

**MINUTES  
TOWNSHIP COMMITTEE  
WORKSHOP MEETING  
DECEMBER 12, 2023**

Mayor Felice 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 Committeeman Choi, Committeewoman Ewald, Committeeman Lois and Mayor Felice. Deputy Mayor Hamilton arrived during Executive Session.

**Executive Session**

**RESOLUTION 2023-P-20**

**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
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Committeewoman Ewald moved to adopt Resolution 2023-P-20 to enter Executive Session at 6:35 PM. Committeeman Lois seconded the motion.

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

The Township Committee returned to Public Session at 7:35 PM.

Mayor Felice led the Flag Salute.

**Approval of Agenda**

Committeewoman Ewald asked for Resolution 2023-232 be pulled from the Consent Agenda. Committeeman Lois asked for Resolution 2023-224 be pulled from the Consent Agenda.

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

**Reports**

Committeeman Choi reported that the Joint Recreation Committee held it's final meeting for 2023 and efforts are being made to implement measures to improve communication with club heads. The revived Ski Program is running well, and there is a waitlist. Chaperones for the Ski Program are being sought. Mr. Choi recognized Carol Nauta for her efforts in organizing the program. Baseball registration will begin soon and softball registration is already open. The wrestling program is growing.

Committeewoman Ewald reminded residents that the Senior Center will be closed the last week of December. She also wished a Happy Hanukkah to those who celebrate.

Committeeman Lois said that the Colony Pool Advisory Committee met, and they are waiting for final results of the membership feedback survey and for a final analysis of the 2023 Colony financials. Committeeman Lois said he was surprised that 2024 Colony Pool rates did not appear on this meeting's agenda. He also addressed the need to market Colony Pool seasons and camps at an earlier time, citing a postcard already sent out by The Connection in Summit advertising their 2024 summer camps as an example. Committeeman Lois addressed JCP&L's smart meter program, which has already rolled out, and he described circumstances in which a home would not receive a new meter. Committeeman Lois further reported that there are some broken recreation links on the redesigned Township website. He also reported that 50/50 tickets are still being sold by the Green Village Fire Department.

Mayor Felice wished a Happy Hanukkah to all who celebrate.

### **Hearing of Citizens**

Mayor Felice opened the Hearing of Citizens.

Seeing no public comment, Mayor Felice closed the Hearing of Citizens

### **Public Hearing of Ordinances**

#### **Ordinance 2023-13**

#### **ORDINANCE 2023-13**

#### **BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY LOCATED AT 441 SOUTHERN BOULEVARD IN AND BY THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$790,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$419,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED** by the Township Committee of the Township of Chatham, in the County of Morris, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Chatham, in the County of Morris, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$790,000, including a \$350,000 Morris County Open Space, Recreation, Farmland and Historic Preservation Trust Fund grant expected to be received (the "Grant") and further including the sum of \$21,000 as the down payment required by the Local Bond Law. The down payment is now available from the Township's Open Space Trust Fund.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of (i) the down payment, (ii) the Grant, and (iii) amounts on deposit in the Open Space Trust Fund and made available for such improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$419,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of property for open space purposes, located at 441 Southern Boulevard, also known as Block 48.16, Lots 121 and 122, on the official tax map of the Township, including all due diligence, closing, legal and other costs incurred in connection with such acquisition.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor, and such cost, net of the Grant, shall be paid from the Township's Open Space Trust Fund.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$419,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$40,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such grant moneys received, other than the Grant, are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Principal of and interest due on the obligations authorized by this bond ordinance shall be paid from the Township's Open Space Trust Fund. Pursuant to the Local Bond Law, such obligations shall further be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Felice opened the Public Hearing on Ordinance 2023-13. Seeing no public comment, Mayor Felice closed the Public Hearing.

Mayor Felice announced that Ordinance 2023-13 and 2023-14 are pertaining to the purchase of the Fenske Property. She said that the Township has been advised that there are some issues with the Estate, and counsel has recommended that the Township Committee not move forward with either ordinance at this time.

There was not a motion to take any action on Ordinance 2023-13.

#### Ordinance 2023-14

**ORDINANCE 2023-14**  
**ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY IDENTIFIED AS BLOCK 48.16, LOTS 121 AND 122 ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP, AND MORE COMMONLY REFERRED TO AS 441 SOUTHERN BOULEVARD**

**WHEREAS**, *N.J.S.A. 40A:12-1 et seq.* (the “**Local Lands and Buildings Law**”), permits a municipality to acquire by purchase, gift, devise, lease, exchange, condemnation or installment purchase agreement any real property; and

**WHEREAS**, McDonfen Group, L.L.C., or such other similar entity (the “**Seller**”), is the owner of certain property identified as Block 48.16, Lots 121 and 122 (the “**Property**”), on the official tax maps of the Township of Chatham, in the County of Morris, New Jersey (the “**Township**”); and

**WHEREAS**, the Township wishes to acquire, and the Seller wishes to convey, fee simple title interest in and to the Property, for a purchase price of \$750,000.00 (the “**Purchase Price**”); and

**WHEREAS**, pursuant to *N.J.S.A. 40A:12-5(a)(1)*, the Township is authorized to acquire the Property from the Seller; and

**WHEREAS**, the County of Morris, New Jersey (the “**County**”) and The Trust for Public Land d/b/a TPL-New Jersey, a California nonprofit public benefit corporation authorized to conduct business in the State of New Jersey (“**TPL**”), entered into a Grant Agreement (as amended and supplemented from time to time, the “**Grant Agreement**”), pursuant to which the County shall make a grant in the amount of \$350,000 from the Morris County Open Space, Recreation, Farmland and Historic Preservation Trust Fund (the “**Trust Fund**”) to TPL for the purposes described in the Grant Agreement (the “**Trust Fund Grant**”); and

**WHEREAS**, TPL has agreed to assign its right, title and interest, legal and equitable, in or to the Grant Agreement and the Trust Fund Grant to the Township pursuant to an Assignment and Assumption of Grant Agreement (in the form on file in the office of the Township Clerk, the “**Assignment Agreement**”), and the County has consented to such assignment; and

**WHEREAS**, the Township wishes to utilize the Trust Fund Grant to provide for a portion of the Purchase Price; and

**WHEREAS**, pursuant to the terms of the Grant Agreement, the Township must utilize the Trust Fund Grant to acquire the Property by June 14, 2024; and

**WHEREAS**, the Township Committee has determined to authorize the acquisition of the Property, the execution of the Assignment Agreement and the execution of a purchase and sale agreement containing, among others, the terms set forth in an offer to purchase dated November 7, 2023 (the “**Purchase and Sale Agreement**”).

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

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

Section 2. The Township hereby authorizes the acquisition of the Property. The Mayor and Business Administrator of the Township (each, an “**Authorized Officer**” and together, the “**Authorized Officers**”) are hereby authorized and directed to take, or cause to be taken, all actions necessary to acquire the Property, including but not limited to the execution, by the Mayor, of a Purchase and Sale Agreement in a form approved by the Mayor upon consultation with counsel to the Township, and the Township Clerk is hereby authorized to attest such execution and to deliver same to the other party thereto.

Section 3. The Authorized Officers are hereby further authorized and directed to execute the Assignment Agreement, with such changes as may be approved by the Mayor upon consultation with

counsel to the Township, and the Township Clerk is hereby authorized to attest such execution and to deliver same to the other party thereto.

Section 4. All actions previously taken by the Authorized Officers, or by any employee, contractor or consultant employed by or engaged by the Township, in connection with the acquisition of the Property are hereby ratified, confirmed and approved.

Section 5. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereof shall not affect the remaining parts of this resolution.

Section 6. This ordinance shall take effect immediately.

Mayor Felice opened the Public Hearing on Ordinance 2023-14.  
Seeing no public comment, Mayor Felice closed the Public Hearing.

There was not a motion to take any action on Ordinance 2023-14.

### **Consent Agenda**

#### **RESOLUTION 2023-225 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 November 28, 2023.

#### **RESOLUTION 2023-226 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 meeting held on November 28, 2023.

#### **RESOLUTION 2023-227 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM CANCELLING THE A CONTRACT WITH LAUMAR ROOFING CO. INC. FOR DPW ROOFING**

**WHEREAS**, on October 24, 2023 the Township Committee adopted Resolution 2023-196 to award a contract in the amount of \$169,000.00 to Laumar Roofing Co. Inc., of 426 Gregory Avenue, Passaic, NJ 07055 for a new shingle roof for Building A on the Department of Public Works' (DPW) property; and

**WHEREAS**, the project needs to be cancelled due to the specifications of the project.

**BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Township of Chatham that the contract with Laumar Roofing Co. Inc., of 426 Gregory Avenue, Passaic, NJ 07055, for the removal of the old roof and installation of a new shingle roof located at Building A on DPW property is hereby cancelled.

#### **RESOLUTION 2023-228 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING COLLECTIVE BARGAINING AGREEMENT WITH THE POLICEMEN'S BENEVOLENT ASSOCIATION, LOCAL 170**

**WHEREAS**, the Policemen's Benevolent Association, Local 170 is the exclusive representative for collective negotiations concerning wages, hours of employment and other terms and conditions of employment for all patrolmen of the Chatham Township Police Department; and

**WHEREAS**, the Township and Local 170 have negotiated and reached an agreement regarding such terms and conditions of employment to be effective January 1, 2024 through December 31, 2028.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the attached agreement be and the same is hereby approved for the period January 1, 2024 through December 31, 2028.

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk are hereby authorized to execute the attached agreement.

#### **RESOLUTION 2023-229 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 2023 municipal 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**

<u>Appropriation</u>	<u>To</u>	<u>From</u>
Planning Board S&W	\$3,000.00	
Zoning BOA S&W	\$2,500.00	
Code Enforcement/Admin OE	\$4,500.00	
Buildings & Grounds OE	\$5,000.00	
Natural Gas		\$15,000.00
<b>Current Fund Total</b>	<b>\$15,000.00</b>	<b>\$15,000.00</b>

**RESOLUTION 2023-230**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING A FIRE SUB-CODE OFFICIAL/INSPECTOR (HHS)**

**WHEREAS**, the Township of Chatham desires to fill a vacancy in the position of Fire Sub-Code Official/Inspector (HHS) due to a retirement; and

**WHEREAS**, the Township of Chatham has advertised the vacancy and received resumes that have been reviewed by the Construction Official; and

**WHEREAS**, the Construction Official has recommended that it would be in the best interests of the Township to appoint James P Fonzino as Fire Sub-Code Official/Inspector (HHS); and

**WHEREAS**, James P Fonzino is certified by the State of New Jersey, Department of Community Affairs as a Fire Sub-Code Official (HHS).

**BE IT RESOLVED** by the Township Committee of the Township of Chatham, County of Morris, New Jersey that James P Fonzino is hereby appointed part-time Fire Sub-Code Official (HHS) at an hourly rate of \$55.00 not to exceed 15 hours per week, effective January 1, 2024, pending satisfactory completion of a criminal background investigation, and subject to satisfactory completion of a probationary period of 180 days.

**RESOLUTION 2023-231**

**RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT OF ENTRY AND TEMPORARY ACCESS AGREEMENT WITH PUBLIC SERVICE ELECTRIC AND GAS COMPANY**

**WHEREAS**, Public Service Electric and Gas Company("PSE&G"), with offices at 80 Park Plaza, Newark, NJ 07102, is a provider of electric utility services; and

**WHEREAS**, PSE&G owns certain real property situated in the Township of Chatham, in the County of Morris, and State of New Jersey, commonly known as Block 95, Lot 17, of the tax map of the Township of Chatham, County of Morris, and State of New Jersey (hereinafter the "Property"); and

**WHEREAS**, the Township of Chatham has requested the consent of PSE&G for the temporary right of use over a portion of the Property as indicated on Exhibit A attached to the Right of Entry Agreement that is attached hereto and made a part of this Resolution for construction and installation in order to improve the sidewalks as part of the Sidewalk for the Safe Routes to School Project (hereinafter the "Work"); and

**WHEREAS**, Township of Chatham desires to enter into this Right of Entry and Temporary Access Agreement with PSE&G that sets forth the terms of use, occupancy, and manner in which Township of Chatham will utilize the area ("Right of Entry Agreement"); and

**WHEREAS**, the Right of Entry Agreement shall be effective once work is started and shall continue until the Township of Chatham has completed the work and notified PSE&G; and

**WHEREAS**, attached hereto as Exhibit A is a copy of the Right of Entry Agreement to be entered into by and between Township of Chatham and PSE&G.

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

- 1.) The right of entry and temporary access is conditioned upon the Township of Chatham entering into the attached Right of Entry Agreement with PSE&G, and providing proof of the required general liability and property damage insurance coverage;
- 2.) The Township Administrator and the Township Clerk be and are hereby directed and authorized to execute the annexed Right of Entry Agreement between the Township of Chatham and PSE&G; and
- 3.) A copy of this Resolution and the executed Access Agreement shall be kept on file in the Office of the Township Clerk.

**RESOLUTION 2023-233**

**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:

<b>NAME</b>	<b>Project</b>	<b>A/C NUMBER</b>	<b>AMOUNT</b>
Premier Design Custom Homes LLC 405 Quantuck Lane Westfield, NJ 07090	RO-21-025	E7765173065	\$235.75

Deputy Mayor Hamilton moved to approve the Consent Agenda. Committeeman Lois seconded the motion.

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

**Non-Consent Agenda**

**RESOLUTION 2023-224**

**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 \$1,088,823.01 and the prior month's payroll of \$493,856.93 Current Fund, \$66,489.44 Sewer Utility, \$1,761.72 Open Space and \$31,028.12 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the month of December 2023, in the amount of \$4,390,353.00 be paid.

**BE IT FURTHER RESOLVED** that taxes due to the County of Morris, for the 2023 Added and Omitted, in the amount of \$171,179.45 be paid.

Committeewoman Ewald moved to adopt Resolution 2023-224. Committeeman Choi seconded the motion.

Committeeman Lois said that the Bills List includes a payment to the Bloomfield Health Department. He inquired about a social media posting that had been provided by the Bloomfield Health Department regarding covid safety during holidays, and he asked why it was sent by the Bloomfield Health Department. Committeeman Lois also asked what services the Township is paying the Bloomfield Health Department for. Mr. Shehady said that public health education is part of the services for which the Township is paying the Bloomfield Health Department. Committeeman Lois opined that it is not appropriate for the Township to be paying for health education materials from advocacy groups. Deputy Mayor Hamilton asked that the contract be reviewed. Committeewoman Ewald noted that the contract with the Bloomfield Health Department expires at the end of June. Mayor Felice noted that the Township has an obligation

to pay its current bill, and recommend that Committeeman Lois direct his questions directly to the Bloomfield Health Department.

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

**RESOLUTION 2023-232**  
**RESOLUTION AUTHORIZING MAYOR AND CLERK TO EXECUTE A LIMITED ACCESS AGREEMENT WITH JERSEY CENTRAL POWER & LIGHT COMPANY AT ESTERNAY FIELD**

**WHEREAS**, the Township of Chatham, in the County of Morris, and State of New Jersey (the "Township") and Jersey Central Power & Light Company ("JCPL") (the "Grantee"), desire to enter into a Limited Access Agreement in connection with property known as Esternay Field, in the Township of Chatham, and known as Block 62.08. Lot 18, on the tax maps for the Township of Chatham and shown on the attached Exhibit A (the "Property"); and

**WHEREAS**, this Limited Access Agreement grants the Grantee the right to conduct maintenance of its power lines from January to March, 2024, on said Property.

**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) The Mayor and/or her designees, are hereby authorized and empowered to execute the Limited Access Agreement between the Township of Chatham and Grantee for good and valuable consideration;
- 2) All Township officials including, but not limited to, the Mayor, the Township Administrator, and the Municipal Clerk, are hereby authorized and empowered to take such ministerial actions as are necessary to effectuate the provisions of this Resolution.
- 3) A copy of this Resolution and the executed Access Agreement shall be kept on file in the Office of the Township Clerk.

Committeewoman Ewald moved to adopt Resolution 2023-232. Deputy Mayor Hamilton seconded the motion.

Committeewoman Ewald asked if there will be more specific requirements on how the area will be restored. Mr. Shehady said that the Township Engineer is working with JCP&L to address that issue, and access will not be granted until any issues are resolved.

Committeeman Choi asked about hours of operation and if there will be nighttime work. Mr. Shehady relayed the comments he had supplied to JCP&L about restoration, truck damage to the roads and parking areas, and specificity about the times and dates when the work will be performed. Committeeman Choi asked about the safety aspects of the project, as well as communication to the public that the playground will be closed.

Committeeman Lois asked how access will be handled at the entry point. Mr. King said that JCP&L will need to contact the Administrator in advance so that Public Works can let them in at the appropriate time. Committeeman Lois said that there needs to be greater public access to Esternay Field.

Mr. Shehady noted that the purpose of JCP&L's project is to improve their electric service infrastructure.

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

**RESOLUTION 2023-234**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING A SETTLEMENT OF THE TAX APPEAL OF HICKORY SQUARE ASSOCIATES**

**WHEREAS**, Hickory Square Associates LP ("Taxpayers"), the owner of Block 48.23, Lot 126.04 on the Township of Chatham's Tax Assessment Maps, commonly known as 641 Shunpike Road



(“Property”), filed appeals of their 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, and 2023 tax assessments in the Tax Court of New Jersey, Docket Nos.: 005181-2015; 001563-2016; 001737-2017; 004503-2018; 001161-2019; 0009566-2020; 002207-2021; 004332-2022; & 002899-2023; and

**WHEREAS**, the Township Committee of the Township of Chatham, County of Morris, State of New Jersey met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor Special Tax Appeal Attorneys; and.

**WHEREAS**, for the 2015 Tax Year, the Property was assessed at \$22,360,000 (AV), which when converted to equalized true value using the 2015 ratio of assessed to true value of 91.78% reflected a value of \$24,362,606; and

**WHEREAS**, for the 2016 Tax Year, the Property was assessed at \$22,360,000 (AV), which when converted to equalized true value using the 2016 ratio of assessed to true value of 90.40% reflected a value of \$24,734,513; and

**WHEREAS**, for the 2017 Tax Year, the Property was assessed at \$22,360,000 (AV), which when converted to equalized true value using the 2017 ratio of assessed to true value of 89.58% reflected a value of \$24,960,928; and

**WHEREAS**, for the 2018 Tax Year, the Property was assessed at \$22,360,000 (AV), which when converted to equalized true value using the 2018 ratio of assessed to true value of 89.22% reflected a value of \$25,061,645; and

**WHEREAS**, for the 2019 Tax Year, the Property was assessed at \$22,360,000 (AV), which when converted to equalized true value using the 2019 ratio of assessed to true value of 88.28% reflected a value of \$25,328,500; and

**WHEREAS**, for the 2020 Tax Year, the Property was assessed at \$22,360,000 (AV), which when converted to equalized true value using the 2020 ratio of assessed to true value of 88.52% reflected a value of \$25,259,828; and

**WHEREAS**, for the 2021 Tax Year, the Property was assessed at \$22,360,000 (AV), which when converted to equalized true value using the 2021 ratio of assessed to true value of 88.61% reflected a value of \$25,234,172; and

**WHEREAS**, for the 2022 Tax Year, the Property was assessed at \$22,360,000 (AV), which when converted to equalized true value using the 2022 ratio of assessed to true value of 87.79% reflected a value of \$25,469,871; and

**WHEREAS**, for the 2023 Tax Year, the Property was assessed at \$22,360,000 (AV), which when converted to equalized true value using the 2023 ratio of assessed to true value of 81.38% reflected a value of \$27,476,038; and

**WHEREAS**, Taxpayers have provided an income analysis that values the Property at \$21,900,000 for the 2015 through 2020 tax years and at \$19,800,000 for the 2021 and 2022 tax years, which equates to assessed values as follows: \$20,099,820 (2015); \$19,797,600 (2016); \$19,618,020 (2017); \$19,539,180 (2018); \$19,333,320 (2019); \$19,385,880 (2020); \$17,544,780 (2021); \$17,382,420 (2022); and

**WHEREAS**, an acceptable settlement of the aforesaid tax appeal has been negotiated which reduces the total tax assessment levied upon the Property for 2021, 2022, and 2023 only; and

**WHEREAS**, as a result of the proposed settlement, Taxpayers have agreed to withdraw their 2015, 2016, 2017, 2018, 2019, and 2020 tax appeals; and

**WHEREAS**, based upon said reductions, the 2021 tax year assessment will be \$22,150,000, the 2022 tax year assessment will be \$21,950,000, and the 2023 tax year assessment will be \$20,350,000, for the Property; and

**WHEREAS**, based upon the proposed settlement, the Tax Assessor has agreed to set the 2024 assessment at \$19,020,000, subject to there being no sale of the property pending as of the valuation date for 2023 and no “change in value” for the 2023 tax year as that phrase has been interpreted by the Court under the Freeze Act; and

**WHEREAS**, Taxpayers have agreed that any refunds due shall be without interest provided the tax refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment; and

**WHEREAS**, the Township Committee leaves the allocation between land and improvements of the aforesaid tax assessment reduction to the Township of Chatham’s Tax Assessor’s discretion with the direction that the same be set so as to be most beneficial to the Township; and

**WHEREAS**, the aforesaid reduction has no general application to other properties within the Township of Chatham as a result of the aforesaid specific fact situation; and

**WHEREAS**, the Township Committee makes this settlement with Taxpayers without prejudice to its dealing with any other Chatham Township’s taxpayers’ request for tax assessment reduction; and

**WHEREAS**, the Mayor and Township Committee have reviewed a copy of the proposed Stipulation of Settlement, which is annexed hereto and incorporated herein by this reference.

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

1. The Township of Chatham’s Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$22,150,000 total tax assessment for the 2021 Tax Year, \$21,950,000 for the 2022 Tax Year, and \$20,350,000 for the 2023 Tax Year, for Block 48.23, Lot 126.04, which is most beneficial to the Township of Chatham and advise the Township Attorney of that allocation.

2. The Special Tax Appeal Attorney is authorized to execute a Stipulation of Settlement relative to the tax appeal of Hickory Square Associates LP (“Taxpayers”) Docket Nos.: 005181-2015; 001563-2016; 001737-2017; 004503-2018; 001161-2019; 0009566-2020; 002207-2021; 004332-2022; & 002899-2023, which reduces the total tax assessment on Block 48.23, Lot 126.04 from \$22,360,000 to a total tax assessment of \$22,150,000 for the 2021 Tax Year, \$21,950,000 for the 2022 Tax Year, and \$20,350,000 for the 2023 Tax Year, with Taxpayers withdrawing the 2015, 2016, 2017, 2018, 2019, and 2020 tax appeals; and which further provides that any refunds due shall be without interest provided the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment.
3. The settlement outlined above shall be without prejudice to the Township of Chatham’s dealings with any other Township taxpayers’ request for tax assessment reductions.

Deputy Mayor Hamilton moved to adopt Resolution 2023-234. Committeewoman Ewald seconded the motion.

Committeeman Choi said that he does not feel that the settlement agreement is sufficiently robust for this type of property, and he has concerns about the settlement.

Committeewoman Ewald said that the overall package and risk also needs to be considered, even if the settlement is not optimal.

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

### **Hearing of Citizens**

Mayor Felice opened the Hearing of Citizens.

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

Deputy Mayor Hamilton moved to adjourn at 8:01 PM. Committeewoman Ewald seconded the motion, which carried unanimously.

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Gregory J. LaConte  
Municipal Clerk