

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
APRIL 22, 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, Deputy Mayor Ewald and Mayor Ness. Committeeman Hamilton arrived a few minutes late.

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

Executive Session

**RESOLUTION 2021-P-09
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 – Township of Chatham v. Kronos Holdings LLC and SL Chatham II, LLC-Condemnation Action Docket No. MRS-L-789-21
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 Felice moved to adopt Resolution 2021-P-09 to enter Executive Session at 6:32 PM. Committeewoman Fondaco seconded the motion.

Roll call: Committeewoman Felice, Aye; Committeeman Hamilton, Absent; 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

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

Proclamations

Local Government Week

Mayor Ness read aloud the attached proclamation for Local Government Week.

Earth Day

Mayor Ness read aloud the attached proclamation for Earth Day.

National Volunteers Week

Mayor Ness read aloud the attached proclamation for National Volunteers Week.

Annual Report – Library of the Chathams

The Annual Report for the Library of the Chathams was presented by Library Director Karen Brodsky and Board President Andy Hollander. Mrs. Brodsky said that the report includes some 2019 data for context.

Mrs. Brodsky provided Library usage statistics for 2019. She also said that in 2019 a three-year strategic plan was completed by the Trustees. The action steps had commenced when the Library had to close due to the COVID-19 pandemic. Mrs. Brodsky said that in March 2020 the Library launched the 1000 Masks Challenge with the assistance of the Friends of the Library and the Chatham Emergency Squad.

Mr. Hollander commented on the virtual programs that were held in 2020. He also said that outdoor concerts were held. Mr. Hollander said that more than 14,000 people attended the over 800 programs held in 2020. Mr. Hollander also discussed an eBook program that was introduced.

Mrs. Brodsky reported on an e-newsletter that was developed to promote upcoming events. She also commented on the increased volume of Library usage through virtual means. Mrs. Brodsky also noted that three staff members left their positions and have not been replaced.

Mr. Hollander commented on the difficulty of adhering to COVID protocols prior to upgrading the HVAC system. He said that staff members worked remotely if they did not need to be physically present. MERV-13 filters were installed in the HVAC system to comply with CDC regulations for having visitors. Mr. Hollander reported that a mini-book sale was recently held. He also reported on the Veterans of the Chathams project. He also welcomed Committeeman Hamilton and Township Resident Christina Mott to the Library Trustees. Mr. Hollander also recognized the many donors to the Library. The Library's Bridging Space to Place program has been on hold while funding has been sought. Mr. Hollander said and said that the Library of the Chathams unfortunately did not receive a NJ Library Construction Bond Act Grant for the project. The project is being reviewed to see if it should be reduced or if additional fundraising should be conducted. The Library will reapply for a Round 2 NJ Library Construction Bond Act Grant.

Mayor Ness commented on how meaningful the Library of the Chathams is to all residents. She also recognized the efforts of the Friends of the Library.

Committeeman Hamilton thanked Mrs. Brodsky and Mr. Hollander for their work on behalf of the Library.

Deputy Mayor Ewald applauded Mrs. Brodsky and Mr. Hollander on all the Library was able to accomplish during a pandemic. She also thanked the Library Staff for all they do.

Committeewoman Fondaco thanked everyone from the Library.

Administrator Hoffmann commended Mrs. Brodsky on the work she has done with himself and Borough Administrator Steve Williams to address common problems. Mr. Hollander thanked Administrator Hoffmann for all the support he has shown the Library.

Reports

Committeewoman Felice encouraged residents to sign up for Colony Pool. She said that so far this year there has been record-breaking rates of registration for Colony Pool.

Committeeman Hamilton reported that the Business Advisory Committee is working on a directory of local businesses. He also reported that the Public Safety Committee recently met to discuss upgrades to the Police Department.

Committeewoman Fondaco reported on upcoming Environmental Commission events. She also reported on upcoming Senior Center events.

Deputy Mayor Ewald reported that she recently attended several Earth Day events. She also attended the quarterly Morris County League of Municipalities and noted that Congresswoman Sherrill also attended. The New Jersey Economic Development Authority is beginning their Phase 4 Small Business Emergency Assistance Grant Program. Deputy Mayor Ewald also said that there will be a telephonic veterans claims clinic to help veterans with benefits issues. Deputy Mayor Ewald further reported that the Municipal Alliance will be hosting an event about the effect of marijuana on underage users.

Mayor Ness reported that Earth Day has a special meaning in Chatham Township, and she recognized those who participated in a recent tree planting event. Mayor Ness also noted that on this meeting's agenda is the public hearing and adoption on the Supplemental Bond Ordinance to appropriate additional funding for the acquisition of 522 Southern Boulevard. The appropriation allows for the Township to pay the agreed upon fair market value for the property. Mayor Ness said that the Noe Pond Club was purchased by the Silverman Group, and they also have a contract for the purchase of 522 Southern Boulevard. As Kronos Holdings LLC was unable to dissolve that contract, the Township is entering a condemnation action to terminate the agreement. Mayor Ness said that the condemnation action does not change the relationship between the Township and Kronos Holdings LLC. She said that the Township looks forward to the cooperation of the Silverman Group to allow the Township to acquire 522 Southern Boulevard to help meet the Third Round Affordable Housing Obligation. Mayor Ness also said that the Township looks forward to the continued cooperation of the Fair Share Housing Center to implement the Affordable Housing Settlement Agreement and construct an affordable family rental development at 522 Southern Boulevard to meet the Township's current obligation. Mayor Ness further reported that the number of COVID cases in the Township remains high, and she encouraged residents to remain careful. The Diversity Committee has met, and a multi-cultural outdoor concert is being planned to be held in the summer. The Community Advisory Group for the Rolling Knolls Landfill Superfund Site met recently. The Senior Center Shred Event will be held on April 24th. Mayor Ness reported that April 24th is DEA Prescription Drug Take Back Day.

Engineer Ruschke reported that the contractor for the Hillside Trail Project has begun work and is moving along quickly. Engineer Ruschke anticipates that the project may be substantially complete in the next two weeks. He is looking into additional work at the site, as the contract price was lower than the grant amount. Engineer Ruschke said that he is reaching out to Morris County about a possible change order that would allow for additional enhancements of the trail. Engineer Ruschke reported that PSE&G will be doing paving on several roads where they have recently performed gas main replacement work. He also reported that the developer of the Dixiedale site is working on detention basins as part of the stormwater management controls. Engineer Ruschke also said that the developer will be bringing in a substantial amount of fill, and a specific truck route was agreed to in the Planning Board approval process.

Administrator Hoffmann reported that there is a resolution on the Consent Agenda to authorize bidding for supplemental snow plowing services for when extra help is needed. The Township is also rebidding the Colony Pool Concession Services. Administrator Hoffmann also addressed the matter of residents not cleaning up after their dogs in public parks. He also said that the Township is receiving a credit from New Jersey American Water for fire hydrant rates. The credit is due to a recent Federal act. The Township is also continuing to audit utility bills. Administrator Hoffmann also thanked all those who participated in the seedling planting event.

Mayoral Appointments

Mayor Ness announced that Salil Sheth has resigned from the Planning Board due to work commitments. She also announced that Alternat Member Mike Choi is being appointed as a Class IV to fill that vacancy, which leaves a vacancy as an Alternat Member. Mayor Ness said that applications are being accepted from anyone interested in serving as an Alternat Member of the Planning Board.

Discussion

Rolling Knolls Remediation Plan

Special Counsel Carl Woodward provided an update on matters related to the Rolling Knolls Remediation Plan. He said that the EPA presented a draft Remediation Plan at a recent Community Advisory Group (CAG) meeting. Mr. Woodward also provided background on the remediation investigation process. He said that the PRPs include Chevron, Novartis and AT&T. Mr. Woodward stated that the EPA expects to have a final draft of their report by the late spring or early summer, and a public hearing will be scheduled some time after that. A public comment period will also follow the public hearing, after which a Record of Decision will be rendered.

Mayor Ness commented on the potential remediation plans and said that each option needs to be understood.

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. Sally Rubin, Great Swamp Watershed Association, Chair of the Rolling Knolls Community Advisory Group, said that she has been led to believe that the EPA highly values municipal comments about Superfund sites. She said that a letter was submitted by the Township in 2019 preferring the third option presented by the EPA. Mrs. Rubin said that new information has come forth since then, and she asked the Township Committee to consider a supplementary letter either not endorsing a particular option yet or advocating for Option #5.
2. Joe Basralian, Fairfax Terrace, said that he spent Earth Day volunteering at the Hillside Trail helping plant trees. He said that the Hillside Trail construction is coming along well. Mr. Basralian also said that the Township Committee did not have public discussion prior to sending the 2019 letter regarding Rolling Knolls, and he asked for public discussion prior to future meetings with the EPA. Mr. Basralian also said he would like the Township to release a written statement of what will be reported to the EPA before any such meeting.

Mr. Woodward said that a final decision has not yet been made by the EPA, and more analysis needs to be performed on the available options. He also said that the site is still private property, and endeavors to have it become public land are a long way off.

Mayor Ness said that there is a restrictive covenant on the site agreed to by the property owner during their negotiations with the PRPs. She said that the EPA discussions were guided by the private ownership and restrictive covenants. Mayor Ness also said that the Department of the Interior is a PRP and there needs to be work performed about

potentially capping the site. Mayor Ness also said that the meeting with the EPA is a fact-finding meeting, and the Township does not intend to select a plan yet.

- 3. Jessica Romeo, Pine Street, said that the Environmental Commission was busy during the past month with events leading up to Earth Day. Regarding Rolling Knolls, Mrs. Romeo said she would like to see the continuation of public discussion. She encouraged residents to attend the CAG meetings.
- 4. Hurgul Varli, Meyersville Road, said she saw that the Skate Park was demolished recently. She said that it was a unique space for youth to engage in physical activity and socialize. Mrs. Varli asked if the Township has plans to replace the Skate Park.

Mayor Ness said that the Skate Park was a wonderful site. She said that weather damaged the wooden structure to the point at which it was no longer viable. Mayor Ness also said that when the Skate Park was built, it was understood at the time that the site would eventually be used for affordable housing. Several sites in both the Township and the Borough have been reviewed for a new skate park. Wetlands and setbacks continue to be issues. Mayor Ness said that Mountainview Field is a potential site, and other sites are being considered.

- 5. Stewart Carr, Crestwood Drive, suggested that the Township’s upcoming meeting with the EPA wait until after the next CAG meeting so that more information can be gathered. Mr. Carr also asked how the Township can move forward with other options when a letter was already sent supporting the third option in the EPA’s report. He also asked how the Township arrived at supporting that third option. Mr. Carr suggested that the letter be posted on the Township website. He further said that the Township should pursue the best remediation plan possible despite who owns the property.

Mr. Woodward said that the Monday meeting was the choice of the EPA. He also said that the CAG meeting will focus on questions from the public. Mr. Woodward said that there will be further meetings with the EPA, and he wants the EPA to be aware of the Township’s questions.

Mayor Ness said that in 2018 she was surprised at the level of cleanup proposed by the EPA and learned a lot by attending the CAG meetings. She also said that the Township needs to look to the future when making recommendations regarding the remediation. Mayor Ness also said that the Township Committee will continue to discuss the matter once more information has been received and questions are answered.

Deputy Mayor Ewald said that the December 2019 letter is a sticking point. She also said that options are being considered. Mayor Ness said that the EPA was surprised that there could be a different potential future use for the site. She also said that the Township reserves judgment on what the best remediation plan may be until more information has been gathered. Administrator Hoffmann suggested that further discussion be scheduled for the next meeting regarding which remediation plan should be used.

- 6. Dot Stillinger, Noe Avenue, said she is concerned about the possibility of the Township advocating for a remediation plan that would result in 140 acres of open space not being allowed for public use. She said that the potential trails at Rolling Knolls should not be eliminated.

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

Public Hearing/Final Adoption of Ordinances

Ordinance 2021-08

ORDINANCE 2021-08

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN THE TOWNSHIP’S GEOGRAPHICAL BOUNDARIES AND REPEALING AND REPLACING SECTION 30-96.9b WHICH IS PART OF SECTION 30-96.9 TITLED

“PROHIBITED USES” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Philip Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six (6) marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in Section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and operation times of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere within the municipality; and

WHEREAS, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five (5) years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five (5) year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Township Committee of the Township of Chatham has determined that, because of the present uncertainties regarding the future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Township of Chatham in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Township of Chatham’s residents and members of the public who visit, travel, or conduct business in Township of Chatham, to amend Township of Chatham’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Township of Chatham; and

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

1. Pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in Township of Chatham, except for the delivery of cannabis items and related supplies by a delivery service.
2. Section 30-96.9b which is part of Section 30-96.9 titled “Prohibited Uses” of the Revised General Ordinances of the Township of Chatham is hereby repealed and replaced by adding to the list of prohibited uses, the following: “All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in Section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service.”
3. 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.
4. 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.
5. 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.
6. 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.
7. 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 opened the Public Hearing on Ordinance 2021-08.
Seeing no public comment, Mayor Ness closed the Public Hearing.

Committeewoman Felice moved to adopt Ordinance 2021-08. Committeeman Hamilton seconded the motion.

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

Ordinance 2021-13

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.

Mayor Ness opened the Public Hearing on Ordinance 2021-13.
Seeing no public comment, Mayor Ness closed the Public Hearing.

Committeewoman Felice moved to adopt 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.

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 opened the Public Hearing on Ordinance 2021-14.

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

Committeewoman Felice moved to adopt Ordinance 2021-14. Deputy Mayor Ewald seconded the motion.

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

Consent Agenda

RESOLUTION 2021-127

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

CFO – March

Police Department – February, March

RESOLUTION 2021-128

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 April 8, 2021.

RESOLUTION 2021-129

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 April 8, 2021.

RESOLUTION 2021-130

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING ESTIMATED TAX BILLING

WHEREAS, due to the expected late adoption of the State of New Jersey's budget the Morris County Board of Taxation will be unable to certify the tax rate throughout the County, and the Township's Tax Collector will be unable to mail the tax bills on a timely basis;

WHEREAS, the Tax Collector, in consultation with the Chief Financial Officer, has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range permitted estimated tax levies;

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 Municipal Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the municipality for the third installment of 2021 taxes. The Tax Collector shall proceed and take such actions as permitted and required by P.L. 1994, c. 72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2021 is hereby set at \$63,826,687.85.
3. In accordance with the law, the third installment of 2021 taxes shall not be subject to interest until the later of: the end of the grace period, or the twenty-fifth calendar day after the date the

estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

RESOLUTION 2021-131

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING IMPLEMENTATION OF SUCCESSION PLAN AND RELATED PROMOTION PROCESS FOR THE POLICE DEPARTMENT

WHEREAS, the Township of Chatham seeks to ensure that the command structure of the Police Department has Officers who have experience in all phases of leadership; and

WHEREAS, the Township of Chatham's Police Department seeks to create a plan for seamless continuity in future years as retirement becomes an option for current members; and

WHEREAS, this matter has been reviewed with the Public Safety Committee and Township Committee; and,

WHEREAS, the Township Administrator and Chief of Police recommend that as a first step, eligible Sergeants be considered for the position of Lieutenant of the Chatham Police Department on or after July 1, 2021.

NOW THEREFORE BE IT RESOLVED, that the Township Committee authorizes the promotion process as previously outlined by Chief and Township Administrator.

RESOLUTION 2021-132

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AUTHORIZE THE MUNICIPAL ALLIANCE COMMITTEE TO SUBMIT A GRANT APPLICATION FOR THE FISCAL YEAR 2021

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Township of Chatham, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem across all communities in our society and amongst people of all ages; and

WHEREAS, further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough of Chatham and the Township of Chatham have combined efforts and established the Municipal Alliance Committee of the Chathams; and,

WHEREAS, the Municipal Alliance Committee of the Chathams was approved for Municipal Alliance grant funding for Grant Year July 2020- June 2021; and

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse has agreed to make \$6,035.00 grant funding allocation available to the Municipal Alliance Committee of the Chathams for Grant Year July 2020-June 2021, contingent upon meeting the Municipal Alliance Committee of the Chathams contribution of 25% Cash Match (\$1,508.75) and a 75% In-kind Match (\$4,526.25) for a total Alliance Budget of \$12,070.00; and

WHEREAS, the Borough of Chatham and Township of Chatham will equally contribute the Cash Match and In-Kind Match required for the grant funding.

BE IT RESOLVED, by the Committee of the Township of Chatham that it does hereby authorize the Mayor to execute the Municipal Alliance Grant Application Grant Year July 2020-July 2021; and

BE IT RESOLVED, that the Mayor is permitted to execute any supplement or amendment to the Municipal Alliance Grant Application that increases the grant funding allocation; and

BE IT RESOLVED, that all other Township officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

RESOLUTION 2021-133

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2021 BUDGET

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham has received \$15,263.17 from the State of New Jersey Environmental Protection for Recycling Tonnage Grant and wishes to amend its 2021 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$15,263.17 which is now available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:

Recycling Tonnage Grant, and

BE IT FURTHER RESOLVED, that a like sum of \$15,263.17 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Recycling Tonnage Grant.

BE IT FURTHER RESOLVED, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

RESOLUTION 2021-134

**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 fee that was paid for a construction permit that was submitted to the Township; and

WHEREAS, the project for which the permit was issued was cancelled; and

WHEREAS, the fee collected for the permit was \$427.00; and

WHEREAS, the DCA fee of \$44 is non-refundable, and is therefore being deducted from the refund;

WHEREAS, twenty percent (20%) of the total charge was for plan review, and is therefore being deducted from the refund;

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>
SunnyMac LLC Attn: Debbie Fowler PO Box 30770 Wilmington, DE 19805	20-0007 Block 90, Lot 26 216 Shunpike Road	\$306.40

RESOLUTION 2021-135

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING THE SOLICITATION OF SEALED BIDS FOR SNOW PLOWING SERVICES
COMMENCING SEPTEMBER 1, 2021**

WHEREAS, the Township of Chatham seeks to ensure that the roads of our community stay safe during snow storms; and

WHEREAS, there is a need to supplement the snow plowing resources of the Township’s Department of Public Works; and

WHEREAS, a bid document has been prepared for snow plowing services for the period September 1, 2021 through April 1, 2022; and,

WHEREAS, the Township of Chatham will reserve the right to award this contract annually for a period of up to five (5) years with an end date of April 1, 2026.

NOW THEREFORE BE IT RESOLVED, that the Township Committee authorizes the preparation sealed bids for Snow Plowing Services.

Committeewoman Felice moved to adopt the Consent Agenda. Deputy Mayor Ewald seconded the motion.

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

Non-Consent Agenda

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.

Administrator Hoffmann said that an updated memo was distributed to the Township Committee for review. He said that the goals have not changed from 2020. Revisions were made to the objectives following the discussion at the last Township Committee meeting and input received by Administrator Hoffmann from the Township Committee members. Some objectives were combined to avoid redundancy. Administrator Hoffmann also said that the Township Committee's bylaws mandate the preparation of the Goals and Objectives.

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

Committeewoman Felice said that she sent an email expressing objections to the Goals and Objectives. Deputy Mayor Ewald said that most of the changes submitted in Committeewoman Felice's five-page response were a clarification of the language and were not substantive changes. These could be addressed at a later time. Deputy Mayor Ewald asked the Committee to focus the discussion on substantive edits.

Committeeman Hamilton asked if the discussion would be a line-by-line review of the Goals and Objectives. Mayor Ness asked if there are specific items to be discussed. Committeewoman Felice reiterated that she sent a 5-page email expressing her concerns.

Committeeman Hamilton said that the memo from Administrator Hoffmann includes Goals and Objectives that are not unanimously shared by all members of the Township Committee. Mayor Ness asked for specifics. Committeeman Hamilton said that he is against maintaining the Open Space Tax at \$0.02 per \$100 assessed value. He also said he does not support delegating the Township Committee's responsibility by tasking the Affordable Housing Advisory Committee to begin planning for Round 4. Committeeman Hamilton also expressed opposition to working with the Township Auditor. Administrator Hoffmann explained that the Auditor needs to be aware of the Township's financing of Bond Anticipation Note sales, which allows the Township to appropriately account for different activities by asking questions as they arise.

Committeewoman Felice asked if each Township Committee member could have their own section of the Goals and Objectives. Mayor Ness said that perhaps the process could be changed in the 2022 bylaws. She also noted that there were not any new goals submitted this year. Committeeman Hamilton asked when the bylaws were last amended. Mr. LaConte said that the Goals and Objectives were added to the bylaws in 2020 and were unanimously approved by the Township Committee again in 2021.

Committeeman Hamilton said that the Township Committee could unanimously support the goals without supporting all of the objectives. Mayor Ness said that the document has been under development since January, and all comments have been taken into account. Committeeman Hamilton said that he opposes the objective of limiting campaign signs, and said that doing so would be a restriction on free speech. Mayor Ness said that an ordinance will be drafted based on input received from residents who have expressed concern over the proliferation of campaign signs. Committeeman Hamilton reiterated that doing so is not one of his objectives. Committeeman Hamilton further stated that he is opposed to relocating the Skate Park. He also asked what the status is of replacing the Skate Park and who is working on the matter. Mayor Ness said that the community group has been working with the Township Committee, Administrator Hoffmann and Engineer Ruschke.

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

Hearing of Citizens

Mayor Ness opened the Hearing of Citizens.

1. Stewart Carr asked if Administrator Hoffmann could describe the process on how Option 3 in the EPA report was selected in 2019, and why the Township Committee was not cc'd on the letter. Mr. Carr also asked if Mr. Woodward could request that the meeting of the EPA could be delayed since new information will become available at the CAG meeting on Tuesday night. Mr. Carr also inquired about the restrictions on the property, and said that the endgame should be for the highest and best remediation possible and not just the most cost-effective method. Mr. Carr also said that he thought there would be more substantive discussion on the remediation plan at this meeting.

Mayor Ness said that the Township is still in the second round of fact-finding which will lead to a more substantive discussion. She also said that the Township wants to pursue the topics that have come up sooner rather than later, and there will be additional meetings with the EPA. Mayor Ness also said that potential future use of the site may change the proposed remedial plans.

Committeeman Hamilton added that the new members of the Township Committee are being brought up to speed on the Rolling Knolls site. He also said that there should be significant public discussion once the Township Committee knows what the plans entail.

2. Joe Basralian said that land is a limited resource, and access for hiking and other outdoor activities can either be achieved or lost through the Rolling Knolls remediation process. Mr. Basralian advocated for having the site remediated to the point at which walking trails can be developed. Mr. Basralian also addressed community efforts to do water testing at environmentally sensitive areas in the Township.

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

Committeeman Hamilton moved to adjourn at 10:11 PM. Committeewoman Felice seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk