

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
DECEMBER 16, 2021**

Mayor Ewald called the Regular Meeting of the Township Committee of the Township of Chatham to order at 6:35 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 Fondaco, Committeeman Hamilton, Deputy Mayor Abbott and Mayor Ewald.

Committeewoman Felice was absent.

Executive Session

**RESOLUTION 2021-P-23
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. Potential Litigation
 - b. Contract Negotiations – Walters-Cornerstone Development, LLC
 - c. Contract Negotiations
 - d. Personnel: Police Department
 - e. 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.

Deputy Mayor Abbott moved to adopt Resolution 2021-P-23 to enter Executive Session at 6:37 PM. Committeewoman Fondaco seconded the motion.

Roll call: Committeewoman Felice, Absent; 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

The Township Clerk indicated that the presentation by the Library of the Chathams will be rescheduled for January 2022.

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

Mayor's Message

Mayor Ewald thanked the members of the Chatham community for their generosity, and commented on the success of a regift drive that she recently ran for an elementary school in Newark. Mayor Ewald also discussed the recent spike in COVID cases in Chatham Township, and she stated that booster shots are recommended for those who are fully vaccinated. Mayor Ewald also commented on the Township's 2021 revenues and expenses. She also provided an Affordable Housing update and thanked those who were involved in the Township's efforts toward a Final Judgment of Compliance. Mayor Ewald also thanked all Township Volunteers for all their work during this very trying year. She noted that the Police Department earned reaccreditation in 2021, and the Environmental Commission led the effort which resulted in the Township receiving Silver Certification for the Sustainable Jersey Program. Mayor Ewald recognized Deputy Mayor Abbott's service on the Township Committee. She also wished everyone a Merry Christmas, Happy Hanukkah and a Happy New Year.

Proclamations

Riley Kelly Day

Mayor Ewald read aloud the attached proclamation for Riley Kelly Day, recognizing local youth hockey payer Riley Kelly who fought leukemia and is celebrating the two-year cancer-free milestone.

Ms. Kelly was present to receive the proclamation.

Reports

Committeeman Hamilton reported that the Holiday Book Sale was a success and raised over \$4,000. A grant was also received by the Library to increase accessibility.

Committeewoman Fondaco reported that the Art League of the Chathams had an opening reception on December 12th, and it was a success. The artwork is on display at the Municipal Building on weekdays from 9:00 AM to 4:00 PM, and will be on display until March.

Deputy Mayor Abbott reported that the Nash Field lights will be installed in January. The lights were partially paid for by a grant from the Chatham Athletic Foundation.

Mayor Ewald reported that the Joint Court Committee met on December 8th, and the 2021 budget and revenues were reviewed. Because the volume is still low and Court is still held over Zoom, there were some savings that will be refunded to member municipalities.

The Township Clerk reported that dog and cat license applications were sent out to pet owners.

Administrator Hoffmann reported that the lights for Nash Field were delivered this week, however there was a delay in the delivery of the poles due to unavailability of truck drivers. He also reported that Accounts Payable Clerk Erin Ihnken has resigned her position with the Township, and he thanked her for giving enough notice so that her replacement could be trained. Administrator Hoffmann thanked Deputy Mayor Abbott for her service to the Township this year. Administrator Hoffmann also commented on the Parking Regulations Ordinance on this meeting's agenda. He noted that 83% of the survey respondents were in favor of the proposed regulations. Administrator Hoffmann further noted that the Compost Area will be open on December 21st.

Hearing of Citizens

Mayor Ewald opened the Hearing of Citizens.

1. Maureen Kelly, Mountain Avenue, asked when it will be known if 2022 meetings will be in person or virtual. She also asked about PILOT funding for the School District and how the Borough's upcoming projects will affect the School District and the Township's share of their funding.

The Township Clerk indicated that the meeting schedule will be formally set at the Reorganization Meeting. The question of in-person versus virtual will be decided based on advice from the Health Officer. Mayor Ewald noted that it is difficult for the Land Use Boards to have social distancing in the meeting room due to the number of board members and professionals.

Regarding the School District, Mayor Ewald stated that the impact of upcoming development will be based on potential new enrollment. She also noted that the School District sets their own budget.

2. Mark Lois, Gates Avenue, stated that the School District has not negotiated any PILOT agreements relative to the Borough's upcoming Affordable Housing development. He also commented on the density of the Borough's project compared to upcoming development in the Township. Mr. Lois also commented on the tax savings to the Borough's developer, and stated that the School District is not receiving any contribution. Mr. Lois further asked if the road paving schedule could be posted on the Township website.

Deputy Mayor Abbott agreed that the paving schedule should be posted online. The Township Clerk indicated that schedules are posted when they are available. Engineer Ruschke stated that there is not any information available from Morris County when they plan to pave the County Roads in the Township. He also noted that roads can deteriorate at different rates, which can affect the schedule at which roads are repaved. Engineer Ruschke also said that long term commitments for road repaving are not made because each year's Township Committee makes decisions on how much to spend on repaving that year. He also stated that he can reach out to Morris County about Fairmount Avenue. Administrator Hoffmann stated that a section of River Road will be repaved next year following the completion of the NJ American Water main project.

3. Dan Miller, Green Village Road, asked if the schedule for ordinance public hearings is as per the published agenda. The Township Clerk indicated that the schedule was not changed. Mr. Miller stated that Morris County's road paving schedules are on a multi-year basis based on length of time between paving. He also said that sometimes there is money left over that can be used toward repaving roads in greater need.

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

Public Hearing/Final Adoption of Ordinances

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

Township Planner Frank Banisch gave a presentation on the reasons for Master Plan updates. He explained that the New Jersey Legislature has delegated most land use powers to municipalities. A Master Plan is necessary in order to have zoning ordinances or to update them. Mr. Banisch stated that the purpose of a Master Plan is to define the environmental and conservation goals as well as the development and construction goals. Those goals are designed to protect the health, safety and welfare of the public. Mr. Banisch further described the purposes of the Master Plan. Mr. Banisch discussed the Land Use Plan Element, which is a required element. He also stated that the Housing Element is a required element of the Master Plan. Mr. Banisch stated that it would be good to have an objective third-party view in the Master Plan Update Project. He stated that all three firms being considered are reputable.

Committeeman Hamilton stated that the Township has a Master Plan, and asked if the Township has ever had such a major update at so high of a cost. Mr. Banisch said he believes that the last time a comprehensive Master Plan update was completed in 1999, and many things have changed since then. He stated that several elements have been updated, including the Housing Element which was updated as part of the Affordable Housing Compliance effort. He indicated that the State has also added elements which must be considered. Mr. Banisch also spoke in favor of the public participation aspect of the Master Plan Update process.

The Township Clerk indicated that a project of this scale was undertaken in 1997, and several elements have been updated since then. Deputy Mayor Abbott stated that a Planner is needed in order to undertake this sort of project. She also stated that the Township is out of compliance in some elements.

Mayor Ewald commented on the elements that need to be updated. Mr. Banisch commented on the Conservation Element. Mayor Ewald asked about the requirement for Master Plans to be updated every ten years. Mr. Banisch stated that the Municipal Land Use Law requires that Master Plans cannot be ignored once adopted. He stated that municipalities are required to conduct a reexamination every ten years, and there is a series of questions that need to be asked as part of the process. Mr. Banisch also discussed the public notice requirements for a reexamination compared to an update for an individual element.

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

1. Michael Kelly, Mountain Avenue, addressed the necessity of Master Plan Updates and public involvement in that process. He cited sidewalks as an example of where an updated Master Plan would provide guidance. Mr. Kelly also mentioned two pending applications before the Board of Adjustment where an updated Master Plan would be helpful. Mr. Kelly spoke in favor of updating the Master Plan in time for the Fourth Round of Affordable Housing. He also addressed the cost of the project, and opined that spreading the cost over several years is good budgeting. Mr. Kelly also said that it would be more cost effective to have an in depth review of the whole Master Plan rather than addressing each element on a piecemeal basis.
2. Maureen Kelly, Mountain Avenue, thanked Mr. Banisch for his summary of the Master Plan Updates Project. She also stressed the importance of the vote to fund this project.
3. Dan Miller, Green Village Road, thanked Mr. Banisch for his presentation and said he has done a tremendous job explaining the need for a Master Plan. Mr. Miller addressed the transparency issue, and opined that notice has not been given to property owners

directly affected by changes to the Master Plan. Mr. Miller also commented on the historical value of some homes, and said that homeowner agreement and neighborhood agreement are important, as well as compensation for homeowners.

Mayor Ewald asked about the notification that needs to be sent to residents. Mr. Banisch described changes to the Land Use Plan Map, and described the zoning ordinance adoption process. Administrator Hoffmann noted that there would be public hearings on the ordinances. The Township Clerk noted that the Township would be required to send certified mailings to all property owners within the affected zone and within 200 feet of the impacted zone.

Administrator Hoffmann noted that Planning Board Chairman Tom Franko participated in the RFP process.

4. Mark Lois, Gates Avenue, asked about the elements updated in 2020. He said that the elements updated appear to have been done so for Affordable Housing Compliance. Mr. Lois asked if it is anticipated that a further comprehensive update will be needed for that element.

Mr. Banisch stated that it was originally anticipated that the Affordable Housing rounds would last for six years, which is why Master Plans were originally supposed to be updated every six years. Mr. Banisch also stated that he does not believe that the planners will be able to guess what the Fourth Round target will be. However, the earlier the Township begins to review the Master Plan, the more time there will be to vet the plan and find any errors that need to be fixed. Mr. Banisch also said that there would be time to consider if parcels previously rejected might be under consideration again.

Mr. Lois said that after the Settlement Agreement was entered and the obligation was determined, and then changes were made to the Housing Element and Fair Share Plan. He asked for input on ensuring that any updates to the Housing Element would be valid for ten years. Mr. Banisch said that the rounds should last for ten years, and being ahead of the curve will help the Township deal with future Affordable Housing obligations in a way that can best fit in the community and not damage the community's character.

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

Deputy Mayor Abbott said that she was not aware that the Zoning Board was looking at accessory dwelling units, and said that this has been a nation-wide topic.

Committeeman Hamilton said that he agrees with the need for sound planning and the need to be prepared for 2025. However, he said he is not convinced that there is a need for the allocation of funds for the proposed Master Plan Update. Committeeman Hamilton also said he is not sold on the idea that an outside consultant is needed. He also stated that he will not vote in favor of the funding ordinance, and asked what the Township Committee would need to do procedurally to keep options open.

Mayor Ewald stated that there is a two part process by which Ordinance 2021-25 would appropriate the funding and a resolution would be adopted to award a contract to the successful vendor. Administrator Hoffmann stated that the firms agreed to hold their pricing through January 2022. Committeeman Hamilton asked if the vendors could potentially resubmit the same proposal. Administrator Hoffmann stated that the vendors submitted based on a specific request for proposals, and he cannot speak for the likelihood whether or not they will change their proposal. Committeeman Hamilton said that if the Township Committee reaches a consensus in the next 30 days that the service is needed, the proposals are already on hand. He also said that new input on the topic can come from new Township Committee members.

Mayor Ewald expressed her support for Ordinance 2021-25. She also addressed concerns that have been presented to her by residents that could be addressed through Master Plan updates.

Committeewoman Hamilton moved to table Ordinance 2021-25. Deputy Mayor Abbott seconded the motion.

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

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.

Mayor Ewald opened the Public Hearing on Ordinance 2021-27.
Seeing no public comment, Mayor Ewald closed the Public Hearing.

Attorney Cruz explained the purpose of this ordinance.

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

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

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.

Mayor Ewald opened the Public Hearing on Ordinance 2021-28.
Seeing no public comment, Mayor Ewald closed the Public Hearing.

Attorney Cruz provided background on this ordinance.

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

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

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.

Mayor Ewald opened the Public Hearing on Ordinance 2021-29.
Seeing no public comment, Mayor Ewald closed the Public Hearing.

Attorney Cruz provided background on this ordinance.

Deputy Mayor Abbott moved to introduce Ordinance 2021-29. Committeeman Hamilton seconded the motion.

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

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.

Attorney Cruz explained that the Development Fee ordinance adopted in 2009 was never implemented, and was replaced. This ordinance repeals the old ordinance which was replaced.

Mayor Ewald opened the Public Hearing on Ordinance 2021-30.
Seeing no public comment, Mayor Ewald closed the Public Hearing.

Committeeman Hamilton asked if this ordinance is related to Ordinance 2021-31. Attorney Cruz stated that it does not affect Ordinance 2021-31, and repeals an old ordinance. He also said this is a housekeeping ordinance rather than a substantive ordinance.

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

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

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)(b) 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)(b) 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)(b) 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 noted a typographical error that has been fixed. He also said that this is an amendment to the current development fee ordinance. The ordinance increases the development fee to 6% of the equalized assessed value for each additional unit when there is a use variance increasing the density.

Mayor Ewald opened the Public Hearing on Ordinance 2021-31.

1. Dan Miller, Green Village Road, said that 4% is already too punitive to property owner rights, and the fee should not be increased to 6%. He also stated that the full impact is not being considered.

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

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

Deputy Mayor Abbott said she thinks 6% is reasonable.

Committeeman Hamilton said that the type of application that the increased fee would affect is not likely to be submitted.

Mayor Ewald spoke in favor of Ordinance 2021-31. She stated that this type of ordinance would have applied when Rosevale was built, and would have resulted in either construction of Affordable Housing or collection of a Development Fee.

Attorney Cruz stated that this ordinance will take in effect in accordance with applicable law. He also said that the set-aside applies to developments of 6 or more units, and the Development Fee applies when the increase of density is between one and five units.

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

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.

Administrator Hoffmann stated that there are presently two sewer utilities, and Ordinance 2021-32 merges them into one utility effective on January 1, 2022.

Mayor Ewald opened the Public Hearing on Ordinance 2021-32.
Seeing no public comment, Mayor Ewald closed the Public Hearing.

Deputy Mayor Abbott moved to adopt Ordinance 2021-32. Committeewoman Fondaco seconded the motion.

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

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 changes the title for an employee at the Sewer Plant.

Mayor Ewald opened the Public Hearing on Ordinance 2021-33.
Seeing no public comment, Mayor Ewald closed the Public Hearing.

Committeewoman Fondaco moved to adopt Ordinance 2021-33. Committeeman Hamilton seconded the motion.

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

The Township Committee took a recess at 9:50 PM.

The meeting was resumed at 9:55 PM.

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.

Administrator Hoffmann explained the purpose of this ordinance. He also commented on the survey results.

Mayor Ewald opened the Public Hearing on Ordinance 2021-34.
Seeing no public comment, Mayor Ewald closed the Public Hearing.

Deputy Mayor Abbott moved to adopt Ordinance 2021-34. Committeewoman Fondaco seconded the motion.

Committeeman Hamilton asked if there’s a difference between stating the entire length of a street or in the case of Willimas Road spelling out “From Longwood Drive to Crestwood Drive.” He also asked about signage. Administrator Hoffmann stated that there will be 140 sign changes. 30 new sign posts will also be needed.

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

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 opened the Public Hearing on Ordinance 2021-35.

1. Dan Miller, Green Village Road, stated that he is not in favor of the new advisory committees. He also noted that they take on a political nature, and he opined that adding more committees is too much government. Mr. Miller also asked what the budget is for the committees.

Mayor Ewald stated that there is not a budget for the three new committees.

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

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

Deputy Mayor Abbott stated that the advisory committees are an opportunity for residents to give input without the Township spending money.

Mayor Ewald noted that she is the liaison to the Affordable Housing Committee, and spoke about how the members offer their expertise to the Township for free as a supplement to the Township's paid professionals.

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

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.

Mayor Ewald opened the Public Hearing on Ordinance 2021-36.

1. Dan Miller, Green Village Road, opined that the Affordable Housing Committee, the Business Advisory Committee and the Diversity are an extra layer of government and allow for political patronage.

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

Committeewoman Fondaco moved to table Ordinance 2021-36. Committeeman Hamilton seconded the motion.

Committeewoman Fondaco noted that the members of the Committee are volunteers seeking to help the community.

Mayor Ewald opined that reducing the amount of citizen participation would be the definition of “Big Government.”

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

Mayor Ewald said that the three committees will have a representative speak at a January meeting to address the Township Committee and answer any questions.

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 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.

Mayor Ewald opened the Public Hearing on Ordinance 2021-37.

- 1. Dan Miller, Green Village Road, said he is glad the three ordinances are being tabled so that the matters can be revisited next year.

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

Committeewoman Fondaco moved to table Ordinance 2021-37. Committeeman Hamilton seconded the motion.

Mayor Ewald stated that the Diversity Committee has been very enthusiastic.

Deputy Mayor Abbott stated that having enthusiastic volunteers is good for the community.

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

Consent Agenda

**RESOLUTION 2021-281
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 2021 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>
Municipal Clerk OE	\$12,000.00	
Gasoline/Fuel Utility OE	\$10,000.00	
Fire Department OE	\$ 5,000.00	
Recreation S&W		\$27,000.00
Current Fund Total	\$27,000.00	\$27,000.00

**RESOLUTION 2021-284
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 \$1,132,496.30 and the prior month’s payroll of \$455,468.04 Current Fund, \$51,414.69 Sewer No. 1, \$11,642.45 Sewer No. 2, and \$27,945.06 Police Private Employment be paid.
BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of December 2021, in the amount of \$4,316,175.00 be paid.
BE IT FURTHER RESOLVED that taxes due to the County of Morris, for Added and Omitted Taxes for 2021, in the amount of \$119,448.46 be paid.

RESOLUTION 2021-285

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

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

CFO – October, November
Police Department – October, November
Animal Control – October, November

**RESOLUTION 2021-286
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 18, 2021.

**RESOLUTION 2021-287
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 November 18, 2021.

**RESOLUTION 2021-288
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF
TAXES**

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

BLOCK	<u>LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
Several	Several	CORELOGIC Centralized Refunds PO Box 9202 Coppell, TX 75019-9760	\$27,046.96 4 th Quarter 2021 Overpayment of Taxes
48.03	2	Kathleen G. Havens 127 Glenmere Dr. Chatham, NJ 07928	\$3,806.81 3 rd Quarter 2021
54	5	Justus, Zachary 21 Mountainview Rd Chatham, NJ 07928	\$2,183.00 3 rd Quarter 2021
59	6	Johnston, James Brannan & Tamsyn 732 Fairmount Ave Chatham, NJ 07928	\$6,274.24 4 th Quarter 2021
60	6	Falconi, Fernando & Geomar A 5 Hillside Rd Chatham, NJ 07928	\$1,963.77 4 th Quarter 2021
62.01	45.04	Shuster, Ella/Evan 407 Fairmount Ave Chatham, NJ 07928	\$4,814.06 3 rd Quarter 2021
65.01	7.04	Luna, Sandra 18A Manchester Ct. Chatham, NJ 07928	\$2,065.48 3 rd & 4 th Quarter 2021
102.06	34	Scott, Jason & Sarah 138 Noe Ave Chatham, NJ 07928	\$5,769.47 3 rd Quarter 2021
113	115.03	Toor, Saquib & Dalia Mahmoud 8 Parkview Rd Chatham, NJ 07928	\$6,375.33 4 th Quarter 2021

RESOLUTION 2021-289

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>
63	1.01	Lienholder: Lavallette Capital, LLC 49 Wickham Way Chatham, NJ 07928 Certificate #19-00003 Williams, Magalys 677 River Rd Chatham, NJ 07928	\$7,338.83 Certificate <u>2,000.00-Premium</u> \$9,338.83-Total

RESOLUTION 2021-290
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING FIRE DEPARTMENT MEMBERSHIPS

WHEREAS, the Township of Chatham has designated the Green Village Volunteer Fire Department and the Chatham Township Volunteer Fire Department as the official fire companies for the Township; and
WHEREAS, members of both departments are eligible for membership in N.J. State Firemen’s Association as provided by applicable law; and
WHEREAS, in order to become members of the association, the Township is required to certify that each applicant is an active member of the respective Fire Department;
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the following named individual has been admitted to active membership in the respective department as approved by the Township Committee.

<u>NAME</u>	<u>FIRE DEPARTMENT</u>
John F. Armstrong	Chatham Township Volunteer Fire Department
Brian M. Wurdemann	Chatham Township Volunteer Fire Department

RESOLUTION 2021-292
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING MEMBERS TO THE JOINT LIBRARY BOARD OF TRUSTEES

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

<u>Joint Library Board of Trustees</u>	<u>Term Expires</u>
Susan Allen	December 31, 2024 – Filling Unexpired Term

RESOLUTION 2021-293
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP TO JOIN WITH THE STATE OF NEW JERSEY AND OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FORMAL AGREEMENTS IMPLEMENTING A UNIFIED PLAN FOR THE PROPOSED ALLOCATION AND USE OF OPIOID LITIGATION SETTLEMENT PROCEEDS

WHEREAS, the Township of Chatham (“Township”) has suffered harm from the opioid epidemic; and
WHEREAS, the Township recognizes that the entire State of New Jersey has suffered harm as a result of the opioid epidemic; and

WHEREAS, approximately 4,000 lawsuits were filed in the United States Federal District Court to address the public nuisance that is the Opioid Epidemic, which named, among other companies, the following four Defendants (“Settling Defendants”):

1. Janssen Pharmaceuticals, Inc. (a prescription opioids manufacturer);
2. Amerisource Bergen Corp. (a prescription opioids wholesaler distributor);
3. Cardinal Health, Inc. (a prescription opioids wholesaler distributor); and
4. McKesson Corporation (a prescription opioids wholesaler distributor)

WHEREAS, these lawsuits were consolidated and are currently pending in a multi-district litigation captioned as *In re National Prescription Opiate Litigation*, Case No. 1:17-md-2804 (N.D. Ohio) (the “Opioid Litigation”); and

WHEREAS, the Settling Defendants have negotiated proposed national settlement agreements (“Proposed Settlements”) with the State Attorneys General, and a Plaintiff Executive Committee-designated negotiating committee that represents approximately 4,000 local governments that have brought similar lawsuits; and

WHEREAS, the Proposed Settlements contain significant equitable and monetary relief, including:

1. An agreement by Janssen that it will discontinue the manufacture and distribution of prescription opioids products for at least the next ten years;
2. An agreement by Janssen that it will suspend any lobbying efforts that concern prescription opioids products;
3. The creation of a National Clearinghouse for wholesale distributors that will assist in the detection, suspension and reporting of suspicious orders of prescription opioid products;
4. The payment of up to \$26 billion (depending upon the level of participation of state and local governments in the Proposed Settlements) in funding installments over the next 18 years, the bulk of which will be dedicated to funding abatement and prevention strategies associated with the opioids public nuisance; and

WHEREAS, the State of New Jersey has opted into the Proposed Settlements; and

WHEREAS, participation in the Proposed Settlements by a large majority of New Jersey municipalities and counties will materially increase the amount of funds to New Jersey and should improve New Jersey’s relative bargaining position during additional settlement negotiations; and

WHEREAS, the County of Morris has requested the Township and seventeen other Morris County municipalities to participate in the Proposed Settlements; and

WHEREAS, assuming 100 per cent municipal participation and a 50/50 sharing of the settlement proceeds with the State of New Jersey, the Township’s maximum gross recovery of the settlement proceeds under the proposed Settlements could be \$151,227; and

WHEREAS, failure to participate in the Proposed Settlements will reduce funds available to the State, the Township, and every other New Jersey municipality and county;

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

1. Adoption of Representations. The foregoing “Whereas” clauses are hereby ratified and the same are hereby made a specific part of this Resolution.
2. Participation in the Proposed Settlements. The Township Committee finds that participation in the Proposed Settlements would be in the best interests of the Township and its citizens and, therefore, elects to participate in the Proposed Settlements.
3. Authorization. The Township Administrator is hereby expressly authorized to execute the Participation Agreements for: 1. the Master Settlement Agreement with Janssen Pharmaceuticals, Inc.; and 2. the Master Settlement Agreement with the three wholesale distributor defendants (Cardinal, Amerisource Bergen and McKesson), both of which are listed and available to the public at <https://nationalopioidsettlement.com/>. Specimen copies of the material terms of the participation agreements are attached as an exhibit to this resolution. The Township Administrator is further authorized to execute any required Agreements or other documents implementing the Proposed Settlements for the allocation and use of the settlement proceeds that are not inconsistent with the Proposed Settlements and this Resolution.
4. Effective Date. This Resolution shall be effective immediately upon its passage and adoption.

RESOLUTION 2021-294

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING PAUL THOMAS TO THE PUBLIC WORKS DEPARTMENT

WHEREAS, on November 18, 2021 the Township Committee adopted Resolution 2021-276 to authorize a conditional offer of employment to a candidate for the Department of Public Works; and

WHEREAS, Paul Thomas has successfully completed the background checks and drug testing.
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that Paul Thomas is hereby appointed to the Department of Public Works effective December 16, 2021 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.

Committeewoman Fondaco moved to approve the Consent Agenda. Deputy Mayor Abbott seconded the motion.

Committeeman Hamilton asked about the Opioid Litigation. Administrator Hoffmann stated that there are 17 municipalities in Morris County that have been asked to adopt the resolution to join the class-action litigation. If the litigation is successful, the Township could be awarded \$151,227.00 if all municipalities participate. Committeeman Hamilton asked if Mr. Cruz has reviewed this. Attorney Cruz concurred that it is a class action suit against the opioid manufacturers, and the award will depend on the number of participating municipalities. The money is to be used toward opioid treatments and abuse prevention. Committeeman Hamilton asked if the Township would be waiving any rights by entering into the settlement. Attorney Cruz stated that this litigation is much like the tobacco litigation from several years ago.

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

Non-Consent Agenda

RESOLUTION 2021-295

RESOLUTION OF THE TOWNSHIP OF CHATHAM COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR AND CLERK TO SIGN A SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH WALTERS-CORNERSTONE DEVELOPMENT, INC. FOR THE DEVELOPMENT OF 522 SOUTHERN BOULEVARD

WHEREAS, on December 8, 2020, the Township of Chatham and Walters-Cornerstone Development, LLC entered into a Development Agreement for Walters to finance, construct, own and operate a 100% municipally sponsored affordable residential rental development consisting of 63 (62 affordable and one for superintendent) units at 522 Southern Boulevard, Chatham, New Jersey, and shown on the Township Tax Map as Lot 2, Block 128; and

WHEREAS, on August 25, 2021, the Township and Walters entered into a First Amendment to Development Agreement, and

WHEREAS, on September 28, 2021, the Township acquired 522 Southern Boulevard and holds title to that property; and

WHEREAS, the Superior Court of New Jersey is holding a portion of the cost of the property for environmental remediation at the property in the sum of \$390,000.00 for the removal of an underground storage tank, related soil and groundwater testing and remediation; asbestos and lead removal, and soil and groundwater testing and remediation for any potential contamination from the adjacent Shell Service Station; and

WHEREAS, the Township and Walters-Cornerstone agreed to share equally any remediation costs in excess of the \$390,000.00 escrow.

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 Mayor and Clerk are hereby authorized to sign the Second Amendment to the Development Agreement with Walters-Cornerstone Development, Inc. in substantially the form attached.
2. This Resolution shall take effect immediately.

Attorney Cruz stated that the Township has acquired title to 522 Southern Boulevard. As part of that process, Walters-Cornerstone hired an environmental consultant to review the property and there is an oil storage tank that needs to be removed and remediated. There is also asbestos in some parts of the building that needs to be remediated before the building can be demolished. Attorney Cruz stated that there is a Shell Station next door, and there will be groundwater testing to make sure there is not contamination. An escrow account will be created, and the estimated cost of the remediation is \$390,000. The Township and Walters-Cornerstone will agree through this amendment that any costs in excess of the \$390,000 would be shared equally.

Deputy Mayor Abbott moved to adopt Resolution 2021-295.

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

Discussion

2022 Meeting Schedule

The Township Clerk stated that a proposal has been made to have Township Committee meetings on the 2nd and 4th Tuesday in 2022 rather than the traditional Thursday Night schedule. He said that a draft schedule was circulated to the Township Committee. The Reorganization Meeting has already been set, and the proposed second meeting in January is the 18th so that the bill list can be adopted on time.

Regarding the month of November, the Clerk stated that November 8th is the General Election, and would not be conducive to a meeting. The consensus of the Township Committee was to have one meeting in November on the 15th.

The Township Clerk also noted that he wanted to have this as a public discussion so that residents could be aware that the change is being made.

Hearing of Citizens

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

Other Business

Deputy Mayor Abbott encouraged residents to run for office. She also advocated for positive endorsements rather than negative campaigning.

Committeeman Hamilton thanked Mayor Ewald for serving as Mayor the past six months.

Committeeman Hamilton moved to adjourn at 10:36 PM. Committeewoman Fondaco seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk