

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
NOVEMBER 18, 2021**

Mayor Ewald called the Regular Meeting of the Township Committee of the Township of Chatham to order at 6:28 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, June 11, 2021 and August 13, 2021; notice was posted on the front door and the bulletin board in the main hallway of the Municipal Building on January 8, 2021, June 11, 2021 and August 13, 2021; and notice was filed with the Township Clerk on January 8, 2021, June 11, 2021 and August 13, 2021.

Roll Call

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

Executive Session

**RESOLUTION 2021-P-22
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 – Township of Chatham v. Kronos Holdings LLC and SL Chatham II, LLC – Condemnation Action Docket No. MRS-L-789-21
 - b. Litigation: Township of Chatham v. Bank of America and Glenwood Housing Corporation
 - c. Potential Litigation
 - d. Contract Negotiations
 - e. Contract Negotiations: Novelle Home Solutions, Inc. and Affordable Housing Agreement
 - f. Personnel: Police Department
 - g. Personnel: DPW
 - h. Collective Bargaining Agreement: Teamsters
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-22 to enter Executive Session at 6:31 PM. Committeewoman Fondaco seconded the motion.

Roll call: Committeewoman Felice, Aye; Committeewoman Fondaco, Aye; Committeeman Hamilton, Aye; Deputy Mayor Abbott, Aye; Mayor Ewald, Aye.
The Township Committee returned to Public Session at 7:30 PM.

Mayor Ewald led the Flag Salute.

Approval of Agenda

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

Oaths of Office

Officer Patrick Dowd

Mayor Ewald provided some background on the appointment of Officer Dowd.

Officer Patrick Dowd was sworn in as a Police Officer. The oath of office was administered by Mayor Ewald.

Police Chaplain

Mayor Ewald spoke about Father Corcoran's educational and vocational background.

Father Kevin Corcoran was sworn in as Police Chaplain. The oath of office was administered by Mayor Ewald.

Proclamations

Native American Heritage Month

Mayor Ewald read aloud the attached proclamation for Native American Heritage Month.

Administrator Hoffmann spoke about the Native American heritage he has through his grandmother.

Copies of the proclamation were accepted by Administrator Hoffmann and Historical Society Co-President Martha Wells.

Mayor's Message

Mayor Ewald stated that she attended the League of Municipalities Conference, and she shared information about the effectiveness of the COVID vaccine that was presented at the Conference. Mayor Ewald encouraged residents to get a COVID vaccination.

Mayor Ewald reported that there will be a Menorah Lighting in Green Village of December 2nd. She also reported that the Green Village Christmas Tree Lighting will be on December 5th.

Reports

Committeeman Hamilton reported that there is a new police officer. He reminded residents to lock their cars at night. Committeeman Hamilton further reported that there are a lot of upcoming events at the Library of the Chathams. He noted that the Trustees met yesterday about building projects.

Committeewoman Fondaco reported that through the work of Chairperson Maureen Kelly, the Environmental Commission has achieved Silver Certification status in the Sustainable Jersey Program. She further reported that the Historical Society's Museum is open on the first Sunday of each month from 2:00 PM to 4:00 PM. There is an upcoming Zoom program on November 21st about reforming housing. A blood drive will be held at St. Patrick's Church on December 4th.

Deputy Mayor Abbott reported that the Senior Center has a full calendar of events. The Joint Recreation Committee is waiting for the installation of lights at Nash Field. Deputy Mayor

Abbott also reported on the success of the baseball program, noting there was a record number of tryouts. Soccer had fewer participants this year.

Mayor Ewald reported that the Business Advisory Committee is developing a Small Business Saturday program. She also reported that the Mayor's Wellness Committee is hosting a program about advance care planning.

The Township Clerk reported that a successful Flu Shot Clinic was recently held, at which COVID boosters were also available. The Annual Rabies Clinic was also recently held, and there were few participants.

Engineer Ruschke provided an update on the Noe Avenue Paving Project. He also stated that NJ American Water will be repaving a section of River Road following a water main project. Engineer Ruschke further reported that the Township received an NJDOT Municipal Aid Grant in the amount of \$268,000.00 for repaving of Mountainside Drive, Candace Lane and a section of Fairmount Avenue.

Administrator Hoffmann reported on a recent Eagle Project. He also reported that the lights at Nash Field are scheduled to be installed in early December.

Hearing of Citizens

The Township Clerk indicated that there were written comments received.

1. Mike Oien, Hillcrest Avenue, provided comments in favor of the introduction of Ordinance 2021-31.
2. Kevin Sullivan, Stafford Road, provided comments opposing the introduction of Ordinance 2021-31.
3. Nicole Lois, Gates Avenue, asked several questions pertaining to the pending recount of the recent Township Committee election. The Township Clerk read a statement indicating that a Township Committee meeting is not the appropriate venue for Township officials to comment on matters before the Superior Court.

Mayor Ewald opened the Hearing of Citizens.

1. Mark Lois, Gates Avenue, claimed that the Township Committee's agenda does not reflect questions that he received from residents while campaigning for office. Mr. Lois asked what Chatham Borough is doing to rezone the area at the intersection of River Road and Watchung Avenue, and how the Township Committee plans to address any concerns on that matter. He also asked what the plan is to address traffic congestion in Chatham Borough. Mr. Lois further asked about traffic from the Borough that will be diverted to Hillside Avenue and if Hillside Avenue could be made into a cul-de-sac. Mr. Lois asked about traffic calming measures and sidewalks for Fairmount Avenue between Southern Boulevard and Chatham Borough. He also asked about the intersection of Fairmount Avenue and River Road.

Mayor Ewald stated that Township residents are allowed to attend Chatham Borough's public meetings to find answers to questions about the Borough's affordable housing developments. She also addressed Hillside Avenue and stated the cul-de-sac question was addressed by the Planning Board. Regarding sidewalks on Fairmount Avenue, Mayor Ewald stated that there was discussion of grants however there was pushback from residents. Deputy Mayor Abbott stated that a grant had been received however there was not the political will to build the sidewalk. Mayor Ewald stated that safety measures have also been discussed. She also stated that the interior sidewalk at Dixiedale was lost, and there will be a perimeter sidewalk instead.

Committeewoman Felice said she has heard complaints about the Borough meeting its Affordable Housing Obligation through high density development and asked if there is anything the Township can do to apply pressure for their plan to be amended. The Township Clerk said there was discussion in the past about how regional approaches

were not available, and suggested that the Township Committee members lobby their contacts in the State Legislature to come up with a legislative solution to Affordable Housing that would allow for regional approaches.

- 2. Bob Frascella, Pine Street, addressed parking issues in his neighborhood. He commented on how issues were addressed several years ago when former Chief Goeckel and Officer Curtis were still active in the Chatham Township Police Department. Mr. Frascella also addressed safety hazards created by parking on both sides of Pine Street, and commented on the efforts that led to the current parking restrictions. Mr. Frascella raised a concern that students will move their cars during lunchtime.

Administrator Hoffmann stated that Ordinance 2021-34, which is on this meeting’s Agenda for introduction, corrects some concerns that Mr. Frascella had previously raised.

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

Public Hearing/Final Adoption of Ordinances

Ordinance 2021-24

ORDINANCE 2021-24
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING BUILDING COVERAGE ORDINANCE SECTION 30-78.11 b. TO INCLUDE PROJECTIONS THAT INCREASE THE FLOOR AREA OF THE PRINCIPAL STRUCTURE

BE IT ORDAINED by the Township Committee of the Township of Chatham as follows:
Section 1. Section 30-78.11 b. be amended to read as follows:

As used in this subsection, the maximum coverage of the principal structure shall include only the foundation under the roofed portion of such structure and all area contiguous to the structure below an eave, bay window, oriel, balcony, or overhang which project more than three feet beyond the face of the structure shall be included in the calculation of building coverage. All projections that increase the floor area of the principal structure shall be included in the building coverage calculation.

Section 2. 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.

Section 3. 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.

Section 4. 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.

Section 5. 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.

Section 6. This Ordinance shall take effect immediately upon: (1) 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.

Engineer Ruschke explained the purpose of Ordinance 2021-24.

Mayor Ewald opened the Public Hearing on Ordinance 2021-24.

1. Mark Lois, Gates Avenue, provided examples of overhangs and bays that he does not think need to be covered by this ordinance. He expressed a concern that the ordinance will limit architectural design to only flat exterior walls. He also discussed how there are bays and overhangs that do not add floor area.

Engineer Ruschke addressed the definitions of usable floor area under UCC Code, and stated that this ordinance is intended to address applications for more egregious bump-outs.

Committeewoman Felice asked if there are builders taking advantage of the current regulations. Engineer Ruschke stated that there is only one builder doing so, however it could become a trend. Committeewoman Felice asked how fireplaces would be impacted. Engineer Ruschke stated that fireplaces are not considered additional floor area. He also stated that balconies and patios are not considered floor area.

Mayor Ewald stated that the ordinance is designed to address the use of cantilevers to exceed the floor area ratio limits.

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

Deputy Mayor Abbott moved to adopt Ordinance 2021-24. Committeewoman Fondaco seconded the motion.

Committeewoman Felice asked if this ordinance would make every house a block. Engineer Ruschke stated that there is only one builder that has been problematic, and block housing would only be an issue if there was a new trend in building.

Deputy Mayor Abbott stated that this ordinance would help prevent overdevelopment.

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

Ordinance 2021-25

ORDINANCE 2021-25

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING AND MAKING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$150,000 FOR ENGAGEMENT OF SPECIAL CONSULTANT FOR THE PREPARATION OF A MASTER PLAN IN CONFORMITY WITH THE PLANNING LAWS OF NEW JERSEY

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

1. Pursuant to the provisions of the Local Budget Law of the State of New Jersey, specifically N.J.S.A. 40A:53, a special emergency appropriation in the amount of \$150,000.00 is hereby authorized and made for the purpose of engaging a special consultant for the preparation of a Master Plan in conformity with the planning laws of New Jersey, and such appropriation shall be deemed a special emergency appropriation as defined and is provided for in N.J.S.A. 40A:4-53.
2. The special emergency appropriation authorized and made by Section 1 of this Ordinance shall be provided for and funded as shall be determined hereafter by the Township Committee in accordance with and pursuant to said Local Budget Law.
3. A certified copy of this Ordinance as adopted shall be filed with the Director of the Division of local Government Services in the New Jersey Department of Community Affairs.
4. This Ordinance shall take effect upon publication as provided by law

Administrator Hoffmann explained the purpose of Ordinance 2021-25.

Mayor Ewald opened the Public Hearing on Ordinance 2021-25.

1. Mark Lois, Gates Avenue, asked why this is an emergency appropriation rather than being part of the regular budgeting process. He also asked why the Township Planner is not being awarded the contract for Master Plan Updates. Mr. Lois further asked what has changed since the last time the Master Plan was updated. He further said that the presentations at a prior meeting discussed having a Civic Center, and asked where that concept came from. Mr. Lois further asked what the selection process was for the top three firms.

Administrator Hoffmann explained that because Master Plan Updates are a significant expense, the State allows for the costs to be paid over several years. The “special emergency” verbiage is consistent with statutory language. The Township Clerk provided a screen share of the pertinent language from NJSA 40A-4-53. He also shared the section of NJSA 40A-4-55 that requires the follow-up resolution if the ordinance is adopted. Administrator Hoffmann stated that another planning firm has been sought to have a fresh set of eyes on the Township’s Master Plan. The Township Planner will be part of the process as well. Mayor Ewald stated that any specific goals will come from community input, and the Township Committee will make final decisions. Administrator Hoffmann described the RFP review process and explained how the firms were ranked. Mayor Ewald noted that there were sessions at the League of Municipalities Conference in which it was stressed that Master Plans need to be updated for municipal governments to remain eligible for grant opportunities. Administrator Hoffmann stated that updates also help municipalities address emerging trends.

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

Committeewoman Fondaco moved to adopt Ordinance 2021-25. Deputy Mayor Abbott seconded the motion.

Deputy Mayor Abbott said that you get what you plan for and stressed the need for adequate planning.

Committeeman Hamilton stated he has not been convinced that money needs to be appropriated for an outside consultant, and he does not see the need to hire an outside consultant.

Committeewoman Felice asked if the normal budget process allows for a project to be funded over three years. Administrator Hoffmann stated that the annual budget includes items paid for as operational expenses. Because the Master Plan Updates have a more long-term impact, the State allows for the work to be paid for over a 5-year period. He also reiterated that the use of the word “emergency” is statutory verbiage.

Attorney Cruz said that if the Township Committee does not have enough information to vote on the ordinance at this meeting, the vote can be deferred to the next meeting at which the Township Planner can make a presentation and answer questions. Attorney Cruz also stated that municipalities are required under the Municipal Land Use Law to update Master Plans every ten years. He also stated that a new element regarding Climate and Sustainability is required.

Committeewoman Fondaco withdrew her motion to adopt the ordinance. Deputy Mayor Abbott withdrew her second.

Committeewoman Fondaco moved to carry the public hearing and the vote on Ordinance 2021-25 to the December 16, 2021 Township Committee meeting. Deputy Mayor Abbott seconded the motion.

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

Ordinance 2021-26

ORDINANCE 2021-26

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY REGARDING NO PARKING REGULATIONS ON CERTAIN STREETS

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

1. Chapter VII, Section 7-13, of the "Revised General Ordinances of the Township of Chatham, 1995" is amended to prohibit parking at all times upon the parts of streets described herein:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Fairview Avenue	Both	Lafayette Avenue to Township of Chatham Borough of Chatham Boundary line
Lafayette Avenue	Both	Pine Street to Yarmouth Road

2. Chapter VII, Section 7-11.1, of the "Revised General Ordinances of the Township of Chatham, 1995" are amended to add parking regulations for the following listed streets:

Name of Street	Side	Time Limit	Hours	Location
Buttonwood Road	Both	1 Hour	7:00 a.m.- 1:00 p.m. School days	Entire Length
Crestwood Drive	Both	1 Hour	7:00 a.m. - 1:00 p.m. School days	Entire Length
Dellwood Avenue	Both	1 Hour	7:00 a.m.- 1:00 p.m. School days	Longwood Avenue to the Township of Chatham-Borough of Chatham boundary line
Floral Street	Both	1 Hour	7:00 a.m.- 1:00 p.m. School days	Lafayette Avenue lo School Avenue
Hall Road	Both	1 Hour	7:00 a.m. - 1:00 p.m. School days	Highland Road to End of Street
Lenape Trail	Both	1 Hour	7:00 a.m. - 1:00 p.m. School days	Lafayette Avenue to a point 850 feet north of Lafayette Avenue intersection
Longwood Avenue	West	1 Hour	7:00 a.m.- 1:00 p.m. School days	Washington Avenue to Lafayette Avenue
Pine Street	Both	1 Hour	7:00 a.m.- 1:00 p.m. School days	Lafayette Avenue to Robinhood Lane
School Avenue	North	1 Hour	7:00 a.m.- 1:00 p.m. School days	Maple Street to Spring Street
Whitman Drive	Both	1 Hour	7:00 a.m. - 1:00 p.m. School days	Entire Length
Williams Road	North	1 Hour	7:00 a.m. - 1:00 p.m. School days	Longwood Avenue to Crestwood Drive
Yarmouth Road	Both	1 Hour	7:00 a.m. - 1:00 p.m. School days	Entire Length

3. Chapter VII, Section 7-14 of the "Revised General Ordinances of the Township of Chatham, 1995" are amended to remove parking regulations for the following listed streets:

Buttonwood Lane	Both	7:30 a.m. - 10:00 a.m.	Entire length
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Dellwood Avenue	North	7:00 a.m. - 10:00 a.m. School days	Longwood Avenue to the Township of Chatham-Borough of Chatham boundary line
	South	8:00 a.m. - 4:00 p.m.	Longwood Avenue to the Township of Chatham-Borough of Chatham boundary line
Floral Street	East	8:00 a.m. - 4:00 p.m.	Lafayette Avenue to School Avenue
	West	7:00 a.m. - 10:00 a.m. School days	Lafayette Avenue to School Avenue
Lenape Trail	North	7:00 a.m. - 10:00 a.m. (school days)	From the westerly curblineline of Lafayette Avenue to a point 915 feet west thereof
Lenape Trail	South	8:00 a.m. - 4:00 p.m. (school days)	From the westerly curblineline of Lafayette Avenue to a point 915 feet west thereof
Longwood Avenue	West	7:00 a.m. - 10:00 a.m. School days	Washington Avenue to Lafayette Avenue
Pine Street	East	7:00 a.m. - 10:00 a.m. School days	Lafayette Avenue to Robin Hood Lane
	West	8:00 a.m. - 4:00 p.m.	Lafayette Avenue to Robin Hood Lane
Whitman Drive	Both	7:00 a.m. - 10:00 a.m. school days	Entire length
Williams Road	North	7:00 a.m. - 10:00 a.m. School days	

4. This Ordinance shall take effect in accordance with law.

The Township Clerk stated that the public hearing on Ordinance 2021-26 should still be held, and that it will be a cleaner process to table the ordinance and introduce a new ordinance with all the amendments.

Committeeman Hamilton said that the new ordinance will have amendments generated from a Public Safety Committee meeting.

Mayor Ewald opened the Public Hearing on Ordinance 2021-26.

1. Bob Frascella, Pine Street, spoke about the process that occurred 16 years ago to address parking issues in the Pine Street neighborhood.

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

Administrator Hoffmann commented on the survey that was sent to residents on the affected streets.

Committeeman Hamilton moved to table Ordinance 2021-26. Committeewoman Felice seconded the motion.

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

Introduction of Ordinances

Attorney Cruz stated that Ordinance 2021-27 is an administrative cleanup ordinance to formally create the existing Joint Municipal Court as per the Shared Service Agreement.

Attorney Cruz stated that Ordinance 2021-28 repeals the existing Growth Share Ordinance as that methodology for Affordable Housing has been abolished.

Attorney Cruz stated that Ordinance 2021-29 repeals an Affordable Housing Marketing Plan ordinance as another ordinance was previously adopted in another section of the Code Book. He also stated that the marketing plan that was adopted and would remain in effect was consistent with the Settlement Agreement with the Fair Share Housing Center.

Attorney Cruz stated that Ordinance 2021-30 repeals the Development Fee Ordinance that was never adopted and which was replaced by a subsequent ordinance.

Ordinance 2021-27

ORDINANCE 2021-27

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, REPEALING ARTICLE IV TITLED “THE MUNICIPAL COURT”, SECTIONS 2-21 TO 2-21.8 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM, AND REPLACING WITH A NEW ARTICLE IV TITLED “THE JOINT MUNICIPAL COURT”, SECTIONS 2-21 TO 2-34

WHEREAS, the Township of Chatham is a member of the Joint Municipal Court of the Borough of Madison, Borough of Chatham, Township of Chatham and the Township of Morris known as the “Joint Municipal Court of Madison, the Chathams and Morris Township” (“Joint Municipal Court”); and

WHEREAS, the Township of Chatham through this Ordinance confirms its desire to continue to be a member of the Joint Municipal Court; and

WHEREAS, the Township Committee desires to repeal Article IV titled “The Municipal Court”, Sections 2-21 to 2-21.8, and replace with a new Article IV titled “The Joint Municipal Court”, Sections 2-21 to 2-34.

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

Section 1.

§2-21 Court Established.

Pursuant to the provisions of N.J.S.A. 2B:12-1, et seq., a single Joint Municipal Court is hereby established for the Borough of Chatham, Township of Chatham, Borough of Madison, and Township of Morris. The jurisdiction of the Joint Municipal Court shall be coextensive with the territories of the Borough of Chatham, Township of Chatham, Borough of Madison, and Township of Morris.

§2-22 Name.

The name of the Joint Municipal Court shall be “Joint Municipal Court of Madison, the Chathams, and Morris Township”.

§2-23 Powers and Duties.

The Joint Municipal Court shall possess and exercise all functions, powers, duties and jurisdiction conferred upon it by the statutes of the State of New Jersey.

§2-24 Joint Court Committee.

A Joint Court Committee shall be formed consisting of two representatives appointed by the respective governing bodies of the Borough of Chatham, Township of Chatham, Borough of Madison, and Township of Morris. The Joint Court Committee shall operate as set forth in the Agreement for the Operation of a Joint Municipal Court Pursuant to the Uniform Shared Services and Consolidation Act with an effective date of January 1, 2022, as may be amended from time to time.

§2-25 Appointment of Judge.

The Judge of the Joint Municipal Court shall be nominated and appointed by the Governor of the State of New Jersey, upon the advice and consent of the Senate of the State of New Jersey in accordance with N.J.S.A. 2B:12-1, et seq., for a term of three (3) years, and the Agreement for the Operation of a Joint Municipal Court Pursuant to the Uniform Shared Services and Consolidation Act with an effective date of January 1, 2022, as may be amended from time to time. The Judge of the Joint Municipal Court shall have and possess the qualifications and shall have, possess and exercise all functions, duties, powers, and jurisdiction conferred by law or ordinance.

§2-26 Municipal Prosecutor.

The position of Municipal Prosecutor of the Joint Municipal Court is hereby established in accordance with N.J.S.A. 2B:25-1, et seq. and the Agreement for the Operation of a Joint Municipal Court Pursuant to the Uniform Shared Services and Consolidation Act with an effective date of January 1, 2022, as may be amended from time to time.

§2-27 Municipal Public Defender.

The position of Municipal Public Defender of the Joint Municipal Court is hereby established in accordance with N.J.S.A. 2B:24-1, et seq. and the Agreement for the Operation of a Joint Municipal Court Pursuant to the Uniform Shared Services and Consolidation Act with an effective date of January 1, 2022, as may be amended from time to time.

§2-28 Municipal Joint Court Administrator.

The position of Municipal Court Administrator of the Joint Municipal Court is hereby established in accordance with N.J.S.A. 2B:12-1, et seq. and the Agreement for the Operation of a Joint Municipal Court Pursuant to the Uniform Shared Services and Consolidation Act with an effective date of January 1, 2022, as may be amended from time to time. The Municipal Court Administrator shall perform the functions and duties prescribed by law, by rules applicable to municipal courts, and by the Judge of the Joint Municipal Court. The Joint Municipal Court Administrator shall be considered an employee of the Borough of Madison.

§2-29 Deputy Municipal Joint Court Administrator.

The Joint Court Committee may appoint one or more Deputy Municipal Court Administrators of the Joint Municipal Court as necessary to efficiently operate the Joint Municipal Court in accordance with N.J.S.A. 2B:12-1, et seq. and the Agreement for the Operation of a Joint Municipal Court Pursuant to the Uniform Shared Services and Consolidation Act with an effective date of January 1, 2022, as may be amended from time to time.

§2-30 Employees.

The Joint Court Committee shall provide for such other necessary clerical and other personnel as shall be required to efficiently operate the Joint Municipal Court and for their compensation in accordance with N.J.S.A. 2B:12-1, et seq. and the Agreement for the Operation of a Joint Municipal Court Pursuant to the Uniform Shared Services and Consolidation Act with an effective date of January 1, 2022, as may be amended from time to time.

§2-31 Revenue Distribution.

All fines, costs, fees, penalties and forfeitures, including forfeitures of bail, imposed by the Joint Municipal Court, and any other funds which are distributable to a local municipality, shall be distributed to the municipality in which the complaint, charge, events, acts or violations arose and which produce the particular fine, costs, fees, penalty, forfeiture or other funds in accordance with N.J.S.A. 2B:12-1, et seq. and the Agreement for the Operation of a Joint Municipal Court Pursuant to the Uniform Shared Services and Consolidation Act with an effective date of January 1, 2022, as may be amended from time to time.

§2-32 Agreement.

The Agreement for the Operation of a Joint Municipal Court Pursuant to the Uniformed Share Services and Consolidation Act, with an effective date of January 1, 2022, as may be amended from time to time, is hereby ratified and approved. The Agreement is on file in the office of the Township of Chatham Clerk, 58 Meyersville Road, Chatham, New Jersey 07928, and is available for public inspection during normal business hours.

§2-33 Withdrawal of Joint Municipal Court Members.

A municipality may withdraw from participation in the Joint Municipal Court by delivering written notice to the Joint Municipal Court and all participating municipalities of its intention to withdraw in accordance with the Agreement for the Operation of a Joint Municipal Court Pursuant to the Uniform Shared Services and Consolidation Act with an effective date of January 1, 2022, as may be amended from time to time.

§2-34 Additional Joint Court Members.

Additional municipalities may join the Joint Municipal Court in accordance with the Agreement for the Operation of a Joint Municipal Court Pursuant to the Uniform Shared Services and Consolidation Act with an effective date of January 1, 2022, as may be amended from time to time.

Section 2. 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.

Section 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such subdivision, clause or provision shall be deemed valid and effective.

Section 4. This Ordinance shall take effect on January 1, 2022 and according to law.

Deputy Mayor Abbott moved to introduce Ordinance 2021-27. Committeewoman Fondaco seconded the motion.

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

Public Hearing on Ordinance 2021-27 will be scheduled for December 16, 2021.

Ordinance 2021-28

ORDINANCE 2021-28

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, REPEALING SECTIONS 30-142 TO 30-142.7 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM TITLED “REQUIREMENTS FOR DEVELOPMENTS INCREASING THE TOWNSHIP’S GROWTH SHARE OBLIGATION FOR AFFORDABLE HOUSING”

WHEREAS, on November 12, 2020, the Township Committee of the Township of Chatham adopted Ordinance 2020-22 creating a new Section 29-1 titled “Affordable Housing”; and

WHEREAS, Section 29-1 was intended to repeal Sections 30-142 to 30-142.7 titled “Requirements for Developments Increasing the Township’s Growth Share Obligation for Affordable Housing”; and

WHEREAS, the Township’s affordable housing obligations are now contained in Section 29-1 titled “Affordable Housing”.

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

Section 1. Sections 30-142 to 30-142.7 of the Revised General Ordinances of the Township of Chatham titled “Requirements for Developments Increasing the Township’s Growth Share Obligation for Affordable Housing” are hereby repealed.

Section 2. 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.

Section 3. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40A: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.

Section 4. 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.

Section 5. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 6. This Ordinance shall take effect 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.

Committeewoman Fondaco moved to introduce Ordinance 2021-28. Deputy Mayor Abbott seconded the motion.

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

Public Hearing on Ordinance 2021-28 will be scheduled for December 16, 2021.

Ordinance 2021-29

ORDINANCE 2021-29

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, REPEALING SECTION 30-79.4 TITLED “AFFIRMATIVE MARKETING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP.

WHEREAS, on November 12, 2020, the Township Committee of the Township of Chatham adopted Ordinance 2020-22 creating a new Section 29-1 titled “Affordable Housing”; and

WHEREAS, Section 29-1 was intended to repeal Section 30-79.4 titled “Affirmative Marketing”; and

WHEREAS, the Township Affirmative Marketing requirements are now contained in Section 29-1.21 also titled “Affirmative Marketing”; and

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

Section 1. Section 30-79.4 of the Revised General Ordinances of the Township of Chatham titled “Affirmative Marketing” is hereby repealed.

Section 2. 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.

Section 3. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 55D-26 and N.J.S.A. 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.

Section 4. 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.

Section 5. 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.

Section 6. This Ordinance shall take effect 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.

Committeeman Hamilton moved to introduce Ordinance 2021-29. Committeewoman Fondaco seconded the motion.

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

Public Hearing on Ordinance 2021-29 will be scheduled for December 16, 2021.

Ordinance 2021-30

ORDINANCE 2021-30

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF
NEW JERSEY, REPEALING SECTIONS 30-143 TO 30-143.10 OF THE REVISED GENERAL
ORDINANCE OF THE TOWNSHIP OF CHATHAM TITLED “DEVELOPMENT FEE
ORDINANCE”**

WHEREAS, on December 19, 2019, the Township Committee of the Township of Chatham adopted Ordinance 2019-22 titled “Development Fees”; and

WHEREAS, it was the intent of Ordinance 2019-22 to repeal Sections 30-143 to 30-143.10 of the Revised General Ordinances of the Township of Chatham titled “Development Fees”; and

WHEREAS, it is the intent of the Township Committee and this Ordinance to specifically repeal Sections 30-143 to 30-143.10 of the Revised General Ordinances of the Township of Chatham to avoid any confusion as to which Ordinance applies.

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

Section 1. Sections 30-143 to 30-143.10 of the Revised General Ordinances of the Township of Chatham titled “Development Fee Ordinance” are hereby repealed.

Section 2. 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.

Section 3. 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.

Section 4. 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.

Section 5. If any section, paragraph, subdivision, 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, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 6. This Ordinance shall take effect 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.

Committeeman Hamilton moved to introduce Ordinance 2021-30. Committeewoman Fondaco seconded the motion.

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

Public Hearing on Ordinance 2021-30 will be scheduled for December 16, 2021.

Ordinance 2021-31

ORDINANCE 2021-31

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF
NEW JERSEY, AMENDING ORDINANCE 2019-22 TITLED “DEVELOPMENT FEES”,
SECTION 29-2.3A(1)(a) CHANGING THE DEVELOPMENT FEE FROM 4% TO 6% WHEN AN
INCREASE IN DENSITY IS ACHIEVED THROUGH THE GRANT OF A USE VARIANCE.**

WHEREAS, on December 19, 2019, the Township Committee of the Township of Chatham adopted Ordinance 2019-22 creating a new Section 29-1 titled “Development Fees”; and

WHEREAS, the Township Committee desires to amend Ordinance 2019-22 titled “Development Fees”, Section 29-2.3A(1)(a) changing the development fee from 4% to 6% when an increase in density is achieved through the grant of a use variance.

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

Section 1. Section 29-2.3A(1)(a) is amended to change the development fee from 4% to 6% when an increase in density is achieved through the grant of a use variance as follows:

A. Residential development fees.

(1) Imposed fees.

- (a) Within the Township of Chatham, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.
- (b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(6) (known as a “d” variance) has been permitted, developers shall be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application. Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage up to 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

Section 2. All other parts of Ordinance 2019-22 remain in effect.

Section 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.

Section 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 of 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.

Section 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.

Section 6. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 7. This Ordinance shall take effect 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.

Attorney Cruz stated that this ordinance increases the Development Fee when an increase in density is achieved through the grant of a use variance. He stated that the ordinance is consistent with prior regulations as well as the fee collected in neighboring municipalities. Attorney Cruz also stressed that it would only apply in very discrete types of use variances.

Committeeman Hamilton asked for practical examples of when the ordinance would apply. Attorney Cruz provided an example of an application for an increase of density for four units on a lot zoned for a single-family residence. He also stated that it applies for an increase in density from what is approved in the zone.

Committeewoman Felice asked if this only applies when there is an increase in density from single-family to multi-family dwellings. Attorney Cruz said that it would be for an increase of

up to five units, and that once there are six or more units then the overlay would apply and there would be a 20% set aside requirement.

Committeeman Hamilton asked what the reasonable likelihood is that there would be such a development in the Township. Attorney Cruz said that such matters would go before the Board of Adjustment. Committeeman Hamilton asked if anyone has been successful in obtaining such a density use variance. Engineer Ruschke stated he does not recall such a variance being granted during his time as Board of Adjustment Engineer. Committeewoman Felice said she does not see how this change will generate any revenue for the Township if it is unlikely that there will be any applications for such a variance. Attorney Cruz said that although it is unlikely, it is not impossible, and the ordinance makes the fee comparable to neighboring municipalities.

Deputy Mayor Abbott moved to introduce Ordinance 2021-31. Committeewoman Fondaco seconded the motion.

Committeeman Hamilton stated that having the Township's fee match that charged in neighboring towns is not a compelling reason to adopt this ordinance. Mayor Ewald said that when the 4% fee was introduced, there was a concern raised that developers would flock to other towns. She stated that has not happened, and having the fee match other municipalities would not drive them away. Attorney Cruz noted that there is already a 4% fee, and the change is an increase from 4% to 6%.

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

Public Hearing on Ordinance 2021-31 will be scheduled for December 16, 2021.

The Township Committee took a recess at 10:05 PM.

The meeting resumed at 10:15 PM.

Ordinance 2021-32

ORDINANCE 2021-32

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, PROVIDING FOR THE OPERATION AND MAINTENANCE OF THE TOWNSHIP OF CHATHAM WATER POLLUTION CONTROL SYSTEM AS A SELF-LIQUIDATING MUNICIPAL PUBLIC UTILITY

WHEREAS, on August 20, 1982, the Township Committee of the Township of Chatham adopted Ordinance 13-82 titled "An Ordinance of the Township of Chatham in the County of Morris, New Jersey, providing for the operation and maintenance of Water Pollution Control System No. 1 as a self-liquidating municipal public utility"; and

WHEREAS, the specific purpose of Water Pollution Control System No. 1 as stated in Ordinance 13-82 was to operate and maintain:

. . . all facilities owned and operated by the Township for the collection, treatment and disposal of sanitary sewage, including the water pollution control plant on Tanglewood Lane and all pumping stations, interceptor sewers, lateral sewers and appurtenances to any of the foregoing, all of which are now or may hereafter be located within that area of the Township which is delineated as "Water Pollution Control Area No. 1", . .

; and

WHEREAS, Water Pollution Control System No. 1 would be "operated and maintained as a self-liquidating municipal public utility for all purposes of both the Local Bond Law of New Jersey and the Local Budget Law of New Jersey"; and

WHEREAS, on March 1, 1984, the Township Committee adopted Ordinance 2-84 titled "An Ordinance of the Township of Chatham in the County of Morris, State of New Jersey, providing for the operation and maintenance of Water Pollution Control System No. 2 as a self-liquidating municipal public utility"; and

WHEREAS, the purpose of Water Pollution Control System No. 2 as stated in Ordinance 2-84 was to operate and maintain:

. . . a complete system for the collection, treatment and disposal of sanitary

sewage which consists of a water pollution control plant off Mt. Vernon Avenue, collector sewers and appurtenances to the foregoing, which system will serve the Chatham Glenn condominium project . . .

; and

WHEREAS, Water Pollution Control System No. 2 would operate and maintain “the aforesaid system as a self-liquidating municipal public utility for all purposes of both the Local Bond Law of New Jersey and the Local Budget Law of New Jersey”; and

WHEREAS, when Water Pollution Control System Nos. 1 and 2 were created, both were independent systems; and

WHEREAS, to gain efficiencies of scale and enhance water pollution control, in 2014, the Township transitioned Water Pollution Control System No. 2 into a pump station for Water Pollution Control System No. 1, thereby allowing Water Pollution Control System No. 1 to service the entirety of the portions of the Township with sewers; and

WHEREAS, as of January 1, 2021, Water Pollution Control System No. 2 paid all its debt service with its budget limited to salary and wages, other expenses, social security, and capital outlay, all of which become a percentage share of the total cost with Water Pollution Control System No. 1; and

WHEREAS, the original purpose for Water Pollution Control System Nos. 1 and 2, to maintain separate budgets no longer exists and the Township desires to merge Water Pollution Control System No. 2 into Water Pollution Control System No. 1 to be known as the “Township of Chatham Water Pollution Control System” to be operated as a self-liquidating municipal public utility pursuant to the Local Bond Law of New Jersey and the Local Budget Law of New Jersey; and

WHEREAS, while the Township desires to merge the budgets and operations of Water Pollution Control Systems Nos. 1 and 2, the Township wishes to maintain the geographic sewer service area designations for Water Pollution Control Systems Nos. 1 and 2 but redesignate these service areas as “Water Pollution Control System Service Area A” for Water Pollution Control System No. 1 and “Water Pollution Control System Service Area B” for Water Pollution Control System No. 2; and

WHEREAS, while the Township desires to merger the budgets and operations of Water Pollution Control Systems Nos. 1 and 2, the Township wishes to maintain the service charge the same as stated in Sections 17-3.1 and 17-5.1 of the Revised General Ordinances of the Township of Chatham.

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

Section 1. Chapter 17 of the Revised General Ordinances of the Township of Chatham titled “Sewers” is revised as follows:

1. Sewer Water Pollution Control System No. 2 is merged with and consolidated into Water Pollution Control System No. 1 to be known as the “Township of Chatham Water Pollution Control System”.
2. The Township of Chatham Water Pollution Control System will assume all budgetary and operational responsibilities of Water Pollution Control Systems Nos. 1 and 2.
3. All references in Sections 17-1.24; 17-2; 17-2.2; 17-2.3; 17-3; 17-3.1 and 17-3.2 of the Revised General Ordinances of the Township of Chatham to “Water Pollution Control Plant #1” or “Water Pollution Control System No. 1” are changed to “Water Pollution Control System Service Area A”.
4. All references in Section 17-2.2 titled “Area Designated” to “Water Pollution Control System No. 1” are changed to “Water Pollution Control System Service Area A”, with the geographic area designated in Section 17-2.2 remaining the same.
5. All references in Section 17-3.1 to the annual service charge for “Water Pollution Control System No. 1” are changed to “Water Pollution Control System Service Area A”, with the service charge for Service Area A remaining the same as stated in Section 17-3.1.
6. All references in Sections 17-4; 17-4.3 and 17-5 to “Water Pollution Control Plant #2” or “Water Pollution Control System No. 2” are changed to “Water Pollution Control System Service Area B”.
7. All references in Section 17-4.2 titled “Designation of Area” to “Water Pollution Control System No. 2” are changed to “Water Pollution Control System Service Area B”, with the geographic area designated in Section 17-4.2 remaining the same.
8. All references in Section 17-5.1 to the annual service charge for “Water Pollution Control System No. 2” are changed to “Water Pollution Control System Service Area B”, with the service charge for Service Area B remaining the same as stated in Section 17-5.1.
9. All references in Section 17-6.8 to “Water Pollution Control Plant No. 1” are changed to “Water Pollution Control System Service Area A”.

Section 2. 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.

Section 3. If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 4. This Ordinance shall take effect on December 31, 2021, with the Township of Chatham Water Pollution Control System becoming operational January 1, 2022.

The Township Clerk indicated that this is another housekeeping ordinance to merge WPC1 and WPC2 into one utility.

Committeeman Hamilton moved to introduce Ordinance 2021-32. Deputy Mayor Abbott seconded the motion.

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

Public Hearing on Ordinance 2021-32 will be scheduled for December 16, 2021.

Ordinance 2021-33

ORDINANCE 2021-33 AN ORDINANCE TO PROVIDE MINIMUM AND MAXIMUM RANGES FOR COMPENSATION FOR CERTAIN POSITIONS OF EMPLOYMENT IN THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, EFFECTIVE JANUARY 1, 2021

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

Section 1. The following offices and positions of employment in the Township of Chatham in the County of Morris are hereby established and the persons occupying such offices and positions shall be compensated at the rates, or within the ranges, set forth below. Actual compensation, consistent with the salary ranges established herein, is established by Township Resolution.

<u>Office or Position of Employment</u>	<u>Minimum</u>	<u>Maximum</u>
Township Committee Member	\$0	\$2,400
Township Administrator	\$160,000	\$188,000
Chief of Police (as well as additional compensation as outlined in the employment agreement)	\$150,000	\$177,000
Public Works Manager	\$110,000	\$125,000
Chief Financial Officer	\$100,000	\$127,000
Qualified Purchasing Agent	\$3,000	\$8,000
Township Clerk/Registrar	\$60,000	\$78,000
Secretary Board of Health/Dog Licensing Clerk	\$5,000	\$13,000
Deputy Clerk	\$35,000	\$50,000
Tax Collector/Utility Collector	\$60,000	\$83,000
Tax Assessor (PT)	\$20,000	\$38,000
Assistant Tax & Utility Collector	\$20,000	\$46,000
Assistant Tax Assessor	\$20,000	\$46,000
Confidential Administrative Assistant/Payroll Clerk	\$35,000	\$58,000
Human Resources Manager/Assistant Treasurer	\$35,000	\$61,000
Accounts Payable	\$35,000	\$60,000
Administrative Assistant/Deputy Registrar	\$35,000	\$53,000
DPW Administrative Assistant/Recycling Coordinator	\$35,000	\$55,000
Police Administrative Assistant	\$35,000	\$47,000
Police Administrative Assistant/Records Manager	\$35,000	\$57,000
Special Law Enforcement Officer III (SLEO III)	\$25.00 Hr.	\$40.00 Hr.
Emergency Management Coordinator PT	\$3,000	\$10,000
Deputy Emergency Management Coordinator PT	\$1,000	\$3,000
Ass't. Public Works Manager	\$108,000	\$120,000

Wastewater Treatment Facility Manager	\$108,000	\$120,000
Construction Official/Building Sub-code Official /Inspector	\$75,000	\$119,000
Construction Office Control Person/Bd. Manager	\$35,000	\$58,000
Construction Office Administrative Assistant	\$35,000	\$48,000
Deputy Zoning Officer(s)	\$3,000	\$7,000
Fire Sub-code Official/Inspector PT	\$13,000	\$24,000
Electrical Sub-code Official/Inspector PT	\$13,000	\$30,000
Plumbing Sub-code Official/Inspector PT	\$13,000	\$30,000
Fire Prevention Official/Inspector PT	\$8,000	\$17,000
Planning Board Secretary		\$250 per meeting
Zoning Board Secretary		\$250 per meeting
Governmental Access TV Manager/Video Producer PT	\$3,000	\$9,000
		\$25 hr special services
Recreation Director/Grant Writer	\$35,000	\$70,000
Pool Manager	\$15,000	\$23,000
Assistant Pool Manager	\$10,000	\$21,000
Second Assistant Pool Manager	\$5,000	\$12,000
Swim Team Coach	\$1,000	\$5,000
Assistant Swim Team Coach	\$1,000	\$3,000
Lifeguard		\$11.10 - \$15.00 Hr.
Substitute Lifeguard		\$11.10 - \$15.00 Hr.
Water Safety Instructor (added to lifeguard wages)		\$.50 Hr.
Gate Attendants		\$11.10 - \$15.00 Hr.
Laborer (PT or seasonal)		\$11.10 - \$15.00 Hr.
Crossing Guards		\$11.10 - \$20.00 Hr.
Clerk/Typist (PT)		\$11.10 - \$20.00 Hr.

Section 2. Overtime for eligible employees shall be at the rate of straight time for hours exceeding 35 per week and one and one-half times employee's regular rate of pay for hours exceeding 40 per week.

Section 3. Employees covered by a collective bargaining agreement shall be entitled to compensation as provided in their respective agreements.

Section 4. Salaries provided herein shall be effective January 1, 2021, for those employed with the Township.

Section 5. When required by law, the Township shall pay at least the minimum wage established for the State of New Jersey.

Section 6. This ordinance shall take effect upon publication as provided by the law.

Administrator Hoffmann stated that this ordinance addresses a title change for the Assistant DPW Director and the Wastewater Treatment Plant Operator.

Deputy Mayor Abbott moved to introduce Ordinance 2021-33. Committeewoman Fondaco seconded the motion.

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

Public Hearing on Ordinance 2021-33 will be scheduled for December 16, 2021.

Ordinance 2021-34

ORDINANCE 021-34

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY REGARDING NO PARKING REGULATIONS ON CERTAIN STREETS

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

1. Chapter VII, Section 7-13, of the "Revised General Ordinances of the Township of Chatham, 1995" is amended to prohibit parking at all times upon the parts of streets described herein:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Fairview Avenue	Both	Lafayette Avenue to Township of Chatham Borough of Chatham Boundary line
Lafayette Avenue	Both	Pine Street to Yarmouth Road

2. Chapter VII, Section 7-14, of the "Revised General Ordinances of the Township of Chatham, 1995" are amended to add parking regulations for the following listed streets:

Name of Street	Side	Hours	Location
Buttonwood Road	East	8:00 a.m.- 4:00 p.m. School Days	Entire Length
Crestwood Drive	Both	7:00 a.m.- 1:00 p.m. School Days	Entire Length
Dellwood Avenue	North	7:00 a.m.- 1:00 p.m. School Days	Longwood Avenue to the Township of Chatham-Borough of Chatham boundary line
Floral Street	West	7:00 a.m.- 1:00 p.m. School Days	Lafayette Avenue to School Avenue
Hall Road	Both	7:00 a.m.- 1:00 p.m. School Days	From Highland Avenue to End of Street
Lafayette Avenue	South	8:00 a.m.- 4:00 p.m. School Days	Maple Avenue to Spring Street
"	North	8:00 a.m.- 4:00 p.m. School Days	Maple Avenue to Floral Street
"	North	7:00 a.m. - 1:00 p.m. School Days	Floral Street to Spring Street
"	South	8:00 a.m.- 4:00 p.m. School Days	Yarmouth Road to Shunpike Road
"	North	7:00 a.m. - 1:00 p.m.	Yarmouth Road to Shunpike Road
Lenape Trail	East	7:00 a.m. - 1:00 p.m. School Days	Lafayette Avenue to a point 850 feet north of Lafayette Avenue intersection
	West	8:00 a.m.- 4:00 p.m. School Days	Lafayette Avenue to a point 850 feet north of Lafayette Avenue intersection
Longwood Avenue	West	7:00 a.m.- 1:00 p.m. School Days	Washington Avenue to Lafayette Avenue
Pine Street	East	7:00 a.m.- 1:00 p.m. School Days	Lafayette Avenue to Robinhood Lane
School Avenue	South	8:00 a.m.- 4:00 p.m. School Days	Maple Street to Spring Street
	North	7:00 a.m.- 1:00 p.m. School Days	Maple Street to Spring Street
Whitman Drive	Both	7:00 a.m. - 1:00 p.m. School Days	Entire Length
Williams Road	South	8:00 a.m.- 4:00 p.m. School Days	Longwood Avenue to Crestwood Drive
	North	7:00 a.m. - 1:00 p.m. School Days	Longwood Avenue to Crestwood Drive
Yarmouth Road	East	7:00 a.m. - 1:00 p.m. School Days	Entire Length
	West	8:00 a.m. - 4:00 p.m. School Days	Entire Length

3. This Ordinance shall take effect in accordance with law.

The Township Clerk stated that this ordinance was discussed earlier in the meeting. He also noted that Crestwood Drive was added so that the parking issues do not get shifted there. A portion of Hall Road was also added for the same reason.

Committeewoman Felice moved to introduce Ordinance 2021-34. Committeewoman Fondaco seconded the motion.

Committeeman Hamilton asked about signage. Committeewoman Felice said that there should be sufficient signage so that people know what the regulations are.

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

Public Hearing on Ordinance 2021-34 will be scheduled for December 16, 2021.

Ordinance 2021-35

ORDINANCE 2021-35 AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE REVISED ORDINANCES OF THE TOWNSHIP OF CHATHAM TO ADD SECTION 29-3 TO ESTABLISH AN AFFORDABLE HOUSING ADVISORY COMMITTEE

WHEREAS, the Township Committee of the Township of Chatham has determined to form an advisory committee on affordable housing.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Revised General Ordinances of the Township of Chatham are amended to add Section 29-3, Affordable Housing Advisory Committee, as follows:

Section 1. §29-3.1 ESTABLISHMENT AND PURPOSE.

There is established an Affordable Housing Advisory Committee whose purpose it is to review, study and recommend to the Township Committee options on how the Township may meet its future affordable housing obligations.

Section 2. §29-3.2 APPOINTMENT; MEMBERSHIP.

1. The Affordable Housing Advisory Committee shall consist of 11 members. One member from each Township voting district to ensure municipal-wide representation and a liaison from the Township Committee. However, if a representative from each Township voting district does not volunteer for appointment to the Affordable Housing Advisory Committee, the Mayor may make an appointment from any Township voting district for no more than two vacancies.
2. Members of the Affordable Housing Committee will be appointed by the Mayor with the advice and consent of the Township Committee and serve without compensation.
3. The terms of office of the first Committee Members shall be for one, two or three years, to be designated by the Mayor in making their appointments so that the terms of approximately one-third of the members will expire each year, and their successors shall be appointed for terms of three years and until the appointment and qualification of their successors. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. The Mayor shall designate one of the Committee Members to serve as Chair and presiding officer of the Affordable Housing Advisory Committee.

Section 3. §29-3.3 POWERS AND DUTIES.

The Affordable Housing Advisory Committee shall periodically prepare and submit to the Township Committee recommendations on how the Township may meet its future affordable housing obligations.

Section 4. Effective Date

This Ordinance shall take effect on January 1, 2022.

Mayor Ewald stated that the Affordable Housing Committee, Business Advisory Committee and Diversity Committee were created by resolution on a trial basis. She also stated that the

committees have been working very hard and she noted some of the work being done. Mayor Ewald stated that formally creating the committees by ordinance will make it easier to attract volunteers if they know the committee will still exist in the following year.

Deputy Mayor Abbott said that there are volunteers on the Affordable Housing Committee with incredible expertise in different areas.

Committeewoman Felice said that there should be some way for the Affordable Housing Committee to work with the Open Space Committee, and she asked if there is a way they can be intertwined so that there is not competition for the use of land. The Township Clerk suggested that there could be liaisons between the two committees.

Committeewoman Felice asked about the filling of vacancies on the Affordable Housing Committee. The language was modified to allow vacancies to be filled from any district for no more than two vacancies.

Regarding Open Space, Committeewoman Felice noted that there is a limited amount of vacant land available in the Township.

The Township Clerk reviewed where the different election districts are located.

Committeewoman Felice said she would like to see a presentation by the Affordable Housing Committee regarding what they have done this year before taking action on this ordinance.

Committeeman Hamilton said he is not convinced that the Affordable Housing Committee is necessary. He also said he does not think it is appropriate to create a new committee at the end of the year. Committeewoman Felice stated that she feels the ordinance is being rushed through.

Deputy Mayor Abbott moved to introduce Ordinance 2021-35. Committeewoman Fondaco seconded the motion.

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

Public Hearing on Ordinance 2021-35 will be scheduled for December 16, 2021.

Ordinance 2021-36

ORDINANCE 2021-36

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE REVISED ORDINANCES OF THE TOWNSHIP OF CHATHAM TO ADD SECTION 2-29 TO ESTABLISH A BUSINESS ADVISORY COMMITTEE

WHEREAS, the Township Committee of the Township of Chatham has determined to form a Business Advisory Committee.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Revised General Ordinances of the Township of Chatham are amended to add Section 2-29, Business Advisory Committee, as follows:

Section 1. §2-29.1 ESTABLISHMENT AND PURPOSE.

There is established a Business Advisory Committee whose purpose it is to create a linkage between commercial and private small business owners providing a forum for the discussion of issues important to the business community.

Section 2. §2-29.2 APPOINTMENT; MEMBERSHIP.

1. The Business Advisory Committee shall consist of consist of 7 members, with a minimum of 3 seats reserved for members who currently own and operate a business in Chatham Township.
2. Members of the Business Advisory Committee will be appointed by the Mayor with the advice and consent of the Township Committee and serve without compensation.
3. The terms of office of the first Committee Members shall be for one, two or three years, to be

designated by the Mayor in making their appointments so that the terms of approximately one-third of the members will expire each year, and their successors shall be appointed for terms of three years and until the appointment and qualification of their successors. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. The Mayor shall designate one of the Committee Members to serve as Chair and presiding officer of the Business Advisory Committee.

Section 3. §2-29.3 POWERS AND DUTIES.

The Business Advisory Committee shall periodically prepare and submit to the Township Committee recommendations on how the Township may meet the future needs of the business community.

Section 4. Effective Date

This Ordinance shall take effect on January 1, 2022.

Committeewoman Felice stated that she does not think the Business Advisory Committee should be created, and she said she thinks there is very little business in the Township. Committeewoman Felice opined that people would use Google before using the business directory that was being developed.

Deputy Mayor Abbott advocated for having a Business Advisory Committee and supported grassroots initiatives.

Committeewoman Felice asked if the ordinance can be repealed next year. Attorney Cruz said that it could.

Deputy Mayor Abbott moved to introduce Ordinance 2021-36. Committeewoman Fondaco seconded the motion.

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

Public Hearing on Ordinance 2021-36 will be scheduled for December 16, 2021.

Ordinance 2021-37

**ORDINANCE 2021-37
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF
NEW JERSEY, AMENDING THE REVISED ORDINANCES OF THE TOWNSHIP OF
CHATHAM TO ADD SECTION 2-30 TO ESTABLISH A DIVERSITY COMMITTEE**

WHEREAS, the Township Committee of the Township of Chatham has determined to form a Diversity Advisory Committee.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Revised General Ordinances of the Township of Chatham are amended to add Section 2-30, Diversity Advisory Committee, as follows:

Section 1. §2-30.1 ESTABLISHMENT AND PURPOSE.

There is established a Diversity Committee to serve the purpose of creating an awareness of the diversity within our communities, celebrate cultures, and raise up issues of concern or areas of opportunities.

Section 2. §2-30.2 APPOINTMENT; MEMBERSHIP.

1. The Diversity Advisory Committee shall consist of 7 members.
2. Members of the Diversity Committee will be appointed by the Mayor with the advice and consent of the Township Committee and serve without compensation.
3. The terms of office of the first Committee Members shall be for one, two or three years, to be designated by the Mayor in making their appointments so that the terms of approximately one-third of the members will expire each year, and their successors shall be appointed for terms of three years and until the appointment and qualification of their successors. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner

as an original appointment. The Mayor shall designate one of the Committee Members to serve as Chair and presiding officer of the Diversity Committee.

Section 3. Effective Date

This Ordinance shall take effect on January 1, 2022.

Deputy Mayor Abbott said that diversity is a public good.

Committeewoman Felice asked what differentiates the Diversity Committee from the Cultural Committee of the Chathams. Mayor Ewald said the Diversity Committee is a supplement to the Cultural Committee.

Committeeman Hamilton said there is a diverse community and people get along well. He said he does not see a need for the Diversity Committee.

Deputy Mayor Abbott moved to introduce Ordinance 2021-37. Committeewoman Fondaco seconded the motion.

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

Public Hearing on Ordinance 2021-37 will be scheduled for December 16, 2021.

Consent Agenda

RESOLUTION 2021-271

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING PAYMENT OF BILLS, PAYROLLS, SCHOOL TAXES AND COUNTY TAXES**

BE IT RESOLVED that bills in the total amount of \$1,255,833.98 and the prior month’s payroll of \$449,294.26 Current Fund, \$50,875.28 Sewer No. 1, \$11,639.41 Sewer No. 2, and \$23,410.47 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of November 2021, in the amount of \$3,336,093.00 be paid.

BE IT FURTHER RESOLVED that taxes due to the County of Morris, for the Fourth Quarter of 2021, in the amount of \$2,481,645.53 be paid.

RESOLUTION 2021-272

**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 meeting held on October 28, 2021.

RESOLUTION 2021-273

**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 October 28, 2021.

RESOLUTION 2021-274

**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>
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102.11	31	Lienholder: US Bank Cust for Tower DB X TR 50 South 16 th Street Suite 2050 Philadelphia, PA 19102 Certificate #19-00005 Property Owner: Robert Dr LLC Property Location: 1 Robert Drive	\$131,849.46 – Certificate <u>\$186,000.00 – Premium</u> \$317,849.46-Total
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RESOLUTION 2021-275
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING A THREE-YEAR CONTRACT WITH RUSSELL REID WASTE HAULING &
DISPOSAL CO., INC., NEW JERSEY FOR THE TRANSPORTATION OF WET SEWAGE
SLUDGE

WHEREAS, the Township advertised for bids for the hauling of wet sludge on September 16, 2021 with the bid opening scheduled for October 14, 2021 at 10:00 am; and
WHEREAS, the bid specifications requested bids for a three-year period commencing December 1, 2021 through November 30, 2024, with one (1) year options for each of the two succeeding years; and
WHEREAS, at said date and time four bids were received; and
WHEREAS, the lowest bid was submitted by Russell Reid Waste Hauling & Disposal Co., Inc. in the following amounts:

Initial Term
Truck A – \$0.0532
Truck B – \$0.0694

1st Opt.
Truck A – \$0.058
Truck B – \$0.075

2nd Opt.
Truck A – \$0.061
Truck B – \$0.079

WHEREAS, the bid submitted by Russell Reid Waste Hauling & Disposal Co., Inc. and meets all required conditions and contract specifications; and
WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for this contract in the operating 2021 budget and will be available subject to the adoption of the 2022, 2023, 2024, 2025 and 2026 budgets;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the Mayor and Township Clerk are hereby authorized and directed to execute a contract with Russell Reid Waste Hauling & Disposal Co., Inc. of Keasby, New Jersey for the removal of wet sewage sludge at a cost of \$0.0532 per gallon for Truck A and \$0.0694 for Truck B for the period December 1, 2021 through November 30, 2024, \$0.058 per gallon for Truck A and \$0.075 for Truck B for the period December 1, 2024 through November 30, 2025, and \$0.061 per gallon for Truck A and \$0.079 for Truck B for the period December 1, 2025 through November 30, 2026.

RESOLUTION 2021-276
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPOINTING CANDIDATE TO THE PUBLIC WORKS DEPARTMENT

BE IT RESOLVED by the Township Committee of the Township of Chatham that a candidate is hereby appointed to the Department of Public Works effective December 1, 2021, subject to successful completion of background checks and drug testing, with terms and conditions of employment as governed by the collective bargaining agreement in effect between the Township and Teamsters Local #469 at a starting salary in accordance with Serviceman Grade III Step 1.

RESOLUTION 2021-277
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING PHONEIX ADVISORS, LLC, TO PREPARE REPORTS FOR AMERICAN
RECOVERY PLAN (ARP) FUNDING TO COMPLY WITH STATE AND FEDERAL
REQUIREMENTS

WHEREAS, the ARP requires that reports be submitted to both the State and Federal governments; and,

WHEREAS, these reports will have deadlines and requirements that will require the assistance of the Township's Financial Advisor; and

WHEREAS, Phoenix Advisors, LLC is the Township's Financial Advisor; and

WHEREAS, Phoenix Advisors, LLC has at the Township's request submitted letter dated October 28, 2021 which outlines the hourly rate for the services that they will provide to assist the Township complete and submit the required reports in a timely manner; and,

WHEREAS, the cost for Phoenix Advisors, LLC, assistance with the ARP can be charged to the funding provided.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham that Phoenix Advisors, LLC is authorized to assist the Township of Chatham prepare and submit the required reports related to the use of ARP funding.

RESOLUTION 2021-278

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING AMENDMENT #1 TO AGREEMENT NO. 2019-DT-DLA-55 WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION SAFE ROUTES TO SCHOOLS (SRTS) SHUNPIKE ROAD SIDEWALK PROJECT FALMOUTH ROAD TO PINE STREET

WHEREAS, The Township of Chatham (Township) entered into an agreement dated June 24, 2020 with the New Jersey Department of Transportation (NJDOT) Division of Local Aid & Economic Development for the Shunpike Road Sidewalk – Falmouth Road to Pine Street Project (Federal Project No. TAP-0646(301), State Job No. 6805303)

WHEREAS, the agreement authorized a grant in the amount of \$115,081.13 to be used for preliminary engineering services.

WHEREAS, the preliminary engineering services has been completed and additional grant funding is required for the final design phase of the Chatham Road Sidewalk Project from Falmouth Road to Pine Street.

WHEREAS, the NJDOT has authorized additional grant funding in the amount of \$117,197.10 for the final design phase of the project.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham authorizes the Township Administrator to execute Agreement Modification No. 1 accepting additional grant funding in the amount of \$117,197.10. The total modified agreement amount shall be \$232,278.23.

RESOLUTION 2021-279

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING PAYMENT TO CONDEMNATION COMMISSIONERS

WHEREAS, the Superior Court of New Jersey under Docket No. MRS-L-789-21 authorized the appointment and payment of Commissioners to decide the valuation of the property located at 522 Southern Boulevard; and,

WHEREAS, the Commissioners met on October 19, 2021 to hear and decide the matter.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham authorizes payment to be made to:

John M. Iacofano, Esquire in the amount of \$5,565.00

R. Jerome Jabbour, Esquire in the amount of \$3,745.00.

BE IT FURTHER RESOLVED, that the payment listed above may be charged to either Ordinance 2020-14 or, Ordinance 2021-13.

RESOLUTION 2021-280

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE MAYOR AND CLERK TO SIGN A FIRST AMENDMENT TO THAT AFFORDABLE HOUSING AGREEMENT BETWEEN THE TOWNSHIP AND NOVELLE HOUSING SOLUTIONS, INC. FOR THE CONSTRUCTION OF THREE (3) GROUP HOMES FOR THE DEVELOPMENTALLY DISABLED ON RIVER ROAD AND HILLSIDE AVENUE

WHEREAS, on July 23, 2021, the Township Committee of the Township of Chatham adopted Resolution 2020-178 authorizing the Mayor and Clerk to sign an Affordable Housing Agreement with Novelle Housing Solutions, Inc. for the construction of three (3) Group Homes for the developmentally disabled on River Road and Hillside Avenue as part of the Township's Third Round Affordable Housing Plan; and

WHEREAS, Novelle is obtaining construction financing from the New Jersey Housing and Mortgage Finance Agency; and

WHEREAS, the Agency is requiring that the Township subordinate the Township's right of reverter contained in Section 3.3 the Agreement in the event the Properties are no longer used for affordable housing purposes; and

WHEREAS, the Agency, as part of its financing, also requires that the Properties be deed restricted for affordable housing during the pendency of the loan; and

WHEREAS, without Agency construction financing, the Group Homes could not be built by Novelle and the Township could not meet a portion of its Third Round obligation; and

WHEREAS, it is appropriate for the Township to subordinate its right of reverter to the Agency's loan which includes deed restrictions for affordable housing on the Properties.

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

1. That the Mayor and Clerk are hereby authorized to sign the First Amendment to the Affordable Housing Agreement between the Township of Chatham and Novelle Housing Solutions, Inc. in substantially the form attached.
2. This Resolution shall take effect immediately.

RESOLUTION 2021-282

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR ACCUMULATED ABSENCES LIABILITY

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJAC 5:30-15 provides for receipt of Accumulated Absences Liability Trust Funds by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Accumulated Absences Liability Trust Funds are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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 Township Committee does hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Accumulated Absences Liability Trust Funds as per NJAC 5:30-15.
2. The Township Clerk of the Township of Chatham is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

RESOLUTION 2021-283

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR STORM RECOVERY

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, PL2013, c271 and NJS 40A:4-62.1 provides for receipt of Storm Recovery Trust Funds by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Storm Recovery Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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 Township Committee does hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Storm Recovery Trust Funds as per PL2013, c271 and NJS 40A:4-62.1.
2. The Township Clerk of the Township of Chatham is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Committeewoman Fondaco moved to approve the Consent Agenda. Committeeman Hamilton seconded the motion.

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

Committeewoman Fondaco moved to extend the meeting beyond 11:00 PM. Deputy Mayor Abbott seconded the motion, which carried unanimously.

Discussion

December Meeting Schedule

The Township Clerk indicated that if a December 2nd meeting is added, the only business that can be dealt with is that which is included in the notice. He stated that notice should be given no later than November 30th.

Committeeman Hamilton spoke against having an extra meeting. He asked if extra meetings were added last year. The Township Clerk said that he did not recall offhand if there were any extra meetings in December.

Hearing of Citizens

Mayor Ewald opened the Hearing of Citizens.

1. Mark Lois, Gates Avenue, said that there has been a period where resident participation in municipal government has been discouraged.
2. Jen McNally, Noe Avenue, said that she hosts an event every September for small business owners in the Township. She said it is frustrating to hear Township Committee members say that there are not many small businesses in the Township.

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

Committeeman Hamilton moved to adjourn at 11:12 PM. Committeewoman Felice seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk