

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
JANUARY 21, 2021**

Mayor Ness called the Regular Meeting of the Township Committee of the Township of Chatham to order at 6:29 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.

Mayor Ness led the Flag Salute.

Roll Call

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

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

Executive Session

RESOLUTION 2021-P-01

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. Litigation –Kronos Holdings, LLC v. Township of Chatham et al Docket No. MRS-L-2024-20
 - b. Litigation – In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
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 Ewald moved to adopt Resolution 2021-P-01 to enter Executive Session at 6:32 PM. Committeewoman Felice 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.

Roll Call

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

Approval of Agenda

Mayor Ness said that a second Executive Session will be added at the end of the Township Committee meeting to discuss the litigation with Kronos Holdings, LLC. Attorney Cruz added that the Township Committee will not be taking formal action after the Executive Session, and the Township Committee will return to Public Session to adjourn.

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

Reports

Mayor Ness addressed the stress that residents are facing in trying to make appointments for COVID-19 vaccines. She said that a lack of vaccinations is the cause of the lack of availability of appointments, and some doses will be reserved for those who need the second dose. Mayor Ness said that a meeting was held with the Health Officer and the Senior Center to address how to help seniors sign up for appointments. Mayor Ness said that residents are urged to sign up for both the State registration and the Atlantic Health system. Mayor Ness said that there are 26 active cases in Chatham Township as of January 20th, with 12 new cases since January 15th. The new variant has not yet been identified in New Jersey but is likely in the State.

Mayor Ness further addressed Affordable Housing, and said that on Tuesday the Township received a conditional order of compliance for the Affordable Housing Plan. The Township is still moving forward with efforts to acquire 522 Southern Boulevard for development of Affordable Housing.

Mayor Ness further reported that she performed her first wedding ceremony recently, and thanked the Township Clerk for assisting her in the process.

Committeeman Hamilton reported that he attended the recent Public Safety Committee meeting, and he stressed the need for residents to lock their cars at night and not leave the keyfobs in the cars.

Committeewoman Felice reported that she attended a recent meeting to meet Township staff and professionals. She also reported that the Colony Pool Committee is accepting applications for membership.

Committeewoman Fondaco reported that the Environmental Commission is working to set up three charging stations for electric vehicles, and a response is expected from Green Acres if open space properties can be sites for the charging stations.

Deputy Mayor Ewald reported that the Municipal Alliance and the Madison-Chatham Coalition both met. The School District Consortium is hosting an online event on February 24th at 7:00 PM to help parents help their children deal with anxiety. The Planning Board will be meeting on January 25th. At the last Planning Board meeting, there was a review of updates to the Circulation Element of the Master Plan. Deputy Mayor Ewald reported that the application for extended use of the Oak Knoll Field was approved in December, and the Joint Recreation Program is allowed to use the field.

Mayor Ness reported that the Joint Recreation Committee met to discuss a return to indoor sports. Basketball had a dry-run with drills. Mayor Ness further reported that the Wrestling Room is now fully repaired following water damage that occurred in 2020. Mayor Ness also reported that the Great Swamp Watershed Association held a community advisory group meeting regarding the Rolling Knolls Superfund Site, and gave an update on testing for the site. Additional testing is expected, and remediation plan is not expected until next year.

Administrator Hoffmann reported work is set to begin for the Arbor Green Development, and he attended a pre-construction meeting. He also reported that there is a resolution on the Consent Agenda to approve installation of 25 new parking spaces at the Police Department to replace the spaces that will be lost due to the Arbor Green development. Administrator Hoffmann also said that there is a resolution on the Consent Agenda to authorize purchase of body cams for the Police Department. He noted there is a new State law requiring police officers to wear body cams. Administrator Hoffmann also said that the cost of the body cams is reimbursable. Administrator Hoffmann further reported that he recommends the Township Committee adopt a resolution to enter into a new contract with the Morris County MUA for pickup of recyclables, and he said that the terms of the new contract will result in a cost savings to the Township. Administrator Hoffmann also reiterated the need for residents to not leave their key fobs in their cars overnight, which will reduce the risk of car thefts.

Hearing of Citizens

The Township Clerk read written comments from Mr. Bailey Brower, a resident of Driftway. Mr. Brower offered to contribute financially if either the Township or the Save Noe Pond group work to purchase the Noe Pond Club property.

The Township Clerk also read into the record a letter from Donna Auriemma of Overlook Road advocating for the preservation of Open Space while meeting Affordable Housing needs. Mrs. Auriemma supported the acquisition of 522 Southern Boulevard for Affordable Housing and advocated for the preservation of Noe Pond.

The Township Clerk also summarized written comments supporting the acquisition of 522 Southern Boulevard for Affordable Housing and advocating for the preservation of Noe Pond from the following residents:

1. Sameer Tandon, Noe Avenue
2. Suzana Giffin, Rolling Hill Drive
3. Peter Flynn, Williams Road
4. Bradley Huke, Gates Avenue
5. Sally Allen, Old Farm Road
6. Nora Graham, Jay Road

Mayor Ness opened the Hearing of Citizens.

1. Dan Miller, Green Village Road, welcomed Committeeman Hamilton and Committeewoman Felice to the Township Committee. Mr. Miller said that remediation of Rolling Knolls needs to be done correctly, and noted that there will be an impact to the neighbors. Mr. Miller asked if there is any information about the church on the corner of Green Avenue and Shunpike Road possibly being used as part of Madison's Affordable Housing obligation. Mr. Miller asked about the extension of sewers to four homes on Green Village Road, and asked why sewers are not being extended to all areas of the Township that do not currently have sewer service. Mr. Miller said that there was sewer capacity allotted to Green Village that was reallocated to Giralda Farms and the Chatham Glen condos. Mr. Miller also asked if neighbors of the four homes to which sewers are requested to be extended will be notified, and if they will be offered to connect to the sewer line. Mr. Miller also asked if the sewer extension request will set a precedent.

Mayor Ness commented on the Rolling Knolls remediation, and said that impact on neighbors is a concern. Mayor Ness also said that Madison's Affordable Housing Plan does not presently include the church as the corner of Green Ave and Shunpike Road.

Administrator Hoffmann addressed DEP policies regarding sewer service areas. He also said that the four affected homes in the request have failing septic systems. Engineer Ruschke said that the Ormont Road and Johnson Drive sewer extensions resulted from petitions from residents. He also said that residents who benefit from such an extension pay for the project through a special assessment. Engineer Ruschke also commented on a potential need for individual grinder pumps for the four properties. He said that in 2014 the Township Committee discussed the sewer service area in this neighborhood, and the

DEP denied the request. Engineer Ruschke also said that the expansion of the sewer service area only covers the four houses, and the rest of the properties are not included.

2. Carol Cowan, Madison Borough, said that she is concerned regarding the impact that the development of the Charlie Brown’s site and Noe Pond will have on the environment and infrastructure. She noted the environmental sensitivity of the Noe Pond site. Mrs. Cowan also addressed the potential for drainage issues.
3. Mary McCrae, Canterbury Road, said that the Dixiedale construction started recently, and she commented on the noise from the site work. Mrs. McCrae said that she is unsure if the developer marked trees for removal.

Mayor Ness asked Engineer Ruschke to comment on oversight for tree removal. Engineer Ruschke said that a licenses surveyor staked out the entire property to delineate the approved limit of disturbance and install silt fencing. He said that the developer is not working without proper controls. Engineer Ruschke said that while he appreciates the concern about noise, the contractor is working within approved hours and he is not aware of any violations. He also said that Toll Brothers have been exceptional with the questions they have been asking.

4. Rich Rein, Rolling Hill Drive, welcomed Committeeman Hamilton and Committeewoman Felice to the Township Committee, and said they have shown an ability to have an impact. Mr. Rein also asked if there are any available updates regarding the litigation with Kronos Holdings, LLC. Mr. Rein further expressed his concerns about overdevelopment, and said he supports the acquisition of 522 Southern Boulevard for Affordable Housing. Mr. Rein said that he has concerns about use of condemnation, but thinks it would be appropriate for acquisition of 522 Southern Boulevard if needed. He also said that he supports use of tax dollars to prevent overdevelopment.

Mayor Ness said that the Township Committee appreciates the support from residents for the Affordable Housing Plan. She also reiterated that the Township received a conditional order of compliance for the Affordable Housing Plan as long as the Township proceeds to with steps to acquire 522 Southern Boulevard. Mayor Ness stated that the Township Committee hopes for an amicable acquisition of the property. She also stated that the Township Committee has asked the Silverman Group to publicly present a concept for the site, and have not heard back from them.

5. Jen McNally, Ferndale Road, expressed her support for the Township’s efforts to acquire 522 Southern Boulevard, and said she supports use of condemnation if needed. Mrs. McNally also stated that over 200 residents came to some Township Committee meetings when Affordable Housing was being discussed, and said several residents offered their expertise to the service of the Township. Mrs. McNally said that some of those residents may be willing to serve on the Affordable Housing Committee, and the Township Committee should take them up on their offer.
6. Laura Petersen, Shunpike Road, spoke against the potential development of the Noe Pond Club, and noted the potential environmental impact of the development.

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

Introduction of Ordinances

Ordinance 2021-01

**ORDINANCE 2021-01
ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ACCEPTING A DRAINAGE EASEMENT ACROSS LOT 5, BLOCK 102.11 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF CHATHAM.**

WHEREAS, on July 20, 2020, the Summit Monthly Meeting Religious Society of Friends obtained minor subdivision approval from the Township of Chatham Planning Board for Lot 5, Block 102.11 as shown on the Tax Map of the Township of Chatham; and

WHEREAS, on August 17, 2020, that approval was memorialized by Resolution of the Township Planning Board; and

WHEREAS, the Planning Board approval required that a drainage easement be conveyed to the Township across Lot 5, Block 102.11; and

WHEREAS, the owner of Lot 5, Block 102.11 agreed to provide the Township with the drainage easement as memorialized in that Grant of Drainage Easement attached to this Ordinance; and

WHEREAS, the Grant of Drainage Easement is in a form acceptable to the Township Attorney and Engineer; and

WHEREAS, the Township Committee desires to accept that dedication through the Grant of Drainage Easement.

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

1. The Township of Chatham hereby accepts the attached Grant of Drainage Easement and directs the Township Clerk to record the same and charge the escrow account for this application for the recording fees.
2. This Ordinance shall take effect as provided by law.

Attorney Cruz stated that Ordinance 2021-01 arises from a minor subdivision approval granted by the Planning Board.

Engineer Ruschke said that the property in question belongs to the Society of Friends. He said that the Township has a drainage easement on the rear of the property, and the Township discharges through a ditch on the property. He said that the ordinance legalizes the existing discharge.

Deputy Mayor Ewald moved to introduce Ordinance 2021-01. Committeewoman Felice seconded the motion.

Mayor Ness said that this ordinance is a memorialization of an existing condition.

Committeeman Hamilton asked how long the easement has been in existence, and what happened to necessitate the ordinance. Committeeman Hamilton also asked if the subdivided lot can be subdivided and if there are future implications for the property. Engineer Ruschke said that the watercourse is historic, and the easement is being codified now as a condition of the recent Planning Board approval. He also said that the easement should have been created a long time ago, and this ordinance formalizes the condition. Engineer Ruschke also said that the easement is on a portion of the property that is not otherwise usable. He also noted that the County has a structure that encroaches on the property, and they did not have an easement either. Committeeman Hamilton asked about the status of the subdivision. Engineer Ruschke said that the subdivision divides one lot into two lots. The Township Clerk noted that the subdivision was approved by the Planning Board in 2020.

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

Public Hearing on Ordinance 2021-01 will be scheduled for February 11, 2021.

Consent Agenda

RESOLUTION 2021-047

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 \$709,530.75 and the prior month's payroll of \$434,556.59 Current Fund, \$50,957.80 Sewer No. 1, \$11,015.21 Sewer No. 2, and \$25,874.96 Police Private Employment be paid.

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

RESOLUTION 2021-048

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:

Police Department – November, December
CFO – December

RESOLUTION 2021-049
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 January 7, 2021.

RESOLUTION 2021-050
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF
TAXES

WHEREAS, an overpayment of property taxes has been made for the following properties; and
WHEREAS, the Tax Collector has recommended the refund of such overpayment,
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

BLOCK	LOT	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
48.04	36.01	Pierce, Kevin A. & Leslie C. 85 Southern Blvd. Chatham, NJ 07928	\$3,282.77 (4th Quarter 2020) Overpayment of Taxes
104	16.01	Chow, Kai Man Edward & Laura M. Lei 264 Lafayette Ave Chatham, NJ 07928	\$6,690.33 (4th Quarter 2019) Overpayment of Taxes

RESOLUTION 2021-051
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING APPLICATION FOR
A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

BE IT RESOLVED by the Township Committee of the Township of Chatham that the Township Committee authorizes an application to the Morris County Community Development Block Grant (CDBG) Program for the Space to Place Handicapped Ramp Project described in the proposal. If awarded CDBG funds, the Township shall implement the activities in a manner to ensure compliance with all applicable federal, state and local laws and regulations.

RESOLUTION 2021-052
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY ACKNOWLEDGING AUTHORIZING
CREATION OF 22 NEW PARKING SPACES AT THE POLICE DEPARTMENT
HEADQUARTERS

WHEREAS, as part of the Township of Chatham’s implementation of a settlement agreement with the Fair Share Housing Center, twenty-four (24) Affordable Housing units will be constructed on property conveyed from the Township to designated developer Southern Boulevard Urban Renewal, LLC.; and

WHEREAS, the subdivided parcel and development will be known as Arbor Green at Chatham and have a street address of 411 Southern Boulevard, to be designated as Block 48.16, Lot 117.27 and

WHEREAS, the subdivision of the municipal property for the development of Affordable Housing requires that twenty-five (25) parking spaces be relocated for use by the Township for Police Department, visitors to the Police Department as well as employees; and

WHEREAS, the Township has been able to layout and create twenty-two (22) parking on the northeast and south side of the Police Department building; and

WHEREAS, the Administrator, Engineer, Chief of Police and Department of Public Works Manager met on site on Tuesday, December 1, 2020 to evaluate the topography and determine the safe location for parking spaces; and

WHEREAS, based on the location of the new parking spaces, proposals were solicited from contractors to construct the new spaces; and

WHEREAS, three (3) contractors who indicated that they were able to complete the project before the end of February 2021 were asked to submit proposals; and

WHEREAS, two (2) contractors submitted written proposals with Leo G. Hinds & Son providing the best value to the Township with a cost of \$12,680; and,

WHEREAS, due to the tight time, the Township Administrator authorized the project to move forward

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges and confirms the authorization of this project so that the Township can continue to adhere to the implementation time for the construction of Affordable Housing.

RESOLUTION 2021-053

RESOLUTION OF THE TOWNSHIP COMMITTEE REJECTING BIDS RECEIVED FOR WASTEWATER TREATMENT PLANT ABOVE-GROUND ALUM STORAGE TANKS

WHEREAS, the Township Committee of the Township of Chatham solicited for bids for the Wastewater Treatment Plant Above-Ground Alum Storage Tanks; and

WHEREAS, the bids were received and opened on Tuesday December 1, 2020 at 11:00 A.M.; and

WHEREAS, the bids received on December 1, 2020 exceeded the Township Engineer's estimates for the project; and

WHEREAS, the bid specifications reserved to the Township the right to reject all bids and, under the circumstances, it is fully appropriate to do so;

WHEREAS, the Township Engineer, John Ruschke, PE of Mott MacDonald recommends the rejection of the bids received.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that it hereby approves the rejection of the bids received for the Wastewater Treatment Plant Above-Ground Alum Storage Tanks.

BE IT FURTHER RESOLVED by the Township Committee that the Township Administrator is hereby authorized and directed to re-advertise for the receipt of bids for the Wastewater Treatment Plant Above-Ground Alum Storage Tanks.

RESOLUTION 2021-054

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF POLICE BODY CAMERAS TO COMPLY WITH STATE STATUTES

WHEREAS, all Police Officers in the State of New Jersey must wear Body Cameras starting no later than June 1, 2021; and

WHEREAS, the State of New Jersey has made funds available to reimburse municipal police departments for the cost of purchasing Body Cameras and associated equipment such as software and licensing agreements; and

WHEREAS, there is a minimum of a three (3) month lead-time to order and receive the Body Cameras and associated equipment; and

WHEREAS, the Township of Chatham Police Department has found the Body Cameras and associated equipment required are available from the Watch Guard Company 415 East Exchange Parkway Allen Texas, 75002; and

WHEREAS, these products are available through the New Jersey Cooperative Purchasing Alliance #CK04, a Cooperative Purchasing System for the purchase of goods and services that the Township of Chatham joined through the adoption of Resolution 2021-043; and

WHEREAS, the estimated cost for the body cameras and associated equipment required is \$40,892; and

WHEREAS, \$42,000 has been placed in the 2021 temporary budget to cover the cost of this required purchase and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham authorizes the purchase of body cameras and associated equipment for an amount not to exceed \$42,000 from the Watch Guard Company through the New Jersey Cooperative Purchasing Cooperative; and

BE IT FURTHER RESOLVED, that the Township Administrator, Chief of Police and other appropriate officials as designated by the Township Administrator are authorized to apply for a reimbursement of funds for this purchase once the State of New Jersey has issued procedures to do so.

RESOLUTION 2021-055

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING TAX AND SEWER LIEN

WHEREAS, due to payment by property owner of the lien amount, a redemption of the tax and sewer lien is appropriate; and

WHEREAS, the Tax Collector has recommended the refund of redemption monies as well as the Premium to the Outside Lien Holder;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refund be made as indicated:

<u>BLOCK</u>	<u>LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
84	16	Lienholder: LSG TL Holdings LLC 1985 Cedar Bridge Ave Suite 1 Lakewood, NJ 08701 Certificate #19-00004 Drury, David H & Marla D 309 Shunpike Rd.	\$ 222.16 – Certificate <u>1,200.00 – Premium</u> \$1,422.16 – Total

RESOLUTION 2021-056

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
DESIGNATING COMMITTEE ASSIGNMENTS AND LIAISONS**

BE IT RESOLVED by the Township Committee of the Township of Chatham that revised Township Committee assignments be made as follows:

Name of Advisory Committee/Board

Committee members

Joint Library Board of Trustees
Joint Municipal Court

Mark Hamilton
Tracy Ness & Ashley Felice

RESOLUTION 2021-057

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPOINTING MEMBER TO THE COLONY POOL ADVISORY COMMITTEE**

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following appointment be made effective immediately:

Colony Pool Advisory Committee

Term Expires

Erin Burgo

December 31, 2021

Deputy Mayor Ewald moved to adopt the Consent Agenda. Committeewoman Fondaco

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

Resolutions

Mayor Ness states that Resolutions 2021-040, 2021-041 and 2021-042 were tabled at the last meeting. She also said that the Township Clerk had requested the Township Committee members send him any edits so that revised drafts could be prepared. The Township Clerk stated that he received some revisions from Deputy Mayor Ewald for Resolutions 2021-040 and 2021-041.

2021-042

RESOLUTION 2021-042

**RESOLUTION THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM TO
ESTABLISH THE DIVERSITY COMMITTEE OF THE CHATHAMS**

WHEREAS, the formation of a Diversity Committee of the Chathams has been proposed.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham that the Diversity Committee of the Chathams is hereby established as follows:

1. The Committee will consist of 7 members serving one year terms.
2. The Diversity Committee will work toward the following purposes:
 - Promoting cultural awareness
 - Create programs that celebrate diversity
 - Liaise with community policing efforts
 - Liaise with the Interfaith Council
 - Liaise with the Library/Senior Center/Recreation/Historical Society/Arts to provide and a fuller look at cultural heritage in the Chathams and introduce residents to new cultural opportunities
3. The desired outcomes of the work of the Diversity Committee of the Chathams are as follows:
 - Create a welcoming environment in the Chathams.
 - Celebrate the diversity ever increasing in our towns.
 - Recognize and open lines of communication with community groups that have formed independently.
4. The Mission of the Diversity Committee of the Chathams will be as follows: To create an awareness of the diversity within our communities, celebrate cultures, and raise up issues of concern or areas of opportunities.
5. Members of the Diversity Committee of the Chathams will be appointed by the Mayor with the advice and consent of the Township Committee.

Committeewoman Felice asked how the Diversity Committee would be different from the Cultural Committee of the Chathams and the Chatham Interfaith Council. Mayor Ness said that the Cultural Committee of the Chathams may cease operations. She also stated that the Diversity Committee goes beyond culture to liaise with diverse groups of people. Committeewoman Felice said that the Diversity Committee seems redundant with the Historical Society.

Deputy Mayor Ewald spoke in favor of having a Diversity Committee, and said she wants various groups to feel welcome in the Chathams.

Committeeman Hamilton said that diversity should be encouraged. However, he stated that he does not see the need for an official committee as part of municipal government. He also said that creating such a committee implies that the Chathams are not welcoming to diverse groups. Committeeman Hamilton also said he thinks the Diversity Committee would be a solution looking for a problem.

Mayor Ness said that Chatham Township is one of the few towns in Morris County that does not have a diversity committee.

Committeewoman Fondaco spoke in favor of having a diversity committee.

Committeewoman Felice asked why the Cultural Committee is shutting down. Mayor Ness said it is not yet known if they will be shutting down, and noted that several committees have been affected by the COVID-19 pandemic.

Deputy Mayor Ewald moved to adopt Resolution 2021-042. Committeewoman Fondaco seconded the motion.

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

2021-041

**RESOLUTION 2021-041
RESOLUTION THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM TO
ESTABLISH A BUSINESS ADVISORY COMMITTEE**

WHEREAS, the formation of a Business Advisory Committee has been proposed.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham that the Business Advisory Committee is hereby established as follows:

6. The Committee will consist of 7 members, with a minimum of 3 seats reserved for members who currently own and operate a business in Chatham Township.
7. The Mission of the Business Advisory Committee will be as follows: To create a linkage between our commercial and private small business owners providing a forum for the discussion of issues important to our business community. This would include matters such as;
 - Hours of Operation
 - Zoning
 - Planning
 - Rebranding or marketing programs
 - Connect with economic development opportunities with both Madison and Chatham Borough i.e., flexible work space opportunities
 - Relevant to the pandemic, how the committee can better support businesses
8. The desired outcome of the Business Advisory Committee is to get a full picture of our business community including contact information to open a channel of communication between the municipality and businesses
 - Create a business directory and associated web page
 - Actively promote Chatham Township as a place for businesses to succeed
 - Respond to businesses concerns/issues
 - Create a downtown feel for the Hickory area
 - Contribute to the new Master Plan
9. Members of the Business Advisory Committee will be appointed by the Mayor with the advice and consent of the Township Committee.
10. The term of office will be for one year.

Mayor Ness stated that Chatham Township has not previously had a Business Advisory Committee. She also stated that Deputy Mayor Ewald has been involved in efforts with outreach to local businesses during the pandemic. Mayor Ness said that a need for continued outreach has been identified.

Deputy Mayor Ewald moved to adopt Resolution 2021-041. Committeewoman Fondaco seconded the motion.

The Township Clerk indicated that the update to the draft was having a minimum of three Chatham Township business owners on the Business Advisory Committee rather than requiring all members to be local business owners. Deputy Mayor Ewald said that change was made to allow for more flexibility. She said that all seven members could be local business owners, and only requiring three spots allows for other volunteers to fill any gaps.

Committeewoman Felice asked how the Business Advisory Committee would be different from the Chamber of Commerce. The Township Clerk indicated that the Chamber of Commerce ceased operations a few years ago. Committeewoman Felice asked how the Business Advisory Committee would be different from the Chamber of Commerce. Mayor Ness said that a Chamber of Commerce will have a paid director and annual dues. Committeewoman Felice said that business owners with whom she has spoken do not want an additional layer of government. She also said that the corporate businesses in the Township do not need the Township's help.

Deputy Mayor Ewald said she is not aware of any type of Chamber of Commerce that tells businesses what to do, and they normally function in a supportive role to help drive customers to businesses.

Committeewoman Fondaco said that she was part of group that contacted local businesses around Christmas that reached out to local businesses to offer support, and the businesses were appreciative of that assistance.

Committeeman Hamilton said that groups designed to support businesses in Chatham Township are likely to fail because there are not many small businesses. He also said that the business owners are more interested in running their businesses. Committeeman Hamilton also questioned if there are enough business owners interested in serving on the Business Advisory Committee, and he said the Committee would be a meaningless gesture.

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

Mayor Ness said that Committeeman Hamilton had previously agreed to serve as a liaison to the Business Advisory Committee, and asked if he will still do so. Committeeman Hamilton said that although he does not believe there is a need for the Business Advisory Committee, he will still serve as the liaison thereto.

2021-040

RESOLUTION 2021-040
RESOLUTION THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM TO
ESTABLISH AN AFFORDABLE HOUSING COMMITTEE

WHEREAS, the formation of an Affordable Housing Committee has been proposed.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham that the Affordable Housing Committee is hereby established as follows:

1. The Committee will consist of 11 members. One member from each of our township voting districts to ensure town-wide representation, plus a liaison from the Township Committee.
2. The Mission of the Affordable Housing Committee will be as follows: To look forward to our Fourth Round Affordable Housing obligations with an emphasis on proper planning and community engagement. This would include matters such as;
 - Research settlement agreements in other municipalities to ensure we are negotiating at the highest and best level
 - Develop a strategy to advocate for towns like Chatham Township at the county and state level i.e., smaller inclusionary developments, lowering the 62 unit+ needed for maximum funding
 - Develop a strategy to advocate funding for infrastructure needs associated with development i.e., money for schools, fire/police/EMS
 - Research land opportunities
3. The desired outcome of the Affordable Housing Committee will be:
 - To engage the community in a positive manner
 - To provide new ideas on how to solve our Fourth Round Obligations
 - To advocate for towns like Chatham Township, who do not have land and commercial areas that would accommodate inclusionary developments
 - Work with our Environmental Commission to ensure they are included in future planning
4. Members of the Affordable Housing Committee will be appointed by the Mayor with the advice and consent of the Township Committee.
5. The term of office will be for one year.

Mayor Ness said that the purpose of the Affordable Housing Committee was a request from the public.

Deputy Mayor Ewald moved to adopt Resolution 2021-040. Committeewoman Fondaco seconded the motion.

The Township Clerk noted that the change to the draft was to have the 11th member be the Township Committee liaison rather than a member-at-large.

Committeeman Hamilton said he is against the establishment of the Affordable Housing Committee. He said that some people may have asked for the creation of such a committee, however he does not think there is broad support. Committeeman Hamilton stressed how important of an issue Affordable Housing is, and he said that the Township Committee should

take the lead on the issue. He also said that residents who attend Township Committee meetings already serve to advise the Township Committee, and he thinks there needs to be transparency. Committeeman Hamilton said that forming an advisory committee would not be transparent.

Deputy Mayor Ewald pointed out that the Affordable Housing Committee would be purely advisory, and would not be empowered to spend money or make decisions. She also said that it would be valuable to the Township Committee to get input from residents who have a specialty in related fields. Deputy Mayor Ewald said that having the Committee would be a more proactive approach toward the Fourth Round.

Committeewoman Felice stated that she has an issue with how the State of New Jersey handles Affordable Housing, and she would like to see the problem addressed at the State level. Committeewoman Felice said that Long Hill Township passed a resolution to put pressure on the State Legislature to address Affordable Housing matters so that local zoning would not be held hostage.

Mayor Ness stated that members of the public often stated a desire to be part of the process, and her desire is for the public to be able to participate. She also said she envisions the Affordable Housing Committee functioning like the Open Space Committee, and would help the Township Committee stay ahead of the next round.

Committeeman Hamilton asked if the Affordable Housing Committee would be empowered to handle substantive activities. Mayor Ness said that the Affordable Housing Committee would be included in future planning so that the Township can be proactive rather than reactive. Committeeman Hamilton asked what actions the Committee could take. Mayor Ness said that they would not be empowered to hire professionals or spend money.

Committeewoman Felice asked if the general public would be able to participate in the Affordable Housing Committee's meetings if they are not a member, and she advocated for having the public be able to participate in the meetings. Deputy Mayor Ewald pointed out that the public is welcome to participate in Township Committee meetings.

Deputy Mayor Ewald addressed the need for advocacy at the State level, and she said that the Township should look into converting existing housing stock to Affordable Housing in the next round.

Committeeman Hamilton said that the Affordable Housing Committee would be anti-transparency.

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

Mayor Ness said that it is exciting to be able to have residents participate in local government.

Discussion

Awarding a Recycling Contract to Morris County MUA

RESOLUTION 2021-058 RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AWARDING A CONTRACT TO THE MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY FOR RECYCLING SERVICES

WHEREAS, State law permits contracts for services between governmental entities without formal competitive bids; and

WHEREAS, the Township has entered into a contract with the Morris County MUA for the collection of Township recyclables using a single-stream system; and

WHEREAS, the Township wishes to renew the contract for an additional five years; and

WHEREAS, the contract rate will be at the cost of annual rate of \$186,000.00 payable on a monthly basis for the year 2021, with a 2% increase for the successive five years with the annual renewal options at the same rate of increase; and

WHEREAS, the contract also includes a formula for revenue sharing; and

WHEREAS, entering into this contract with the Morris County MUA will add \$44,000 of savings in 2021;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Mayor and Township Clerk are hereby authorized to execute a contract for the curbside collection of recyclables at an annual rate of \$186,000.00 payable on a monthly basis for the year 2021, \$189,720.00 payable on a monthly basis for the year 2022, \$193,514.40 payable on a monthly basis for the year 2023, \$197,384.69 payable on a monthly basis for the year 2024, and \$201,332.38 payable on a monthly basis for the year 2025.

BE IT FURTHER RESOLVED that the Morris County MUA will make revenue sharing payments to the Township in a manner consistent with the language of the contract.

Administrator Hoffmann said that the term of the current contract with the MUA extends through 2021. He said that the MUA has offered to extend the contract at a cost savings to the Township. Administrator Hoffmann recommended that the Township accept the County's offer and extend the contract. Administrator Hoffmann also said that the recycling market is likely to shift again, and following the adoption of the 2021 Budget, the Township can work with other municipalities to seek other options.

Mayor Ness addressed single-stream versus dual-stream recycling. She also said she is glad the Township will be able to save money.

Deputy Mayor Ewald said that there is not any downside to extending the contract, and the upside is that the Township will save money.

Mayor Ness noted that there will not be any change in service for residents.

Deputy Mayor Ewald moved to adopt Resolution 2021-058. Committeewoman Fondaco seconded the motion.

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

Green Village Road WQMP Amendment

RESOLUTION 2021-059

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM CONSENTING TO THE PROPOSED NORTHEAST WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT

WHEREAS, the Township of Chatham desires to provide for the orderly development of wastewater facilities within the Township of Chatham; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, conform with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure through the WQMP rules at N.J.A.C. 7:15-3.5 as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment was publicly noticed in the New Jersey Register on December 21, 2020 for the following properties located on Green Village Road within the Township of Chatham: Block 48.17. Lots 132 and 133, and Block 144, Lots 39.03 and 39.04.

NOW, THEREFORE, BE IT RESOLVED on this 21 day of January 2021, by the Township Committee of the Township of Chatham that:

1. The Township Committee of the Township of Chatham hereby consents to the Green Village Road amendment, and publicly noticed on December 21, 2021 for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP pursuant to N.J.A.C. 7:15-3.5(g)6.

Engineer Ruschke presented a map showing the four homes that are requesting permission to extend the sewer service area. He noted that only the actual houses would be added to the sewer service area, and the remainder of the property would not be included. Engineer Ruschke also said that the four properties have failing septic systems, and he showed on a map where the properties would connect to the sewer system.

Mayor Ness asked if the Township Committee should take action at this meeting. Engineer Ruschke said that the action would be to allow the properties to be included in the sewer service area, and there would not be an obligation for any future approvals. He also said that the property owners would need to apply for sewer connection permits and road opening permits, and hire contractors.

Committeeman Hamilton asked if the DEP would be approving a theoretical expansion of the sewer service area. Engineer Ruschke said that the current houses in their current locations would be added to the sewer service area. The owners would not be able to build new houses to connect to the sewer system. Engineer Ruschke also said it took years to reach the current level of approval from the DEP, and it is unusual for the DEP to only allow a house to be added to a sewer service area rather than a whole property. Engineer Ruschke also said he asked the DEP in 2014 if the properties could be added to the sewer service area, and the DEP rejected the request at the time. Engineer Ruschke also said that the properties are restrictive for potential septic systems.

Deputy Mayor Ewald moved to adopt Resolution 2021-059. Committeewoman Hamilton seconded the motion.

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

LEAP Grant for Shared Services

RESOLUTON 2021-060
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING LEAP
GRANT APPLICATION IN PARTNERSHIP WITH CHATHAM BOROUGH, MADISON,
MORRISTOWN, MORRIS PLAINS AND MORRIS TOWNSHIP

WHEREAS, he State of New Jersey has allocated \$150,000 within each county for a statewide total of \$3,150,000 in Local Efficiency Achievement Program (LEAP) funds to promote innovation among peer local units across New Jersey, and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) administers the LEAP grant program; and

WHEREAS, the LEAP Challenge Grant exists to challenge municipalities and counties to collaborate on more extensive partnerships and collaborations to produce efficiencies through shared services; and

WHEREAS, the Township of Chatham and Chatham Borough, Madison, Morris Plains, Morris Township, and Morristown, have determined that they should apply for a LEAP Challenge Grant through the State of New Jersey Local Efficiency Achievement Program in the amount of \$150,000; and

WHEREAS, Morris Township has agreed to be the lead agency in the grant application; and

WHEREAS, the State of New Jersey has made LEAP grants available to assist local units to study, develop and implement new shared services initiatives; and

WHEREAS, the purpose of the project submitted in this grant application is intended to provide benefits to the participant local units operations which will in turn save costs and improve services for residents through the sharing of certain public works equipment as well as equipment maintenance and repair activities for public works and fire/rescue equipment

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, that the Township of Chatham does hereby join with Morris Township in applying for a LEAP challenge grant to support undertaking this endeavor.

Administrator Hoffmann explained that the LEAP Grant would allow the Township to enter into a shared service program with five other municipalities for public works. The program would allow the six municipalities to share equipment and skilled labor that would be cost prohibitive for a single municipality to acquire. Mayor Ness stated that Resolution 2021-060 authorizes the Township to participate in the grant application process.

Deputy Mayor Ewald moved to adopt Resolution 2021-060. Committeewoman Fondaco seconded the motion.

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

Hearing of Citizens

Mayor Ness opened the Hearing of Citizens.

1. Dan Miller, Green Village Road, thanked Engineer Ruschke for answering his questions pertaining to the sewer service area expansion on Green Village Road, and he praised the work performed by Engineer Ruschke. Mr. Miller also said that the Township should avoid negating the ability of residents to use new technology in septic systems. Mr. Miller further asked if there will be budgets for the new advisory committees. He also warned against government overreach by adding additional layers. Regarding the Diversity Committee, Mr. Miller said that the diversity of ideas is often destroyed.

Mayor Ness said that there will not be budgets for the new committees, and there will not be paid secretaries.

2. Kalpana Tumu, Gibbons Place, said she is an officer of the Cultural Committee of the Chatham. She said that the Cultural Committee's fundraising has been negatively impacted by the Pandemic, and they need to pay for costly insurance when holding events. Mrs. Tumu said she is excited about the Diversity Committee, which will serve a different purpose from the Cultural Committee. Mrs. Tumu said that working with the Diversity Committee will help the Cultural Committee.
3. Phil Ankel, Jay Road, said he is glad that the Township Committee and Administrator Hoffmann are still finding cost savings. He also expressed his support of the purchase of body cameras for the Police Department. Regarding the new advisory committees, Mr. Ankel said they will afford the Township a systematic way to reach out to the business community and address Affordable Housing issues. Mr. Ankel said he is glad that the Township Committee voted to create the new committees.

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

Executive Session

RESOLUTION 2021-P-02

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. Litigation –Kronos Holdings, LLC v. Township of Chatham et al Docket No. MRS-L-2024-20
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and will not take further action.
5. This Resolution shall take effect immediately.

Committeewoman Felice moved to adopt Resolution 2021-P-02 to enter Executive Session at 10:15 PM. Deputy Mayor Ewald seconded the motion.

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

The Township Committee returned to public session at 11:29 PM.

Deputy Mayor Ewald moved to adjourn at 11:30 PM. Committeewoman Fondaco seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk