MINUTES TOWNSHIP COMMITTEE WORKSHOP MEETING JANUARY 24, 2023

Deputy Mayor Hamilton called the Regular Meeting of the Township Committee of the Township of Chatham to order at 6:34 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 4, 2023; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 4, 2023; and notice was filed with the Township Clerk on January 4, 2023.

Roll Call

Answering present to the roll call were Committeewoman Ewald, Committeeman Lois and Deputy Mayor Hamilton. Committeeman Choi arrived late. Mayor Felice was absent.

Executive Session

RESOLUTION 2023-P-03

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED

WHEREAS, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

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

- 1. The public shall be excluded from discussion of the specified subject matter.
- 2. The general nature of the subject matter to be discussed is as follows:
 - a. Personnel
 - b. Contract negotiations: Shared Service Agreements
 - c. Litigation
- 3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
- 4. The Committee will come back into Regular Session and may take further action.
- 5. This Resolution shall take effect immediately.

Committeeman Lois moved to adopt Resolution 2023-P-03 to enter Executive Session at 6:35 PM. Committeewoman Ewald seconded the motion.

Roll call: Committeeman Choi, Absent; Committeewoman Ewald, Aye; Committeeman Lois, Absent; Deputy Mayor Hamilton, Aye; Mayor Felice, Absent.

The Township Committee returned to Public Session at 7:30 PM.

Deputy Mayor Hamilton led the Flag Salute.

Approval of Agenda

Committeeman Lois requested that Resolutions 2023-044 and 2023-049 be pulled from the Consent Agenda for a separate vote.

Committeewoman Ewald moved to approve the agenda as amended. Committeeman Lois seconded the motion which carried unanimously.

Reports

Deputy Mayor Hamilton extended best wishes to Mayor Felice. He reported that the Library Trustees and the Board of Health will both be having their first meetings of the year soon.

Committeewoman Ewald reported that the Senior Center has some great programs planned. The Madison-Chatham Coalition met recently, and Committeewoman Ewald gave an update on their activities.

Committeeman Lois reported that the Colony Pool Committee is seeking volunteers to fill vacancies.

Deputy Mayor Hamilton noted that the Board of Health also has two openings. He also said that due to technical difficulties this meeting is unable to be televised.

Hearing of Citizens

Deputy Mayor Hamilton opened the Hearing of Citizens.

1. Nick Ciafardini, Geoffrey Court, said that he received a notice that his property is in violation of an ordinance regarding discharge of a sump pump into a street subject to freezing conditions. Mr. Ciafardini said that he has spoken with the Township Engineer and the Department of Public Works regarding cracks in the street which was blamed on sump pumps, and he wants to know what can be done to remediate the situation. He also noted that he had not been notified of the violation in his previous conversations with the Township Engineer.

Mr. King said that he does not have information regarding the specific issue, however usually compliance is the desire. He said he will reach out to the Township Engineer.

Mr. Shehady said that he also does not have specific information about this issue. He also said that a Notice of Violation is normally the initial notice, and that such notices come across as scarier than they are meant to be.

Mr. Ciafardini asked if there is any grandfathering that would exempt his house from having to make changes. He also asked why the violation did not come up in prior discussions. Mr. Shehady said there may not have been an observable problem earlier.

Deputy Mayor Hamilton asked about the protocol for a notice of violation being issued without someone having gone into the house. Mr. King said that there may have been an icing issue which could create a liability, and he will speak with the Township Engineer to get specifics. He also said that if there is a global problem, there may be a global solution.

Committeeman Lois asked about Certificates of Occupancy when houses are sold.

Seeing no further public comment, Deputy Mayor Hamilton closed the Hearing of Citizens

Consent Agenda

RESOLUTION 2023-045 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 December 13, 2022, January 3, 2023 and January 10, 2023.

RESOLUTION 2023-046 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meetings held on December 13, 2022 and January 10, 2023.

RESOLUTION 2023-047

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT AND/OR PERFORMANCE BOND BALANCES

WHEREAS, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

WHEREAS, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

NAME	<u>Project</u>	A/C NUMBER	AMOUNT
Innovative Construction & Design 46 Cromwell Court Berkeley Heights, NJ 07922	RO-18-050 Re: 18 Birch Hill Lane	E7765172190	\$207.50
Pamela Crowley 770 River Road Chatham, NJ 07928	BOA-19-39-6	E7765172413	\$1,145.50
Essex & Morris Contracting Co. Inc 12 Candice Way East Hanover, NJ 07936	RO-20-022 Re: 226 Longwood Ave	E7765172801	\$461.00

RESOLUTION 2023-048

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

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

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

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

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

Year	<u>ITEM</u>	VIN or MODEL No
	Backhoe bucket with broken tooth	
	2 Hoover fuel tanks 275 gallons each	
	Savin 4035E copier	
	56 telephones	
1999	Grounds master 325D for parts only	
2012	Dodge Charger	2C3XAGXCH221051
2008	Dodge Dakota	1D7HWS638770

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

RESOLUTION 2023-050

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM ENTERING INTO MEMORANDUM OF AGREEMENT WITH POLICE CHIEF THOMAS MILLER

BE IT RESOLVED, that the Township Committee of the Township of Chatham hereby authorizes the attached Memorandum of Agreement with Police Chief Thomas Miller.

RESOLUTION 2023-051

RESOLUTION AUTHORIZING THE TOWNSHIP OF CHATHAM TO ENTER INTO THE NEW JERSEY COOPERATIVE PURCHASING ALLIANCE COOPERATIVE PRICING AGREEMENT

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Bergen, hereinafter referred to as the "Lead Agency," has offered voluntary participation in the New Jersey Cooperative Pricing Alliance #CK04 – a Cooperative Pricing System, for the purchase of of goods and services; and

WHEREAS, on January 24, 2023 the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services.

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1. This resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Chatham.
- 2. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Township Administrator is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.
- 3. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statues of the State of New Jersey.
- 4. This resolution shall take effect immediately upon passage.

RESOLUTION 2023-052

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AWARDING A PROFESSIONAL SERVICES CONTRACT TO FENNELLY ENVIRONMENTAL ASSOCIATES LLC FOR REMEDIAL ACTION TASKS

WHEREAS, the Township is in need of environmental services for remedial action tasks at the Public Works Garage Site at 405 Southern Boulevard; and

WHEREAS, a proposal dated February 21, 2022 was received from Fennelly Environmental Associates, LLC to perform several tasks pertaining to the remedial action; and

WHEREAS, the estimated total project cost of work in the proposal is \$31,600.00.

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

- 1. The Mayor and/or Township Administrator are hereby authorized and directed to enter into a professional services contract with Fennelly Environmental Associates, LLC to provide remedial action tasks as set forth in a proposal dated February 21, 2022.
- 2. Notice of this Resolution shall be published in the designated official newspapers as required by applicable law within ten (10) days of the adoption of this Resolution.
- 3. The account to be charged is C-04-55-953-907 in an amount not to exceed \$31,600 and the Chief Financial Officer has issued a Certificate of Available Funds which is attached hereto and incorporated herein by reference.

RESOLUTION 2023-053

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING MEMBERS TO THE JOINT RECREATION COMMITTEE

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

Joint Recreation Committee

Term Expires

1. Dan Flynn

December 31, 2025

RESOLUTION 2023-054 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING MEMBERS TO THE BOARD OF HEALTH

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

Board of Health

Term Expires

Katherine Fowler
 Doug Pitney
 December 31, 2025
 December 31, 2025

RESOLUTION 2023-055

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING A SETTLEMENT OF THE TAX APPEALS OF CORPORATE PARK ASSOCIATES

WHEREAS, Corporate Park Associates has appealed its assessments for the years 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019,2020, 2021 and 2022 in the Tax Court of New Jersey, Docket Nos. 005398-2010, 001079-2011, 008885-2012, 005520-2013, 007004-2014, 006015-2015, 001335-2016, 001813-2017, 004008-2018, 003586-2019, 004835-2020, 002860-2021 and 0003483-2022; and

WHEREAS, the Tax Assessor of the Township of Chatham has recommended acceptance of a proposed settlement of these appeals;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the above-referenced tax appeals be settled and the Municipal Attorney shall be authorized to execute a Stipulation of Settlement in the following amounts:

BLOCK: 135 LOT: 28

STREET ADDRESS: 245 Green Village Road

YEAR: 2021

	Original Assessment	County Board Judgment	Requested 2021 Tax Court Judgment
Land:	\$1,285,000.00	Direct Appeal	\$1,285,000.00
Improvements: Total:	\$1,090,700.00 \$2,375,700.00		\$ 965,000.00 \$2,250,000.00

BLOCK: 135 LOT: 28

STREET ADDRESS: 245 Green Village Road

YEAR: 2022

	Original	County Board	Requested 2022 Tax
	Assessment	Judgment	Court Judgment
Land:	\$1,285,000.00	Direct Appeal	\$1,285,000.00
Improvements:	\$1,090,700.00		\$ 965,000.00
Total:	\$2,375,700.00		\$2,250,000.00

The settlement is for the years 2021 and 2022, and is contingent upon the withdrawal of the appeals for the 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020 tax years, and the withdrawal of any and all counterclaims filed by the Township.

The 2021 and 2022 real estate tax overpayments caused by the Judgments from the Tax Court to be entered based hereon shall be returned to the taxpayer in the form of credits in reduction of the first quarterly tax payment due for the subject property following the entry of said Judgments to the full extent of said quarterly payment, and the quarterly payments subsequent thereto to the full extent of same until said savings has been fully returned in the form of such credits.

The provisions of the Freeze Act, N.J.S.A. 54:51A-8, shall apply to a final disposition of this case and the entire controversy and of any actions pending or hereinafter instituted by the parties concerning the assessment on the property referred to herein for any Freeze Act years, as permitted by applicable law. No Freeze Act year shall be the basis for the application of the Freeze Act for any subsequent year.

RESOLUTION 2023-056

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING ANN MARIE SILVIA TO THE POSITION OF TAX AND UTILITY COLLECTOR

WHEREAS, the Township is in need of a Certified Tax Collector and Utility Collector, and WHEREAS, the Township Administrator and Chief Financial Officer have recommended that Ann Marie Silvia be appointed to the position, and

WHEREAS, the position will be for full-time employment.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Chatham that Ann Marie Silvia is hereby appointed to the position of Tax and Utility Collector at a prorated starting salary of \$77,000 per year with a starting date of February 9, 2023. Salary in future years shall be as set forth in the annual salary ordinance and salary resolution. The term of the appointment shall run for four (4) years commencing January 1, 2024. All other terms and conditions of employment shall be as set forth in the Personnel Policies Manual of the Township.

RESOLUTION 2023-057 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING BUDGET TRANSFERS

WHEREAS, the Township Committee of the Township of Chatham, County of Morris has determined that certain appropriations, in the 2022 municipal reserve budget, are not sufficient to meet anticipated expenses; and

WHEREAS, N.J.S. 40A: 4-58 authorizes the transfer from appropriations where excess exists to other appropriations that are anticipated to be insufficient.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris that the following transfers are hereby affected:

Current Fund

Appropriation	<u>To</u>	From
Tax Assessor Other Expenses	\$3,000.00	
Zoning BOA Other Expenses	\$3,000.00	
General Administration Other Expenses	\$12,000.00	
Municipal Court Other Expenses		\$800.00
DCRP		\$1,050.00
Celebration Public Events Other Expenses		\$5,000.00
Social Security System		\$7,150.00
Engineering Services Other Expenses		\$4,000.00
Totals	\$18,000.00	\$18,000.00

Committeewoman Ewald moved to adopt the Consent Agenda. Committeeman Lois seconded the motion.

Roll call: Committeeman Choi, Aye; Committeewoman Ewald, Aye; Committeeman Lois, Aye (Abstain on Resolutions 2023-045 and 2023-046); Deputy Mayor Hamilton, Aye; Mayor Felice, Absent.

Non-Consent Agenda

RESOLUTION 2023-044

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 \$833,959.06 and the prior month's payroll of \$377,027.14 Current Fund, \$83,917.56 Sewer Utility, \$140,744.44 Open Space and \$22,266.92 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of January 2023, in the amount of \$3,414,533.00 be paid.

Committeewoman Ewald moved to adopt Resolution 2023-044. Committeeman Lois seconded the motion.

Committeeman Lois stated that he would like for the Township Committee to receive the bill list earlier than it has normally been sent out. Mr. King said that the due date for bills to be received would need to be pushed back, which could lead to a delay in paying bills.

Committeewoman Ewald asked if there could be weekly voucher lists. Mr. Shehady said that receiving a signed purchase order is what triggers payment. He also explained the accounts payable process.

Committeeman Lois said that he does not have an objection to any particular bills, however he wants to question what accounts are being used to pay bills. Mr. Shehady said that accounts are chosen at the requisition phase, and getting the bill list earlier will not change what account is used. He also said that journal entries can be used to change an account at a later date, and the payment of bills should not be held up due to a discussion over what account should be charged.

Deputy Mayor Hamilton asked at what point the Township Committee should weigh in on what account should be used for a bill. Mr. Shehady said that in some cases there are resolutions that specify an account for a specific contract or project. However matters below the threshold are usually handled by department heads.

Committeeman Lois said that he wants to relieve pressure on the operating budget by using reserve accounts while also preserving capital funds. He also said that he wants to discuss account selection at Township Committee meetings so that one Committee member cannot have an account changed on their own.

Mr. Shehady noted that in some cases the Township has to front money that will be reimbursed by a grant, and those items need to be charged somewhere until the reimbursement is received. He also said that there are plenty of checks and balances.

Committeewoman Ewald noted that it does not sound like anyone objects to the actual bills and action should be taken to adopt the resolution.

Deputy Mayor Hamilton suggested that account selection be discussed at a workshop meeting.

Roll call: Committeeman Choi, Aye; Committeewoman Ewald, Aye; Committeeman Lois, Aye; Deputy Mayor Hamilton, Aye; Mayor Felice, Absent.

RESOLUTION 2023-049

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, CANCELLING VARIOUS UNEXPENDED BALANCES

WHEREAS, The Report on Examination of Financial Statements for the year ended December 31, 2022 revealed a number of miscellaneous items including unallocated receipts, appropriated reserves, reserves for special deposits, unexpended improvement authorizations, and state aid receivables and reserves, and

WHEREAS, The Chief Financial Officer has determined that these items may all be cancelled, **NOW**, **THEREFORE**, **BE IT RESOLVED**, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby cancels the following items:

Current Fund Schedule of State Aid Receivable	
NJDEP It Pays to Plug In: Electric Vehicle Grant	\$8,000.00
Municipal Alliance Program	\$12,456.86
Current Fund Schedule of Appropriated Reserves for Federal and State	
Grants	
NJDEP It Pays to Plug In: Electric Vehicle Grant	\$8,000.00
Municipal Alliance Program	\$12,456.86
General Capital Fund Schedule of Improvement Authorizations	
-cancel to Capital Fund Reserve to Pay Debt Service	
Ordinance 2020-010	\$10,018.58
Ordinance 2020-014	\$292,681.42

Committeeman Lois moved to adopt Resolution 2023-044. Committeewoman Ewald seconded the motion.

Committeeman Lois said that it is his understanding that the canceled balances will be used toward a down payment for the bond ordinance adopted in December. Mr. Shehady said that there are some items in this resolution that are not part of the Affordable Housing down payment, and covers some additional grants. He noted those items that will be used to increase the down payment toward the bond ordinance, and the Spending Plan will be updated to include that money. Committeeman Lois commented on the long-term savings to residents with the higher down payment.

Roll call: Committeeman Choi, Aye; Committeewoman Ewald, Aye; Committeeman Lois, Aye; Deputy Mayor Hamilton, Aye; Mayor Felice, Absent.

RESOLUTION 2023-058 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING SEWER CONNECTION FOR 17 GATES AVENUE

WHEREAS, the Township Engineer has certified that all applications requirements for 17 Gates Avenue, Block 108, Lot 30.02 including the payment of the administrative review fee have been met and that sewer capacity is available; and

WHEREAS, in a memo dated December 5,2022 the Township Engineer outlined various conditions for the approval of a sewer connection for 17 Gates Avenue, Block 108, Lot 30.02.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that it hereby, approves the issuance of a sanitary sewer permit for 17 Gates Avenue, Block 108, Lot 30.02 subject to the conditions set forth by the Township Engineer.

Committeewoman Ewald moved to adopt Resolution 2023-044. Committeeman Choi seconded the motion.

The Township Clerk indicated that this is a routine resolution that would have been included on the Consent Agenda were it not for the need for Committeeman Lois to recuse.

Roll call: Committeeman Choi, Aye; Committeewoman Ewald, Aye; Committeeman Lois, Recuse; Deputy Mayor Hamilton, Aye; Mayor Felice, Absent.

Hearing of Citizens

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

Committeewoman Ewald moved to adjourn at 8:17 PM. Committeeman Choi seconded the motion, which carried unanimously.

Gregory J. LaConte Municipal Clerk