
- f. Engage in fighting or violent behavior.
- g. Spit, urinate or defecate except in designated rest rooms and washroom facilities. Every person using the rest rooms and washrooms shall cooperate to maintain them in a neat and sanitary condition.
- h. Litter and dispose of any trash or garbage on any athletic field, park or playground. This also prohibits littering of ponds, lake, streams or other bodies of water in or adjacent to any park with any substance, matter or thing, liquid or solid, which will or may result in the pollution of the waters. All litter shall be deposited in the receptacles provided.
- i. Exhibit public nudity or public indecency.
- j. Use threatening or obscene language.
- k. Alter or adjust any fence, play surface, or piece of gym equipment (including but not limited to playground equipment or basketball rims) without the prior written approval of the Township of Chatham.
- l. Smoke, or possess or consume an alcoholic beverage, or illegal drugs.
- m. Carry or possess firearms of any kind, including air rifles, spring guns, paint ball guns, bow and arrow or sling shots, or any other form of weapons that pose a danger to human or wildlife safety. Hunting and trapping is also prohibited.
- n. Build fires or grill, except in designated areas where grills are made available for use by reservation through the Township of Chatham.
- o. Possess any type of glass container.
- p. Use any type of artificial illumination for any Township field or recreation facility without the prior approval of the Township of Chatham.
- q. Use of radios, stereos or any type of amplified sound without the prior approval of the Township of Chatham.
- r. Operate or utilize skateboards, roller skates, bicycles, scooters, or any type of motorized vehicle except on driveways or parking lots without the prior approval of the Township of Chatham.
- s. For-profit entities are strictly prohibited from using the Township's fields, basketball courts and tennis courts without a permit issued by the Township of Chatham.
- t. Posting of any sign.
- u. Solicit, sell or offer for sale any goods without a permit issued by the Township of Chatham.
- v. No food or beverages other than water are allowed inside the tennis courts.

### **§ 20-3.3 Exceptions.**

Exceptions will be considered in Subsection 20-3.3 only when requested in advance, in writing, upon good cause shown, to the Township Administrator. A permit to do any act shall authorize the same only insofar as it may be performed in strict accordance with the terms and conditions thereof. Any violation by its holder or the holder's agents or employees of any terms or conditions thereof shall constitute grounds for its revocation by the Township Administrator or his/her authorized representative, whose action therein shall be final. The holder of such permit, together with the holder's agents and employees, who violates such terms and conditions, shall be jointly and severally liable to the Township for all damages and loss sustained by the Township. Neither the recovery or collection of such damage shall in any manner relieve such holder or person from liability to punishment for any violation of any provision of this section.

**Section 3.** If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance and the remainder of the Ordinance shall be deemed valid and effective, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

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

**Section 5.** This Ordinance shall take effect according to law.

Mayor Ewald opened the Public Hearing on Ordinance 2024-18.

1. Tom Evans, Birch Hill Drive, sent the following comments:

To the Township Committee and Administrators: I'd like to request a clarification to your new park use ordinance as follows:

*§ 20-3.2 Prohibited Uses; Rules of Conduct. On any land, park, playground, improvements and equipment owned by the Township of Chatham used for active and passive recreation activities, no person shall:  
e. Play or practice golfing unless such facility is specifically designated for such activity.*

Could someone tell me where the practice golf area is designated? I know I have used the parks ever since the 1970's (off the actual playing fields) with plastic practice wiffle balls without any prohibitions. I've asked several people for some clarification ever since your ordinance was introduced; no one seems to know the answer. Perhaps you could clarify this during tonight's meeting. I'm also curious when you actually closed Esternay Field to the public; its re-opening would also be welcome. (A padlocked gate barring the entrance certainly does not suggest it's open).

Mr. Shehady said that he is not aware of anywhere designated for golf practice, and the ordinance allows for a designation to be made. Mr. Shehady also said he had not been contacted by Mr. Evans. He further addressed the safety concerns if golf balls are used during such practice, and said that wiffle balls would be less of a concern. Vehicular access to Esternay Field was also discussed. Mr. Shehady said that the public can access Esternay Field, and it is only closed to access by cars when there is not an organized activity.

Mrs. Cofoni addressed an amendment to clarify the section prohibiting smoking. She said that the amendment clarifies that vaping is also prohibited, and the amendment can be made just prior to adoption as it is not a substantive change.

Deputy Mayor Choi asked about the restrictions regarding pets. Mr. Shehady clarifies those circumstances when pets would be allowed to be on the playing fields. He also said that people can bring pets to games as long as they are properly leashed.

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

Committeeman Lois said he knows of residents who practice golf with wiffle balls, and also those who practice putting. He asked that the ordinance be further amended to allow those activities. Committeewoman Rowland raised a concern about divets in the fields from golf practice. Mr. Shehady recommended that golf practice be allowed in pocket parks.

Committeeman Lois moved to table Ordinance 2024-18 for discussion at a subsequent meeting. Committeeman McHugh seconded the motion.

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

### **Introduction of Ordinances**

Ordinance 2024-19

#### **ORDINANCE 2024-19**

**ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER XXX, TITLED "LAND DEVELOPMENT" OF THE REVISED GENERAL ORDINANCES TO ESTABLISH AN ENVIRONMENTAL STEWARDSHIP OVERLAY ZONE ON BLOCK 48.21 LOTS 174, 174.03 AND 180**

**WHEREAS**, on July 15, 2024, the Planning Board of the Township of Chatham recommended an amendment to the R-1 Residential Zone that would establish the Watershed Management Overlay Zone; and

**WHEREAS**, the Overlay Zone will permit the administrative, educational, interpretive, advocacy, and other activities of a watershed management organization dedicated to preserving and protecting water and natural areas; and

**WHEREAS**, it is the purpose of this Ordinance to establish a Watershed Management Overlay Zone; and

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Chatham, Morris County, New Jersey, that Chapter XXX of the Revised General Ordinances of the Township of Chatham titled “Land Development” is hereby supplemented as follows:

**Section 1.**

Insert the following new definition in Section 30-6” Definitions”:

**Environmental Stewardship Organization**

Shall mean an incorporated organization dedicated to protecting and improving the health of the watershed through a variety of approaches including stewardship, education, land preservation, science and advocacy.

**Section 2.**

Insert the following new Section 30-85 to read as follows:

**Section 30-85 Environmental Stewardship Overlay Zone**

- a. Applicability. The provisions of this subsection shall be applicable to Block 48.21, Lots 174, 174.03, and 180. Property owners within this Zone may choose to use the property in accordance with the underlying zoning or in accordance with this Overlay Zone.
- b. Permitted Uses.

The following uses and activities shall be permitted when operated by a duly incorporated Environmental Stewardship Organization:

- 1. Office Building
- 2. Indoor Storage
- 3. Water quality laboratory
- 4. Adult and Family programs
  - a) Student experiential learning programs
  - b) Outdoor gardens and garden structures
  - c) Other activities that advance the mission of the Environmental Stewardship Organization
- c. Area and Yard Requirements.

The R-1 Zone requirements shall apply as shown on the Schedule of Zoning Requirements except for the following:

- 1. The minimum lot area shall be 3 acres.
- 2. Minimum front yard setback shall be 80 feet.
- 3. Minimum side yard setbacks shall be 50 feet each and 100 feet combined.
- d. Site Plan Review Requirements
  - 1. The property shall have access to a public street, either directly or via an easement or other right of way.
  - 2. Adequate off-street parking and loading shall be demonstrated.
  - 3. Permitted activities may be conducted both outdoors and within the principal building and one accessory building.
  - 4. Adult and Family programs shall not exceed 100 attendees and shall end no later than 9:00 p.m.
  - 5. Student experiential learning programs shall require 1 chaperone for every 10 students and no more than one school bus load of students shall be on the property at any time.
  - 6. A split rail fence shall be installed to delineate outdoor activity areas at a height and

location and at such time as determined by the Planning Board.

**REPEALER**

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**EFFECTIVE DATE**

This Ordinance shall become effective according to law.

Deputy Mayor Choi provided an overview on Ordinance 2024-19. He said it sets the conditions for the uses that the Great Swamp Watershed Association would be seeking. Mrs. Cofoni added that the overlay would be limited to use by an environmental stewardship organization as defined by the ordinance.

Deputy Mayor Choi moved to introduce Ordinance 2024-19. Committeewoman Rowland seconded the motion.

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

Public Hearing on Ordinance 2024-19 will be scheduled for November 12, 2024.

The Township Clerk noted that Ordinance 2024-19 will be sent to the Planning Board for a Master Plan Consistency Review.

**Consent Agenda**

**RESOLUTION 2024-183**

**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 \$1,122,828.04 and the prior month’s payroll of \$498,534.09 Current Fund, \$70,024.64 Sewer Utility, \$58,413.42 Open Space and \$16,278.24 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the month of September 2024, in the amount of \$3,644,912.00 be paid.

**RESOLUTION 2024-184**

**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 August 13, 2024 and September 10, 2024.

**RESOLUTION 2024-185**

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

**BE IT RESOLVED** that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meetings held on August 13, 2024 and September 10, 2024.

**RESOLUTION 2024-186**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE SALE OF SURPLUS MUNICIPAL EQUIPMENT**



**WHEREAS**, the Township of Chatham is the owner of certain surplus property which is no longer needed for public use; and

**WHEREAS**, the Township Committee are desirous of selling said surplus property in an “as is” condition without express or implied warranties.

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

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows:

**ITEM**

2016 Ford Explorer VIN # 1FM5K8AR6GGA04806

2016 Ford Explorer VIN # 1FM5K8ARXGGA01696

- (5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The Township of Chatham reserves the right to accept or reject any bid submitted.

**RESOLUTION 2024-187**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING MEMBERS TO THE ZONING BOARD OF ADJUSTMENT**

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

**Zoning Board of Adjustment**

**Term Expires**

1. Paresh Bhatia

December 31, 2025

**RESOLUTION 2024-188**

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

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

**WHEREAS**, the Tax Collector has recommended the refund of such overpayment,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following refunds be made:

<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>NAME &amp; ADDRESS</u></b>	<b><u>AMOUNT</u></b>
70	20	Michael Neuberger 10 Rainbow Drive Millington, NJ 07946  Re: 4 Joanna Way	\$187.50 3 <sup>rd</sup> Quarter 2024
48.02	8	Re: 502 Fairmount Avenue Roseanne Tisch 110 Park Avenue Apt 1430 Florham Park, NJ 07932	\$187.50 3 <sup>rd</sup> Quarter 2024

**RESOLUTION 2024-189**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM**  
**AUTHORIZING THE PURCHASE OF AN E-ONE HR100 LADDER TRUCK FROM**  
**ABSOLUTE FIRE PROTECTION CO., INC., PURSUANT TO SOURCEWELL COOPERATIVE**  
**PURCHASING PROGRAM CONTRACT E-ONE #113021-RVG-1CONTRACT**

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

**WHEREAS**, the Township of Chatham (the “**Township**”), as a local government contracting unit, is a member of the Sourcewell Cooperative Purchasing Program (the “**SCPP**”); and

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

**WHEREAS**, the SCPP awarded Contract E-One #113021-RVG-1Contract to Absolute Fire Protection Co., Inc., 2800 Hamilton Boulevard, South Plainfield, New Jersey 07080 (“**Absolute**”), for the purchase of an E-One HR100 Ladder truck (the “**Vehicle**”); and

**WHEREAS**, the Township needs to purchase the Vehicle for the Township Fire Department as specifically set forth in the quote from Absolute, which is attached hereto as Exhibit A, pursuant to SCPP Contract E-One #113021-RVG-1Contract in an amount not to exceed One Million Eight Hundred Ninety-Nine Thousand and Five Hundred Fifty-One Dollars (\$1,899,551.00); and

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

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

1. The forgoing Recitals are hereby incorporated herein by reference as if set forth at length.
2. The Township hereby authorizes the purchase of the Vehicle for the Township Fire Department as specifically set forth in the quote from Absolute, which is attached hereto as Exhibit A, pursuant to SCPP Contract E-One #113021-RVG-1Contract in an amount not to exceed One Million Eight Hundred Ninety-Nine Thousand and Five Hundred Fifty-One Dollars (\$1,899,551.00).
3. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:
  - i. Township Purchasing Agent
  - ii. Township Chief Financial Officer
  - iii. Township Director of Department of Public Works
  - iv. Absolute
4. This Resolution shall take effect immediately.

**RESOLUTION 2024-191**  
**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW**  
**JERSEY REGARDING PARTICIPATION IN THE MAYORS WELLNESS CAMPAIGN**  
**ADVISORY COMMITTEE OF THE CHATHAMS**

**WHEREAS**, the Township Committee of the Township of Chatham desires to have the Township participate in the Mayors Wellness Campaign Advisory Committee of the Chathams; and

**WHEREAS**, the Township Committee desires to appoint members to the Mayors Wellness Committee of the Chathams.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township of Chatham Committee, in the County of Morris, that participation in the Mayors Wellness Campaign Advisory Committee of the Chathams is hereby authorized.

**BE IT FURTHER RESOLVED** that Thomas Salvias and Hurgul Varli are hereby appointed to serve as a Chatham Township representatives to the Mayors Wellness Campaign Advisory Committee of the Chathams for the remainder of 2024.

**RESOLUTION 2024-193**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,**  
**COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING A SALARY INCREASE TO**  
**THE POOL MANAGER’S SALARY FOR THE COLONY POOL**

**WHEREAS**, on February 27, 2024, the Township Committee of the Township Chatham (the “**Township**”) adopted Resolution 2024-062, authorizing the appointment of Samantha Kenny as the full-

time, seasonal, pool manager (the “**Pool Manager**”) of the Colony Pool, located at 555 School Avenue, Chatham, New Jersey 07928; and

**WHEREAS**, the Township Administrator has recommended that it would be in the best interests of the Township to increase the salary of the Pool Manager from her current annual salary of \$24,000 to \$36,000 annually, effective as of the date of this Resolution; and

**WHEREAS**, the Township desires to increase the Pool Manager’s salary to \$36,000.00, annually, effective as of the date of this Resolution, as set forth herein.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township Committee hereby authorizes an increase in the Pool Manager’s salary from \$24,000 to \$36,000, annually.
3. This Resolution shall take effect immediately.

#### **RESOLUTION 2024-194**

### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, REJECTING THE BID RECEIVED FOR PUBLIC TRANSPORTATION SERVICES BETWEEN 522 SOUTHERN BOULEVARD AND MADISON TRAIN STATION**

**WHEREAS**, the Mayor and Township Committee of the Township of Chatham (the “Township”) adopted Resolution No. 2024-099 on March 26, 2024 authorizing the Township to publicly seek bids for public transportation services between 522 Southern Boulevard and the Madison Train Station (the “Services”); and

**WHEREAS**, the Township received one bid on September 4, 2024 from Boxcar, Inc, 14 Fairmount Avenue, Chatham, New Jersey, for the Services in the amount of Four Dollars Ninety-Nine Cents (\$4.99) per rider and an annual contribution by the Township in the amount of Seventy-Two Thousand Five Hundred Dollars (\$72,500); and

**WHEREAS**, the Township Attorney reviewed the bid received and recommends rejection of the bid in accordance with the Local Public Contracts Law (the “LPCL”), N.J.S.A. 40A:11-23.2, for failure to include a consent of surety as required by the bid specifications, which is a mandatory document and failure to provide it is a fatal defect in the bid.

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

1. The foregoing recitals are hereby incorporated herein by reference as if set forth at length.
2. The Township Committee hereby rejects the bid received by Boxcar, Inc. on September 4, 2024 as it did not include a consent of surety, which is a mandatory item.
3. The Township Clerk shall send a copy of this Resolution to Boxcar, Inc.
4. The Township Committee hereby authorizes the Township’s Qualified Purchasing Agent, under the direction of the Township Administrator and in consultation with the Township Attorney, to prepare revised bid specifications in accordance with the LPCL for the Services.
5. The Township Committee hereby further authorizes the Municipal Clerk, once the bid specifications have been prepared, to solicit bids pursuant to the LPCL for the Services.
6. This resolution shall take effect immediately.

#### **RESOLUTION 2024-195**

### **RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING THE RESIGNATION OF ANN MARIE SILVIA**

**WHEREAS**, the Township of Chatham has accepted the resignation of Ann Marie Silvia (hereinafter “Employee”); and

**WHEREAS**, the Employee resigned effective October 15, 2024.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township of Chatham Committee, in the County of Morris, that the Committee accepts the resignation of Ann Marie Silvia.

Committeewoman Rowland moved to approve the Consent Agenda. Committeeman McHugh seconded the motion.

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

#### **Non-Consent Agenda**

#### **RESOLUTION 2024-190**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A  
MUNICIPAL SERVICES REIMBURSEMENT AGREEMENT WITH ENCLAVE AT  
CHATHAM CONDOMINIUM ASSOCIATION, INC.**

**WHEREAS**, N.J.S.A. 40:67-23.2 *et seq.*, as amended (the “**Act**”), requires every municipality to provide certain services to “Qualified Private Communities” as defined in the Act in the same manner in which the municipality furnishes those services, or to provide monetary reimbursements for such services consistent with the manner in which the municipality furnishes those services, all as more specifically described in the Act; and

**WHEREAS**, Enclave at Chatham Condominium Association, Inc. (the “**Association**”) is a Qualified Private Community as defined in the Act; and

**WHEREAS**, the Township of Chatham (the “**Township**”) and the Association have agreed to set forth herein the responsibilities of the Township with respect to monetary reimbursement for or provision of services to the Association, including: (1) fire hydrants; (2) collection of recyclable materials; (3) the removal of snow, ice and other obstructions from the roads based upon Township standards for ice and snow removal; and (4) the lighting of the roads, to the extent of payment for the electricity required, but not including the installation or maintenance of lamps, standards, wiring or other equipment (collectively referred to as the “**Reimbursable Services**”).

**WHEREAS**, the Township desires to authorize a municipal services reimbursement agreement with the Association sets forth the terms and conditions for the reimbursement of the Reimbursable Services to resident of the Association (the “**Municipal Services Reimbursement Agreement**”).

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

1. The recitals set forth above are incorporated by reference as if set forth at length herein.
2. The Mayor is hereby authorized and directed to execute the Municipal Services Reimbursement Agreement, in substantially the form on file with the Clerk, together with such additions, deletions and modifications as deemed necessary by the Mayor upon consultation with the Township Administrator and Township Attorney. The Clerk is hereby authorized and directed to attest to the signature of the Mayor on the Municipal Services Reimbursement Agreement and to deliver same to the Association.
3. The Mayor, Chief Financial Officer and Clerk are hereby authorized and directed to take any and all action and execute and deliver any and all documents, certificates, agreements or instruments necessary to effectuate the transactions contemplated by this Resolution and the Municipal Services Reimbursement Agreement.
4. This Resolution shall take effect immediately.

**RESOLUTION 2024-192**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN  
AMENDED AND RESTATED MUNICIPAL SERVICES REIMBURSEMENT AGREEMENT  
WITH MELROSE CONDOMINIUM ASSOCIATION, INC.**

**WHEREAS**, N.J.S.A. 40:67-23.2 *et seq.*, as amended (the “**Act**”), requires every municipality to provide certain services to “Qualified Private Communities” as defined in the Act in the same manner in which the municipality furnishes those services, or to provide monetary reimbursements for such services consistent with the manner in which the municipality furnishes those services, all as more specifically described in the Act; and

**WHEREAS**, Melrose Condominium Association, Inc. (the “**Association**”) is a Qualified Private Community as defined in the Act; and

**WHEREAS**, the Township of Chatham (the “**Township**”) and Association entered into that certain Municipal Services Reimbursement (the “**Original Reimbursement Agreement**”) to set forth the terms and conditions of the Township’s obligation to provide the Association monetary reimbursement of the Reimbursable Services (as defined herein); and

**WHEREAS**, the Township and the Association desire to amend the terms and conditions of the Original Reimbursement Agreement to further describe the responsibilities of the Township with respect to monetary reimbursement for or provision of services to the Association, including: (1) fire hydrants; (2) collection of recyclable materials; (3) the removal of snow, ice and other obstructions from the roads based upon Township standards for ice and snow removal; and (4) the lighting of the roads, to the extent of payment for the electricity required, but not including the installation or maintenance of lamps, standards, wiring or other equipment (collectively referred to as the “**Reimbursable Services**”); and

**WHEREAS**, the Township desires to authorize an amendment to the Original Reimbursement Agreement with the Association sets forth the terms and conditions for the reimbursement of the Reimbursable Services to resident of the Association (the “**Amended and Restated Municipal Services Reimbursement Agreement**”).

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

1. The recitals set forth above are incorporated by reference as if set forth at length herein.
2. The Mayor is hereby authorized and directed to execute the Amended and Restated Municipal Services Reimbursement Agreement, in substantially the form on file with the Clerk, together with such additions, deletions and modifications as deemed necessary by the Mayor upon consultation with the Township Administrator and Township Attorney. The Clerk is hereby authorized and directed to attest to the signature of the Mayor on the Amended and Restated Municipal Services Reimbursement Agreement and to deliver same to the Association.
3. The Mayor, Chief Financial Officer and Clerk are hereby authorized and directed to take any and all action and execute and deliver any and all documents, certificates, agreements or instruments necessary to effectuate the transactions contemplated by this Resolution and the Amended and Restated Municipal Services Reimbursement Agreement.
4. This Resolution shall take effect immediately.

Committeeman McHugh moved to adopt Resolutions 2024-190 and 2024-191.  
Committeewoman Rowland seconded the motion.

Deputy Mayor Choi expressed concern about the formula for payments, and payments for unoccupied units. A comparison of rental units versus owner occupied units were discussed.

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

### **Hearing of Citizens**

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

Deputy Mayor Choi moved to adjourn at 8:30 PM. Committeeman McHugh seconded the motion, which carried unanimously.

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Gregory J. LaConte  
Municipal Clerk