

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
DECEMBER 17, 2020**

Mayor Kelly called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:31 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 December 7, 2020; notice was posted on the front door and the bulletin board in the main hallway of the Municipal Building on December 7, 2020; and notice was filed with the Township Clerk on December 7, 2020.

Pursuant to Executive Orders Nos. 102, 103, 104 and 107 and to ensure the safety of all, during a State of Emergency declared by New Jersey Governor, Phil Murphy, on March 9, 2020 to “contain the spread of COVID-19”, the Township of Chatham limited the public from physically attending the Township Committee meeting to be held on Thursday, October 22, 2020.

Roll Call

Answering present to the roll call were Committeewoman Ewald, Committeewoman Fondaco, Committeewoman Swartz and Deputy Mayor Ness and Mayor Kelly.

All members of the Township Committee participated in the meeting via Zoom.

Mayor Kelly led the Flag Salute.

Approval of Agenda

Committeewoman Swartz asked about the inclusion of Resolutions 2020-267, 2020-268 and 2020-269 and if the Township Committee is being asked to take action on them. Mayor Kelly said that they are on the Agenda for action to be taken. He said that the committees will not be staffed this year, and the intention is to raise public awareness of the formation of the committees.

Committeewoman Swartz moved to table Resolution 2020-267, 2020-268 and 2020-269 so that the Township Committee can address them in 2021. The motion was not seconded.

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

Presentation – Energy Aggregation

Chatham Township Environmental Commission member Amy Mason gave a presentation about Energy Aggregation. She said that Livingston has an energy aggregation program which saved residents \$1 million. Mrs. Mason explained that the State deregulated the energy industry, which allows purchase of energy from third party vendors. Residents would be allowed to opt out of the program. An ordinance would be necessary to establish the program in Chatham Township, and the ordinance can be drafted to allow but not mandate the program.

Mayor Kelly noted that this presentation is for informational purposes, and the Township Committee can discuss potentially adopting an ordinance in 2021. He also reiterated that participation by residents would be optional.

Committeewoman Swartz asked why energy aggregation was not pursued when the topic came up earlier in the year. Mrs. Mason said that the pandemic hit when energy aggregation was previously discussed. Committeewoman Swartz asked if it is in the purview of the Environmental Commission to provide advice. Attorney Cruz said he does not recall offhand the ordinance creating the Environmental Commission regarding its purpose, however it is common for environmental commissions to provide similar advice. He also noted that it is the discretion of the Township Committee if and how to move forward with any ordinances pertaining to energy aggregation programs. Committeewoman Swartz asked about the optional nature of the

program. Attorney Cruz said that the draft ordinance has an opt-out period, and he described the public hearings and opt-out period.

Committeewoman Ewald thanked Mrs. Mason for her presentation and noted that this advice from the Environmental Commission demonstrates the value of subcommittees. She also asked about existing aggregation groups. Mrs. Mason described an Essex County group, the Morris Area Energy Cooperative and a Hunterdon County cooperative. Mrs. Mason also noted that she attended an informational session by a consultant in Chester, which was very informative.

Mayor Kelly said that any decision will be made by the 2021 Township Committee. He asked that the presentation be posted on the Township website.

Reports

Committeewoman Ewald wished everyone a Happy Hanukah. She also reported that the Tri-Town Cares is working to address mental health issues and other community needs. The Madison-Chatham Coalition also recently met, and a topic of discussion was the legalization of recreational marijuana. Committeewoman Ewald noted that the Township's ordinance prohibiting cultivation of marijuana would be null and void, and an additional ordinance will be needed if the Township Committee wants to take action to prohibit cultivation and retail sale of marijuana in the Township. Committeewoman Ewald addressed educational resources that are available to prevent underage use and abuse. Committeewoman Ewald also reported that the Board of Health met, and updates were provided on the number of cases and potential cases of COVID. The School District has an online dashboard for COVID related matters, and the Board of Health is looking into more robust reporting. Committeewoman Ewald said that first responders should make sure their credentials are up to date so that they can get COVID vaccinations. She also said that the quarantine period is still 14 days. Regarding finance, Committeewoman Ewald reported that the Township is in better shape than what was feared mid-year. Some revenues are down, however permit fees recovered and tax collection is doing well. FEMA reimbursements for COVID related purchases are expected. Committeewoman Fondaco asked about discussions on marijuana delivery. Committeewoman Ewald said that the discussions were regarding whether people had to visit a store to buy it or if it could be purchased online for home delivery.

Committeewoman Fondaco reported that the Environmental Commission is concerned about the potential development of Noe Pond. The Environmental Commission has also been asked by the Board of Adjustment to look into potential ordinances to prohibit the planting of bamboo.

Committeewoman Swartz said that the Senior Center is grateful for all those who have made donations to the capital campaign. She also said that the Senior Center is working hard to keep seniors engaged. She further reported that the Green Village Fire Department recently took possession of a new rescue truck. Committeewoman Swartz also read into the record an email that was received from a resident thanking DPW member Pete Mazzochoy for assistance provided when the resident needed medical attention. Committeewoman Swartz also recognized the efforts of the Public Works Department with snow removal in a recent storm. Administrator Hoffmann also recognized Mr. Mazzochoy.

Deputy Mayor Ness noted the efforts of DPW with snow removal and said that the roads are in excellent condition. She also reported that the Recreation Committee has met recently to discuss youth sports programs. Youth sports are currently on hold until the first week of January. Deputy Mayor Ness also reported on recreation facilities and possible upgrades for the Nash basketball court. The Joint Court Committee also recently met, and Judge Troxell has now retired.

Mayor Kelly reported on the status of the Township's Affordable Housing efforts. On December 14th, a conditional compliance order was issued and the Township's spending plan was approved. The Township has complied with every other aspect of the Affordable Housing Plan. The Township is in continuing negotiations with Kronos Holdings LLC for the purchase of 522 Southern Boulevard. There are not any updates on the litigation between Kronos Holdings LLC and the Township. Mayor Kelly reported that Toll Brothers has bought the Dixiedale site, and Sterling/Sun has agreed to post a \$6.2 million performance bond for the completion of the Arbor Green development. The Township's Affordable Housing Plan also calls for the construction of three Group Homes for people with special needs. Two will be on Township-owned land, and the third will be built on Hillside Avenue on a lot for which the Township has a contract. The

Township also has a contract with the Walters Group for the Affordable Housing to be built at 522 Southern Boulevard. Mayor Kelly commented on the Affordable Housing items on this meeting's agenda.

The Township Clerk reported that the General Election results have been certified, and Ashley Felice and Mark Hamilton have been elected to the Township Committee. The Township Clerk also recognized the election of former Mayor Tayfun Selen to the Morris County Board of Chosen Freeholders. Committeewoman Swartz asked about the swearing in of the new Township Committee members. The Township Clerk said that usually happens at the Reorganization meeting, and he will arrange to meet with them in advance to take a formal oath.

Administrator Hoffmann reported that four HVAC units were installed at the Municipal Building, and were paid for through a grant program. He also commented on the resolution of a tax appeal, and he recommended that a trust fund be set up to cover refunds related to future tax appeals. Committeewoman Swartz asked if there is a standard practice. Administrator Hoffmann said that tax appeals go in cycles, so there is always a need to have a reserve. Committeewoman Swartz suggested that the Township underfund the reserve. Administrator Hoffmann stressed the need to be financially prepared.

Administrator Hoffmann thanked Committeewoman Swartz for her service to the Township, and noted that she was the first person he met when he interviewed for the Township Administrator position. Administrator Hoffmann wished her the best in her future endeavors.

Administrator Hoffmann also thanked Mayor Kelly for his service to the Township and for guiding the Township through difficult situations.

Hearing of Citizens

Mayor Kelly asked for any written comments to be read.

1. Benjamin Leonard submitted a letter expressing his support for preserving Noe Pond.

Mayor Kelly opened the Hearing of Citizens.

1. Sally Simonfay, Westminster Road, reflected on her experiences living in Chatham Township for over 50 years. She also expressed her support for the acquisition of 522 Southern Boulevard for Affordable Housing, and said she hopes that the Township will preserve Noe Pond.
2. Olivia Bakunas, Britten Road, expressed concerns about the environmental impact of the development of Noe Pond, and said that residents will fight the development. She also offered to pay higher taxes for the preservation of the site. Mrs. Bakunas also asked the Township Committee to be transparent regarding the development of the site.
3. Kim Vizontini, Glenmere Drive, thanked the Township Committee for working to acquire 522 Southern Boulevard. She also asked for transparency regarding development of the Noe Pond site. Mrs. Vizontini also expressed her support for efforts to preserve Noe Pond. She also thanked the Township Committee for their service.
4. Kacy Leonard, Huron Drive, expressed her support for development of Affordable Housing at 522 Southern Boulevard, and asked if there are contingency plans.

Mayor Kelly stated that the Township has submitted an Affordable Housing Plan to the Court, and 522 Southern Boulevard has been approved by the Court as the Affordable Housing site. He further stated that the Township Committee is committed to making that site work.

5. Rich Rein, Rolling Hill Drive, thanked Mayor Kelly and Committeewoman Swartz for their service to the Township. He also said he hopes the Township will still be in good hands when Mrs. Felice and Mr. Hamilton take office, and he looks forward to their service. Mr. Rein asked about the Township's timeframe to be able to demonstrate control of 522 Southern Boulevard. He also thanked everyone who took part in preparing for the Compliance Hearing, and he urged the Township Committee to continue with the plans to purchase 522 Southern Boulevard. Mr. Rein said he would prefer to see a

voluntary purchase of the site, but supports condemnation if necessary. Mr. Rein also urged the Township Committee to avoid backing themselves into a corner on Affordable Housing matters. He further expressed support for the municipally sponsored solution to avoid overdevelopment. Mr. Rein also addressed the Noe Pond site, and stated that it is a valuable resource. He further noted that the site is environmentally sensitive and adjacent to the Great Swamp. Mr. Rein acknowledged that there is little the Township Committee can do to prevent the sale of private property to a developer. He asked that there be transparency in whatever the Township Committee does regarding the Noe Pond site.

Attorney Cruz stated that the Township will have to acquire 522 Southern Boulevard prior the deadline for application for the 9% tax credits, and stated that part of Judge Gaus's order is that the Township report to the Court on a monthly basis regarding the acquisition process. If the acquisition process fails, the Township will have to address the issue with the Fair Share Housing Center and the Court.

6. Bradley Huke, Gates Avenue, congratulated the Township on the conditional ruling of compliance. He also spoke in support of the Township working to acquire 522 Southern Boulevard. Mr. Huke said that further development on Southern Boulevard beyond what has already been approved would have a traffic impact, and he asked that the Township limit the development of the Noe Pond site.
7. Doug Gatlin, Country Club Drive, thanked Mayor Kelly for his service to the Township. Mr. Gatlin expressed his support for the Township's plan to build Affordable Housing at 522 Southern Boulevard. He also asked the Township Committee to be transparent with residents.
8. Frances Orabona, Whitman Drive, thanked the Township Committee for their time and efforts. She also expressed her support for Affordable Housing, and supported having it located at 522 Southern Boulevard. Mrs. Orabona also said that she supports condemnation of 522 Southern Boulevard if necessary. Regarding the Noe Pond Club, Mrs. Orabona said that the only other affordable summer facility is Colony Pool. She also noted the wetlands and wildlife in the surrounding area, as well as the history of the site. Mrs. Orabona noted that there could be several hundred units at the site if the Township lost builders remedy immunity. She also addressed the high quality of the School District of the Chathams.
9. Amy Ewing, Southern Boulevard, asked the Township Committee to be transparent with Affordable Housing plans, and to proceed with acquisition of 522 Southern Boulevard. She also said that the development of Noe Pond would be devastating.
10. Stacey Wilson, Woodmont Drive, stated the reasons why her family moved to Chatham Township, and noted that her grandmother was a founding member of the Noe Pond Club. Mrs. Wilson expressed her support for the Township's efforts to acquire 522 Southern Boulevard for Affordable Housing. She also thanked Mayor Kelly and Committeewoman Swartz for their service, and thanked the Township Committee for their transparency on Affordable Housing matters. Mrs. Wilson also expressed concern about the development of Noe Pond and said she is glad the Great Swamp Watershed Association is against the development.
11. Gina Zuniga, Rolling Hill Drive, thanked Mayor Kelly and Committeewoman Swartz for their service. She also expressed her concern about Affordable Housing and Noe Pond. Mrs. Zuniga stated that she supports 522 Southern Boulevard as a location for Affordable Housing. She also expressed her opposition to development at the Noe Pond site. Mrs. Zuniga asked for transparency regarding any discussions regarding Noe Pond or with the Silverman Group.

Mayor Kelly said that the Silverman Group has reached out to the Township, and the Township Committee has requested a public presentation of any concept plans.

12. Susan Ross, Hall Road, expressed her support for development of Affordable Housing at 522 Southern Boulevard. She also expressed concern about use of other sites for Affordable Housing, particularly open spaces. Mrs. Ross further asked for transparency, and said she hopes that Mr. Hamilton and Mrs. Felice will honor their campaign promises to work to prevent overdevelopment.

13. Stephanie Ryan, Southward Court, said she supports acquisition of 522 Southern Boulevard for Affordable Housing, and expressed her opposition to development of the Noe Pond site. Mrs. Ryan also said commented on the lack of full-day kindergarten in the School District of the Chathams.
14. Marc Loeb, Fairmount Avenue, said that he and his husband moved to Chatham because of the School District. He also said that his children enjoyed the Noe Pond Club. Mr. Loeb further advocated for preservation of open space.
15. Neil Shah, Woodmont Drive, thanked the Township Committee for their service. He also advocated for preservation of open space and expressed concern about potential development of Noe Pond. Mr. Shah also said that he hopes the Township Committee will start making plans now for the next round of Affordable Housing.

Deputy Mayor Ness addressed plans for preparing for the Fourth Round, and noted that on this meeting's agenda is a resolution to establish an Affordable Housing Committee.

16. Brian Benson, Driftway Street, expressed his support for developing Affordable Housing at 522 Southern Boulevard. He also expressed concerns about potential development of Noe Pond. Mr. Benson also addressed the importance of immunity from builders remedy lawsuits.
17. Stewart Carr, Crestwood Drive, thanked Mayor Kelly and Committeewoman Swartz for their public service. Mr. Carr asked about the relation of the timing of the purchase of 522 Southern Boulevard and the tax credit application process. Mr. Carr also opined that Chatham taxpayers would be willing to have a tax increase to fund the purchase of Noe Pond. He also advocated for more public input on any developments at Noe Pond.

Mr. Hoffmann said it is not yet known when the tax credit application will be.

18. Jim Flanagan, Tanglewood Lane, spoke about the need to protect the Great Swamp. He also spoke against overdevelopment.
19. Brooke Visentini, Manchester Court, expressed concern about the environmental impact of development at Noe Pond, and asked the Township Committee to oppose high density development at the site.
20. Justin Boyd, Meadowbrook Road, asked for consideration of the wetlands at the Noe Pond site and how development would impact the environment.
21. Lynnette Wang, Runnymede Road, said that she is a Noe Pond Club member, and the site is a beautiful property. Mrs. Wang said that such sites are disappearing. She also cited the prevention of the building of a jetport in Chatham as a historical example of environmental protection. Mrs. Wang asked the Township Committee to continue to keep residents informed regarding the potential development of Noe Pond.
22. Jen McNally, Ferndale Road, thanked the Township Committee for their service. Mrs. McNally expressed support for development of 522 Southern Boulevard for Affordable Housing. She also expressed opposition to the development of Noe Pond, noting a grassroots effort to oppose the development. Mrs. McNally asked if the Silverman Group has a concept plan available that is not yet public. She also asked if the development fee ordinance is being enforced. Mrs. McNally also urged the Township Committee to avoid being backed into a corner in the Fourth Round, and to be transparent with Affordable Housing matters moving forward.

Mayor Kelly said that the Township Committee members have not had conversations with the Silverman Group, and they have indicated to Township professionals that they are the contract purchasers of the site. He also said that the Township Committee has expressed interest in a public presentation once Silverman Group has something to present. Mayor Kelly further noted that the Township has an approved Spending Plan, and development fees are projected to generate \$2.5 million by July 2025. Administrator Hoffmann added that over \$180,000 has been collected since April.

23. Doris Rhee, Southern Boulevard, thanked Mayor Kelly and Committeewoman Swartz for their service. She echoed prior comments about Affordable Housing, and said she does not want to see overdevelopment in the Township. Mrs. Rhee asked if Toll Brothers is obligated to honor the approvals granted to Sterling/Sun for Dixiedale.

Mayor Kelly said that regarding the Dixiedale development, the zoning only allows for 53 units. He also said that the Township’s immunity from builders remedy lawsuits was upheld.

Seeing no further public comment at this time, Mayor Kelly closed the Hearing of Citizens.

Committeewoman Swartz commented on requests for transparency, and noted that public meetings are available for all to see. She said that allegations of a lack of transparency are unfounded.

Public Hearing/Final Adoption of Ordinances

Ordinance 2020-23

**ORDINANCE 2020-23
AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST TO
CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND
COMMUNICATIONS SYSTEM IN THE TOWN OF TOWNSHIP OF CHATHAM, NEW
JERSEY.**

BE IT ORDAINED by the Township Committee of the Township of Chatham as follows:

SECTION 1. PURPOSE OF THE ORDINANCE

The municipality hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Municipality of a cable television and communications system.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Town" or "Municipality" is the Township of Chatham, County of Morris, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Comcast of Central New Jersey II, LLC.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, et seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company’s Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company’s Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS

Public hearings conducted by the Municipality, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the municipality, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE

The non-exclusive Municipal Consent granted herein shall expire ten (10) years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality 3.5% percent of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount required by the Act or otherwise allowable by law.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the renewal of the franchise shall apply to the entirety of the Municipality and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE

The Company shall be required to proffer service to any residence or business along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. The Company's Line Extension Policy, as set forth in the Company's Application, shall govern any extension of plant beyond the Primary Service Area.

SECTION 8. CONSTRUCTION REQUIREMENTS

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, shall remove, re-lay or relocate its equipment, at the expense of the Company.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the Municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

SECTION 9. CUSTOMER SERVICE

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the municipality upon written request of the Municipality Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- c. The Company shall use every reasonable effort to meet or exceed applicable FCC customer service regulations.
- d. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the Complaint Officer for the Municipality pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Municipality shall have the right to reasonably request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

SECTION 11. LOCAL OFFICE

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours, and in no event (excepting emergent circumstances) less than 9:00 A.M. to 5:00 P.M., Monday through Friday.

SECTION 12. PERFORMANCE BONDS

During the life of the franchise the Company shall give to the Municipality a bond in the amount of twenty-five thousand (\$25,000.00) dollars. Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for Municipal Consent incorporated herein.

SECTION 13. SUBSCRIBER RATES

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS

- a. The Company shall continue to make available a system-wide public access channel maintained by the Company. Qualified individuals and organizations may utilize public access for the purpose of cablecasting non-commercial access programming in conformance with the Company's published public access rules.
- b. The Company shall make available a system-wide leased access channel maintained by the Company for the purpose of cablecasting commercial leased access programming in conformance with the Company's guideline and applicable state and federal statutes and regulations.
- c. The Company shall continue make available a dedicated local access channel for the use and access by the Township for the purpose of cablecasting non-commercial educational and or government access programming in conformance with the Company's guideline and applicable state and federal statutes and regulations.
- d. The Company shall take any steps that are necessary to ensure that the signals originated on the access channels are carried without material degradation, and with a signal whose quality is equal to that of the other standard channels that the Company transmits.
- e. The Communications Act of 1934, as amended (47 U.S.C. §543(b)(4)), allows the Company to itemize and/or identify the amount on the monthly bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, educational, and governmental channels, or the use of such channels or any other services required under the franchise. The Company reserves its external cost, pass-through rights to the extent permitted by law including the services set forth in Sections 15 (a), (b) and (c) .

SECTION 15. COMMITMENTS BY THE COMPANY

- a) The Company shall provide courtesy standard installation and basic cable television service on one (1) outlet to the municipal buildings, water treatment plants and to each police, fire, and emergency management facility and public library in the Municipality, provided the facility is located within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Municipality. Monthly service charges shall be waived on all additional outlets except for equipment.
- b) The Company shall provide courtesy standard installation and basic cable television service to each school in the municipality, public and private, elementary, intermediate and secondary, provided the school is within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets except for equipment.
- c) The following is a list of those facilities which receive, as of the adoption of this Ordinance, service as outlined by Section 15a:
- d) The Company shall provide, courtesy internet service via one (1) non-networked cable modem and monthly Internet service to the public library. The Internet service provided for herein must be available to patron use and cannot be limited to administrative uses. All facilities must be a standard installation and located with 200 feet of active cable distribution plant.
- e) Within six months of the issuance of a renewal Certificate of Approval by the OCTV, the Company shall provide to the municipality a one-time PEG Capital grant in the amount of \$35,000 for PEG Access Capital support. The township must provide proof of the access capital expenses made from this grant.
- f) In the event the Municipality relocates its offices from 58 Meyersville Road, Chatham, New Jersey, during the term of this Franchise to another location within the Municipality, the Company will provide that new location service pursuant to Sections 14(e) and Section 15a.

SECTION 16. EMERGENCY USES

The Company will comply with the Emergency Alert System (“EAS”) rules in accordance with applicable state and federal statutes and regulations.

The Company shall in no way be held liable for any injury suffered by the Municipality or any other person, during an emergency, if for any reason the Municipality is unable to make full use of the cable television system as contemplated herein.

SECTION 17. LIABILITY INSURANCE

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$5,000,000.

SECTION 18. INCORPORATION OF THE APPLICATION

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

SECTION 19. COMPETITIVE EQUITY

Should the Municipality grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. 14:17-6.7.

SECTION 21. MEETINGS

Upon thirty (30) days written request by the Municipality, the Company shall make representatives available to meet with officials of the Municipality for the purpose of reviewing the Company’s performance. The Company’s representative shall respond to the reasonable requests for information made by the Municipality prior to such meeting.

SECTION 22. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 23. EFFECTIVE DATE

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

Attorney Cruz said that section 15a should include the Municipal Building, and the Township Clerk has amended the ordinance accordingly. He said that the amendment is not a substantive amendment, however there should be a motion to formally make the amendment. Committeewoman Swartz asked if the Water Treatment Plant is included, and Attorney Cruz confirmed that it is. Deputy Mayor Ness asked if the grant is included, and Attorney Cruz said that is addressed in Section 15b.

Deputy Mayor Ness moved to amend Ordinance 2020-23. Committeewoman Ewald seconded the motion.

Roll call: Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

Mayor Kelly opened the Public Hearing on Ordinance 2020-23.
Seeing no public comment, Mayor Kelly closed the Public Hearing.

Deputy Mayor Ness moved to adopt Ordinance 2020-23. Committeewoman Ewald seconded the motion.

Roll call: Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

Ordinance 2020-24

ORDINANCE 2020-24

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, REPEALING AND REPLACING SECTIONS 6-4.1, 6-4.2 AND 6-4.3 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP REGULATING THE HOURS OF SALE OF ALCOHOLIC BEVERAGES WITHIN THE TOWNSHIP

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

Section 1. §6-4.1 titled “Hours of Sale” of the Revised General Ordinances is hereby repealed and replaced with a new §6-4.1 also titled “Hours of Sale” as follows:

a. Consumption of Alcoholic Beverages on Licensed Premises.

Plenary retail consumption licensees may only sell, serve, deliver, or allow, permit or suffer consumption of any alcoholic beverages upon the licensed premises between 9:00 a.m. and 2:00 a.m. of the following day Sunday through Saturday except on December 24, December 31 and January 1.

b. Sales of Alcoholic Beverages in its Original Container.

Plenary retail distribution licensees may only sell or deliver, or allow, permit or suffer the sale or delivery of any alcoholic beverage in its original container for consumption off the licensed premises, or allow, permit or suffer the removal from licensed premises any alcoholic beverage in its original or opened container on a Sunday between 11:00 a.m. and 10:00 p.m. and between 9:00 a.m. and 10:00 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday.

c. Sale of Wine or Malt Alcoholic Beverages in Original Container for Off-Premises Consumption.

Licensees may only sell wine or malt alcoholic beverages in its original container for consumption off the licensed premises between the hours set forth in paragraph a. of this subsection and at no other time.

Section 2. §6-4.2 titled “Sundays” of the Revised General Ordinances is hereby repealed and replaced with a new §6-4.2 also titled “Sundays” as follows:

On Sundays, no licensee shall sell, serve, deliver, or allow, permit or suffer the sale, service or delivery of any alcoholic beverages or permit the consumption of any alcoholic beverages on licensed premises between the hours of 2:00 a.m. and 11:00 a.m.

Section 3. §6-4.3 titled “New Year’s Day” of the Revised General Ordinances is hereby repealed and replaced with a new §6-4.3 titled “Christmas Eve, New Year’s Eve and New Year’s Day” as follows:

- a. Whenever December 24 or December 31 fall on a Sunday, no licensee shall sell, serve, deliver, or allow, permit or suffer the sale, service or delivery of any alcoholic beverages or permit the consumption of any alcoholic beverages on licensed premises between the hours of 2:00 a.m. and 9:00 a.m.
- b. On January 1 alcoholic beverages may not be sold, served, delivered to or consumed in the licensed premises between the hours of 2:00 a.m. and 9:00 a.m.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. This Resolution shall take effect immediately.

Mayor Kelly opened the Public Hearing on Ordinance 2020-23.
Seeing no public comment, Mayor Kelly closed the Public Hearing.

Committeewoman Swartz stated she is glad this ordinance is being adopted before New Year’s Day.

Committeewoman Swartz moved to adopt Ordinance 2020-24. Committeewoman Ewald seconded the motion.

Roll call: Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

Consent Agenda

**RESOLUTION 2020-254
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 – November
Police Department – October

**RESOLUTION 2020-255
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 \$1,167,633.65 and the prior month’s payroll of \$459,685.06 Current Fund, \$47,439.38 Sewer No. 1, \$10,353.37 Sewer No. 2, and \$24,011.21 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of December 2020, in the amount of \$4,231,942.00 be paid.

BE IT FURTHER RESOLVED that taxes due to the County of Morris, for Added and Omitted Taxes for 2020, in the amount of \$87,592.95 be paid.

**RESOLUTION 2020-256
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meetings held on November 12, 2020 and December 7, 2020.

RESOLUTION 2020-257
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 meetings held on November 12, 2020 and December 7, 2020.

RESOLUTION 2020-258
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING A SETTLEMENT OF THE
TAX APPEALS OF STEVEN M. VAN FOSSAN AND SUZANNE M. VAN FOSSAN

WHEREAS, Steven M. Van Fossan and Suzanne M. Van Fossan have appealed their assessments for the years 2011, 2012, 2013, 2014, 2015, 2016, 2018, 2019 and 2020 in the Tax Court of New Jersey, Docket Nos. 006233-2011, 002717-2012, 001343-2013, 006097-2014, 000192-2015, 004425-2016, 001302-2018 and 002608-2019 and 000798-2020; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the above-referenced tax appeals be settled and municipal counsel shall be authorized to execute a Stipulation of Settlement for the years 2011, 2012, 2013, 2014, 2015, 2016, 2018, 2019 and 2020 in the following amounts:

BLOCK: 141
LOT: 2
STREET ADDRESS: 26 Loantaka Lane North
YEAR: 2011, 2012, 2013, 2014. 2015, 2016

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land:	\$ 938,100.00	Direct Appeal	\$ 938,100.00
Improvements:	<u>\$2,261,900.00</u>		<u>\$2,261,900.00</u>
Total:	\$3,200.000.00		\$3,200.000.00

BLOCK: 141
LOT: 2
STREET ADDRESS: 26 Loantaka Lane North
YEAR: 2018

	Original Assessment	County Board Judgment	Requested 2018 Tax Court Judgment
Land:	\$ 938,100.00	Direct Appeal	\$ 938,100.00
Improvements:	<u>\$2,261,900.00</u>		<u>\$2,061,900.00</u>
Total:	\$3,200,000.00		\$3,000,000.00

BLOCK: 141
LOT: 2
STREET ADDRESS: 26 Loantaka Lane North
YEAR: 2019 and 2020

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land:	\$ 938,100.00	Direct Appeal	\$ 938,100.00
Improvements:	<u>\$2,261,900.00</u>		<u>\$1,861,900.00</u>
Total:	\$3,200,000.00		\$2,800,000.00

1. The 2018, 2019, and 2020 real estate tax overpayments caused by the Judgments from the Tax Court to be entered based hereon shall be returned to the taxpayer in the form of credits in reduction

of the first quarterly tax payment due for the subject property following the entry of said Judgments to the full extent of said quarterly payment, and the quarterly payments subsequent thereto to the full extent of same until said savings has been fully returned in the form of such credits.

2. The Township of Chatham agrees as a material condition of the settlement of the within matters reflected herein to assess the subject property in total for land and building for tax year 2021 at an assessment equal to or less than \$2,600,000.00. In the event that the Assessor complies with this agreement, taxpayer may file an appeal only for the purposes of obtaining a judgment affirming the assessment as part of the settlement of the above matters as a disposition on the merits such as would support application of the Freeze Act for tax years 2022 and 2023, subject to statutory exceptions, to which the municipality will agree, and/or in the case of material depreciation in the improvements as defined by statute seeking reduction in said assessment(s). In the event the Assessor fails to make the agreed changes in the tax lists for 2021, the taxpayer may also file a Complaint to reduce the assessment to the agreed amount and the Township will consent to entry of a judgment to effectuate the agreement to fix the assessment as set forth above.

RESOLUTION 2020-259
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING THE SALE OF SURPLUS MUNICIPAL EQUIPMENT

WHEREAS, the Township of Chatham is the owner of certain surplus property which is no longer needed for public use; and
WHEREAS, the Township Committee are desirous of selling said surplus property in an “as is” condition without express or implied warranties.
NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, Morris County, State of New Jersey, as follows:

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

<u>YEAR</u>	<u>ITEM</u>	<u>VIN or MODEL No</u>
2014	Dodge Charger	2C3CDXAT5EH191327
(5)	The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.	
(6)	The Township of Chatham reserves the right to accept or reject any bid submitted.	

RESOLUTION 2020-260
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY AUTHORIZING THE TOWNSHIP OF CHATHAM TO ENTER INTO THE NEW
JERSEY COOPERATIVE PURCHASING ALLIANCE COOPERATIVE PRICING
AGREEMENT

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and
WHEREAS, the County of Bergen, hereinafter referred to as the “Lead Agency ” has offered voluntary participation in the New Jersey Cooperative Purchasing Alliance # CK04- a Cooperative Pricing System for the purchase of goods and services;
WHEREAS, on December 17, 2020 the Township Committee of the Township of Chatham, County of Morris, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;
NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Chatham.

AUTHORITY

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Township Administrator is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

RESOLUTION 2020-261

RESOLUTION OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE STUDY OF THE SANITARY SEWER COLLECTION SYSTEM TO IDENTIFY AREAS THAT MAY REQUIRE REPAIR AND REHABILITATION

WHEREAS, the Township of Chatham sanitary sewer system dates back to the 1960 and some sections require repair and renovation; and

WHEREAS, the Township of Chatham wishes to determine the amount of penetration from tree roots and other environmental factors such as frost heaves that have caused damage to the collection system; and

WHEREAS, there has been a noticeable increase in the volume of gallons in the system after heavy rains; and

WHEREAS, this is an indicator that the system is also treating storm water which is clean and does not require treatment; and

WHEREAS, the treatment of storm water is an unnecessary cost and in the future the treatment of storm water could have an adverse impact on the Township's Treatment Permit; and

WHEREAS, January through March is the best time of the year to measure water flow; and

WHEREAS, the cost for this study as outlined in the Township Engineer's proposal is \$24,0000 and funds for this study are available through the Sewer Utility budget

NOW THEREFORE BE IT RESOLVED, that the Township of Chatham authorizes the Township Engineer to take the steps necessary to study the flow volume in the Township's Sanitary Sewer Collection System starting in January, 2021 for a cost not to exceed \$24,000; and,

BE IT FURTHER RESOLVED that the results of this study will be used to prepare a strategic plan for preventative maintenance, repairs and the planned replacement of deteriorating infrastructure such as pipe.

RESOLUTION 2020-262

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE RENEWAL OPTION FOR SNOW PLOWING SERVICES

WHEREAS, on September 12, 2019 the Township Committee adopted Resolution 2019-181 to award a contract to Frank Galbraith Excavating and Demolition, having offices at 2365 Waldheim Ave Scotch Plains, NJ for snow plowing services for the hourly rate of \$175/hour for a 10-foot minimum plow and \$140/hour for an 8-foot minimum plow; and

WHEREAS, the term of this contract is from December 1, 2019 to April 1, 2020; and

WHEREAS, the terms of the contract allow for a renewal option for the term of December 1, 2020 to April 1, 2021; and

WHEREAS, Public Works Director Richard Young has recommended that the renewal option be exercised; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds available in the 2020 adopted budget and funds are or will be available upon adoption of the budget for year 2021; and

WHEREAS, the total value of this contract is not to exceed \$17,500.00.

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham authorizes the Mayor and Clerk to enter into a contract with Frank Galbraith Excavating and Demolition as described herein.

RESOLUTION 2020-263

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

WHEREAS, an overpayment of property taxes has been made for the following properties; and

WHEREAS, the Tax Collector has recommended the refund of such overpayment,

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

BLOCK	LOT	NAME & ADDRESS	AMOUNT
39	56	CORELOGIC Centralized Refunds PO Box 9202 Coppell, TX 75019-9760 Re: Hug, John Henry & Monica	\$2,780.17 (4th Quarter 2020) Overpayment of Taxes
56	1	CORELOGIC Centralized Refunds PO Box 9202 Coppell, TX 75019-9760 Re: Bhatia, Paresh & Ranjeeta	\$2,083.92 (4th Quarter 2020) Overpayment of Taxes
62.03	15	CORELOGIC Centralized Refunds PO Box 9202 Coppell, TX 75019-9760 Re: Zhang, Xu/Zhou, Ning	\$5,805.88 (4th Quarter 2020) Overpayment of Taxes
65.01	4.13	CORELOGIC Centralized Refunds PO Box 9202 Coppell, TX 75019-9760 Re: Distasi, Jacquelyn K	\$1,345.40 (4th Quarter 2020) Overpayment of Taxes
128	52	CORELOGIC Centralized Refunds PO Box 9202 Coppell, TX 75019-9760 Re: Alobaidat, Nazar & Wolchik, Katherine	\$10,291.34 (4th Quarter 2020) Overpayment of Taxes
62.11	30	Lau, Wai Shun & Siu Yuk Lai 163 Van Houten Ave Chatham, NJ 07928	\$5,215.83 (4th Quarter 2020) Overpayment of Taxes
60	6	Falconi, Fernando & Geomar A. 5 Hillside Rd. Chatham, NJ 07928	\$2,006.57 (4th Quarter 2020) Overpayment of Taxes
105	3	Tarasca, Jude E. & Patricia M. 55 Floral Street Chatham, NJ 07928	\$4,709.86 (4th Quarter 2020) Overpayment of Taxes
70	4	Zidarov, Emily Chang 106 Southern Blvd. Chatham, NJ	\$2,710.49 (4th Quarter 2020) Overpayment of Taxes
62.06	17	Nevin, Robert & Christine 15 Seminole Way Chatham, NJ 07928	\$5,886.12 (4th Quarter 2020) Overpayment of Taxes

Deputy Mayor Ness moved to approve the Consent Agenda. Committeewoman Ewald seconded the motion.

Roll call: Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

Resolutions

RESOLUTION 2020-264
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
ENDORING MORRIS COUNTY HOME INVESTMENT PARTNERSHIP APPLICATION FOR
490 RIVER ROAD

WHEREAS, a Morris County HOME Investment Partnerships application of \$150,000 per lot/project has been proposed by Nouvelle Housing Solutions, Inc. for Chatham Nouvelle Supportive Housing, River Road Supportive Housing and Hillside Ave Supportive Housing in the Township of Chatham; and

WHEREAS, pursuant to the State Interlocal Services Act, HOME funds may not be spent in a municipality without authorization by the Mayor and Council; and

WHEREAS, the aforesaid project is in the best interest of the people of the Township of Chatham; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid HOME application;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Chatham hereby confirm endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that the Township Clerk shall keep a copy of this Resolution on file and available for inspection in the office of the Township Clerk, and shall provide a copy of this Resolution to the Mayor, Business Administrator, Administrative Support Specialist, the Director of the Morris County Division of Community Development, and the Executive Director of Nouvelle Housing Solutions, Inc., so that implementation of the aforesaid project may be expedited.

Administrator Hoffmann stated that Resolution 2020-264 and 2020-265 are for grant programs for the two Group Homes on River Road.

Committeewoman Swartz moved to adopt Resolution 2020-264. Deputy Mayor Ness seconded the motion.

Roll call: Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

RESOLUTION 2020-265

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM ENDORING MORRIS COUNTY HOME INVESTMENT PARTNERSHIP APPLICATION FOR 482 RIVER ROAD

WHEREAS, a Morris County HOME Investment Partnerships application of \$150,000 has been proposed by Nouvelle Housing Solutions, Inc. for Chatham Nouvelle Supportive Housing, River Road Supportive Housing and Hillside Ave Supportive Housing in the Township of Chatham; and

WHEREAS, pursuant to the State Interlocal Services Act, HOME funds may not be spent in a municipality without authorization by the Township Committee; and

WHEREAS, the aforesaid project is in the best interest of the people of the Township of Chatham; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid HOME application;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham hereby confirm endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that the Township Clerk shall keep a copy of this Resolution on file and available for inspection in the office of the Township Clerk, and shall provide a copy of this Resolution to the Mayor, Township Administrator, Administrative Support Specialist, the Director of the Morris County Division of Community Development, and the Executive Director of Nouvelle Housing Solutions, Inc., so that implementation of the aforesaid project may be expedited.

Committeewoman Swartz moved to adopt Resolution 2020-265. Deputy Mayor Ness seconded the motion.

Roll call: Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

RESOLUTION 2020-266

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPROVING AN AGREEMENT, CONSTRUCTION ACCESS AGREEMENT AND CONSTRUCTION PERFORMANCE BOND WITH SOUTHERN BOULEVARD URBAN RENEWAL, LLC FOR ARBOR GREEN AT CHATHAM

WHEREAS, Arbor Green at Chatham is a proposed 100% affordable housing development on Southern Boulevard in the Township of Chatham ("Property") on which 24 low and moderate income units are to be built by Southern Boulevard Urban Renewal, LLC; and

WHEREAS, the Township will convey that municipally owned Property to Southern Boulevard Urban Renewal, LLC to construct Arbor Green for nominal consideration; and

WHEREAS, Southern Boulevard Urban Renewal, LLC agreed that upon the conveyance of the Property by the Township, that Southern Boulevard would post a Construction Performance Bond in the sum of \$6,200,000.00 to ensure that the Arbor Green at Chatham development is constructed; and

WHEREAS, in conjunction with the Construction Performance Bond, Southern Boulevard Urban Renewal, LLC is granting the Township access to Arbor Green at Chatham to, if necessary, complete the construction of Arbor Green utilizing the Construction Performance Bond for that purpose; and

WHEREAS, there is also an Agreement providing for the approval of the Construction Access Agreement and Construction Performance Bond prior to the Property being conveyed by the Township; and

WHEREAS, the Agreement, Construction Access Agreement and Construction Performance Bond provide for the reduction of the Bond as certain construction milestones are met.

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

1. That the Mayor and Clerk are hereby authorized to sign an Agreement, Construction Access Agreement and accept a Construction Performance Bond on behalf of the Township of Chatham as described in this Resolution.
2. That the Agreement, Construction Access Agreement and Construction Performance Bond are for the sum of \$6,200,000.00 to be reduced as certain milestones are met.
3. This Resolution shall take effect immediately.

Committeewoman Ewald thanked the Township Staff for sorting out the Performance Bond related to the Arbor Green development. Deputy Mayor Ness also thanked the Township Staff, and noted that it was not an easy ask for the developer.

Committeewoman Swartz moved to adopt Resolution 2020-266. Deputy Mayor Ness seconded the motion.

Roll call: Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

RESOLUTION 2020-267

RESOLUTION THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM TO ESTABLISH AN AFFORDABLE HOUSING COMMITTEE

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

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

1. The Committee will consist of 10 members. One member from each of our township voting districts to ensure town-wide representation
2. The Mission of the Affordable Housing Committee will be as follows: To look forward to our Fourth Round Affordable Housing obligations with an emphasis on proper planning and community engagement. This would include matters such as;
 - Research settlement agreements in other municipalities to ensure we are negotiating at the highest and best level
 - Develop a strategy to advocate for towns like Chatham Township at the county and state level i.e., smaller inclusionary developments, lowering the 62 unit+ needed for maximum funding
 - Develop a strategy to advocate funding for infrastructure needs associated with development i.e., money for schools, fire/police/EMS
 - Research land opportunities
3. The desired outcome of the Affordable Housing Committee will be:
 - To engage the community in a positive manner
 - To provide new ideas on how to solve our Fourth Round Obligations
 - To advocate for towns like Chatham Township, who do not have land and commercial areas that would accommodate inclusionary developments
 - Work with our Environmental Commission to ensure they are included in future planning
4. Members of the Affordable Housing Committee will be appointed by the Mayor with the advice and consent of the Township Committee.

5. The term of office will be for one year.

Deputy Mayor Ness addressed the purpose of Resolutions 2020-267, 2020-268 and 2020-269. She said that there is a desire to engage the community to a greater degree. Deputy Mayor Ness said that the Affordable Housing Committee is set up to have representation from each voting district. The Business Advisory Committee stems from a need to have greater engagement with the business community and address business related issues. The Diversity Committee will work to address cultural awareness.

Mayor Kelly said he is glad the three committees are being addressed at a meeting when the public has requested transparency. He noted that the committees are a means for residents to get more involved.

Committeewoman Swartz noted the irony that people have requested transparency while at the same time there is a hope that there are enough volunteers willing to staff new committees. She also noted displeasure that these new committees are being proposed at the final Township Committee meeting of the calendar year and at a time when two members are soon to be replaced.

Committeewoman Ewald said that the concept of an Affordable Housing Committee has come up before. She also said that there is concern about the health of businesses during the pandemic, and stated that the Business Advisory Committee will help the Township get information out to local businesses.

Deputy Mayor Ness moved to adopt Resolution 2020-267. Committeewoman Ewald seconded the motion.

Roll call: Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Abstain; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

RESOLUTION 2020-268
RESOLUTION THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM TO
ESTABLISH A BUSINESS ADVISORY COMMITTEE

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

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

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

5. The term of office will be for one year.

Deputy Mayor Ness moved to adopt Resolution 2020-268. Committeewoman Ewald seconded the motion.

Roll call: Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Abstain; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

RESOLUTION 2020-269
RESOLUTION THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM TO
ESTABLISH THE DIVERSITY COMMITTEE OF THE CHATHAMS

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

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

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

Committeewoman Fondaco moved to adopt Resolution 2020-269. Deputy Mayor Ness seconded the motion.

Roll call: Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Abstain; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

The Township Clerk noted that all three committees will need to be reestablished at the Reorganization Meeting.

RESOLUTION 2020-270
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY, OPPOSING NJ STATE SENATE BILL
NO. 3095

WHEREAS, the New Jersey State Senate introduced Bill No. 3095 on November 5, 2020; and

WHEREAS, Bill No. 3095 establishes an alternate inspection process, under the State Uniform Construction Code Act, for property owners willing to pay a premium fee to expedite inspections; and

WHEREAS, under Bill No. 3095 an applicant for a construction permit may opt to pay a premium fee to have inspections under the permit performed on an expedited basis, i.e., within two calendar days of the time requested for an inspection. An applicant would also exercise this option at the time of submitting an application for a construction permit; and

WHEREAS, the proposed legislation seeks to subvert established current legal precedent by which the proposed legislation permits applicants to self-elect an expedited inspection process; and

WHEREAS, the proposed legislation will place a significant financial burden on Municipalities and taxpayers alike as it cuts off the most significant stream of municipal revenue and diverts those funds entirely to the State of New Jersey and private interests; and

WHEREAS, the proposed legislation appears to be influenced and backed by special interest lobby groups including those associated with the Construction industry; and

WHEREAS, the proposed legislation is opposed by the NJMMA, GFOA, and the League.

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

1. The Township Committee hereby opposes NJ State Senate Bill No. 3095, known as the bill that establishes an alternate inspection process, as it would create undue barriers of inequity, place further financial burden on Municipalities, and increase the tax burden for residents of the State of New Jersey, and particularly the Township of Chatham.
2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

Clerk, Morris County Board of Chosen Freeholders
New Jersey Legislative District 27 Delegation
Clerk of the General Assembly
Honorable Phil Murphy, Governor of the State of New Jersey

Administrator Hoffmann said that the Township Committee is being asked to oppose NJ State Senate Bill No. 3095. He said that the bill would allow the State to tell municipalities how to manage UCC Code Enforcement. Municipalities would also be at risk of losing revenue from code inspections.

Committeewoman Ewald moved to adopt Resolution 2020-270. Committeewoman Fondaco seconded the motion.

Roll call: Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Abstain; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

RESOLUTION 2020-271
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF
NEW JERSEY AWARDING A CONTRACT TO THE MORRIS COUNTY MUNICIPAL
UTILITIES AUTHORITY FOR RECYCLING SERVICES

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

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

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

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

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

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

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

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

Administrator Hoffmann explained that the Morris County MUA sent the Township a letter offering to reduce recycling fees by approximately \$44,000. The offer included entering into a new 5-year agreement which would also reduce the Township's recycling fees moving forward. Administrator Hoffmann recommended that the Township Committee move forward with this action.

Deputy Mayor Ness asked about the incremental cost increases over the time of the contract. She asked where the County is generating the cost savings. Administrator Hoffmann said that there are costs to dispose of the recyclable material, and the County has offered to assume any financial risks regarding a failure to sell the recyclables. Deputy Mayor Ness said that Chatham

Borough has weekly recycling pickup, and asked if they are being offered similar savings while still having weekly pickup. She also commented on the need for residents to flatten boxes when they are put out for recycling pickup. Deputy Mayor Ness also asked if the contract can be renegotiated during the term of the contract. Administrator Hoffmann said he does not know if the contract will be renegotiable, however there is usually an out clause. He further addressed contamination of recycling. Administrator Hoffmann further noted that this contract was offered to those municipalities whose contracts are set to expire at the end of 2021. He also advocated for the budgetary certainty that the contract would offer.

Committeewoman Swartz commented on the Township's efforts to educate residents on proper recycling and said more work needs to be done. Committeewoman Swartz noted the efforts of Recycling Coordinator Christie Tragno. She also spoke in favor of locking in a rate for recycling.

Committeewoman Ewald asked if there is a rush to get the contract approved. Administrator Hoffmann said the term is set to begin on January 1st, and he does not know if the County will allow the contract to be retroactive. Committeewoman Ewald commented on cost savings, and noted that residents have asked for weekly recycling pickup. She also addressed the issues of contamination and education.

Mayor Kelly asked if the Township Committee could vote to authorize the contract contingent upon the flexibility to address the issues discussed tonight over the next year.

Administrator Hoffmann said that he can reach out to the County to address the questions asked by the Township Committee. Attorney Cruz advised the resolution not be adopted at this meeting, and that a special meeting can be scheduled if the matter needs to be addressed this year. He further noted that Counties usually offer the same deal to every municipality rather than negotiating individual deals.

Deputy Mayor Ness moved to continue beyond 11:00 PM. Committeewoman Fondaco seconded the motion, which carried unanimously.

RESOLUTION 2020-272

A RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, CLARIFYING SEVERANCE PAY FOR THE TOWNSHIP ADMINISTRATOR UPON REMOVAL

WHEREAS, on December 20, 2018, the Township Committee of the Township of Chatham adopted Resolution 2018-217 appointing Robert S. Hoffmann as Township Administrator effective February 1, 2019; and

WHEREAS, on January 24, 2019, the Township Committee adopted Resolution 2019-46 clarifying the terms and conditions of Mr. Hoffmann's employment; and

WHEREAS, the Township Committee wishes to further clarify the terms and conditions of Mr. Hoffmann's employment regarding severance pay in the event that the Township Committee exercises its options under N.J.S.A. 40A:9-138 and Section 2-2.3 of the Revised General Ordinances of the Township and removes Mr. Hoffmann as Administrator, except if Mr. Hoffmann resigns, retires or is removed as Administrator for cause (defined as illegal conduct or unethical behavior in violation of the Code of Ethics adopted by the New Jersey Municipal Management Association resulting in permanent loss of NJMMA membership); and

WHEREAS, the Township Committee wishes to recognize Mr. Hoffmann's service to the Township by clarifying the terms and conditions of Mr. Hoffmann's employment to provide that in the event of his removal by the Township Committee, except if Mr. Hoffmann resigns, retires, or is removed as Administrator for cause (defined as illegal conduct or unethical behavior in violation of the Code of Ethics adopted by the New Jersey Municipal Management Association resulting in permanent loss of NJMMA membership), that Mr. Hoffmann will be paid one additional month of severance pay for each of Mr. Hoffmann's first six years of service commencing with the completion of the first year of service on February 1, 2020 and accruing upon the completion of each one year anniversary thereafter on February 1 of each of 2021, 2022, 2023, 2024 and 2025 up to a total of six months of severance in addition to the three months of severance provided by N.J.S.A. 40A:9-138 and Section 2-2.3 of the Revised General Ordinances of the Township; and

WHEREAS, severance shall be calculated on the basis of Mr. Hoffmann's then salary and this additional severance does not diminish any unpaid salary or benefits then due to Mr. Hoffmann.

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 terms and conditions of the employment of Robert S. Hoffmann as Administrator are hereby clarified as stated in this Resolution.

2. This Resolution shall take effect immediately.

Mayor Kelly explained that Resolution 2020-272 will add one month of severance pay to the Township Administrator for each year worked, up to nine months.

Mayor Kelly moved to adopt Resolution 2020-272. Committeewoman Swartz seconded the motion.

Roll call: Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

**RESOLUTION 2020-273
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
HONORING KAREN M. SWARTZ UPON HER RETIREMENT AS TOWNSHIP COMMITTEE
MEMBER**

WHEREAS, Karen M. Swartz was elected by the people of the Township of Chatham to serve a three year term on the Township Committee from 2015 through the year 2017; and

WHEREAS, Karen M. Swartz was re-elected to a second three year term from 2018 through 2020, and

WHEREAS, the members of the Township Committee selected Karen M. Swartz to serve as Deputy Mayor of the Township for the years of 2017 and 2018; and

WHEREAS, prior to her election to the Township Committee, Karen M. Swartz served as a member of the Planning Board from 2013 through 2014 as a Class IV member; and again as the Class III member representing the Township Committee from 2015 through 2018; and

WHEREAS, Karen M. Swartz has served as liaison to the Board of Health, Environmental Commission, Senior Center Trustees, Chamber of Commerce, and various public utilities; and

WHEREAS, public service has resulted in Karen M. Swartz spending countless hours away from her husband Craig and her children; and

WHEREAS, Karen M. Swartz has exemplified the highest level of integrity and honesty in her position as a Township Committee Member and Deputy Mayor, and has set an example of community service.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that we hereby call upon residents to join with us in expressing our sincere appreciation to Karen M. Swartz for her distinguished service as Township Committee Member of Chatham Township, and further, wish her and Craig the best of health and happiness in the years ahead.

Resolution 2020-173 was read aloud by the Township Clerk.

Committeewoman Fondaco thanked Committeewoman Swartz for her service. Committeewoman Ewald also thanked Committeewoman Swartz, and noted her passion for serving the public. Deputy Mayor Ness further thanked Committeewoman Swartz, and noted her dedication to the community. Mayor Kelly also thanked Committeewoman Swartz for her service in the six years that they both served on the Township Committee. The Township Clerk noted that the Township has a plaque for Committeewoman Swartz.

Mayor Kelly moved to adopt Resolution 2020-273. Committeewoman Ewald seconded the motion.

Roll call: Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Abstain; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

**RESOLUTION 2020-274
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
HONORING MICHAEL J. KELLY UPON HIS RETIREMENT AS TOWNSHIP COMMITTEE
MEMBER AND MAYOR**

WHEREAS, Michael J. Kelly was elected by the people of the Township of Chatham to serve a three year term on the Township Committee from 2015 through the year 2017; and

WHEREAS, Michael J. Kelly were re-elected to a second three year term running from 2018 through 2020, and

WHEREAS, the members of the Township Committee selected Michael J. Kelly to serve as Deputy Mayor of the Township for the year of 2019; and

WHEREAS, the members of the Township Committee selected Michael J. Kelly to serve as Mayor of the Township for the year of 2020; and

WHEREAS, Michael J. Kelly served as a Class I member of the Planning Board from 2019 through 2020; and

WHEREAS, prior to his election to the Township Committee, Michael J. Kelly served as an alternate member of the Environmental Commission in 2013 and 2014; and

WHEREAS, Michael J. Kelly has served as liaison to the Open Space Committee, Community Garden Committee, Municipal Alliance, and Joint Library Trustees; and

WHEREAS, public service has resulted in Michael J. Kelly spending countless hours away from his wife Maureen and children; and

WHEREAS, Michael J. Kelly has exemplified the highest level of integrity and honesty in his position as a Township Committee Member and Mayor, and has set an example of community service.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that we hereby call upon residents to join with us in expressing our sincere appreciation to Michael J. Kelly, for his distinguished service as Township Committee Member and Mayor of Chatham Township, and further, wish him and his wife Maureen best of health and happiness in the years ahead.

Resolution 2020-274 was read aloud by Deputy Mayor Ness. Deputy Mayor Ness also praised Mayor Kelly for all his work on the Township Committee.

Committeewoman Fondaco also thanked Mayor Kelly for his service, and said it was a pleasure to serve with him. Committeewoman Fondaco commented on Mayor Kelly's patience during the challenges of 2020.

Committeewoman Ewald also commented on Mayor Kelly's calmness and patience, and noted how he considers the comments received from the public. Committeewoman Ewald also said she hoped Mayor Kelly remains involved in the community.

Committeewoman Swartz thanked Mayor Kelly for his clarity in explaining Affordable Housing matters to the public.

Deputy Mayor Ness moved to adopt Resolution 2020-274. Committeewoman Ewald seconded the motion.

Roll call: Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Abstain.

The Township Clerk presented Mayor Kelly with a plaque in commemoration of his service to the Township.

Discussion

2021 Meeting Dates

The Township Clerk reported that the tentative schedule of meeting dates was distributed to the Township Committee members. He stated that the schedule will appear on the Reorganization Meeting Agenda for approval.

Year-End Comments – Committeewoman Swartz

Committeewoman Swartz thanked the residents of the Township for having elected and reelected her to the Township Committee. She also noted that several department heads have changed during her time on the Township Committee. Committeewoman Swartz recognized Chief Miller, DPW Director Richard Young and Administrator Hoffmann for taking on new roles for the Township. She also noted the efforts of Engineer Ruschke, Attorney Cruz and the Township Clerk. Committeewoman Swartz said she hopes that the Township Committee has created in forum in which residents feel their thoughts are heard. She also welcomed Mrs. Felice and Mr. Hamilton to public service.

The Year in Review – Mayor Kelly

Mayor Kelly said that the issues of Affordable Housing and the COVID-19 pandemic were the gorillas in the room in 2020. He also thanked all the front-liners and first responders who have served during the pandemic to make sure the community is safe. He also recognized the

members of the community who engaged in community service during the year. Mayor Kelly also said that the silver lining of the pandemic was that he was able to perform several weddings during the year. Mayor Kelly further commented on all the grants that were awarded to the Township during 2020. He also noted that the Police Department took delivery of an electric vehicle this year. Mayor Kelly further commented on the Ferber Property, which is to be preserved as open space following PSE&G's planned use of the property as a staging area for a monopole project. Mayor Kelly also commented on the renewal of the Comcast Franchise Agreement. He also reported on Administrator Hoffmann's involvement in founding a group called MUSE, which includes municipal administrators from Morris, Union, Somerset and Essex Counties. New computer servers were installed in the Municipal Building in 2020, and Mayor Kelly also noted the redesign of the Township website. A new contract was also entered into with the PBA, and Mayor Kelly addressed public safety issues in 2020. Budgeting has been a challenge in 2020, and Mayor Kelly noted that the Township's Aaa Moody's rating was renewed. Mayor Kelly also thanked the Township residents for affording him the opportunity to serve as both Mayor and a member of the Township Committee.

The Township Clerk passed along to Mayor Kelly and Committeewoman Swartz that Videographer Alex Gonzalez offered her thanks and appreciation for their service.

Hearing of Citizens

Mayor Kelly opened the Hearing of Citizens.

1. Jen McNally, Ferndale Road, addressed requests from the public for transparency. She thanked Mayor Kelly for his service to the Township Committee. Mrs. McNally also said it may be difficult for the public to follow what is discussed in public meetings. She also thanked the Township Clerk and Administrator Hoffmann for their hard work.
2. Stewart Carr, Crestwood Drive, asked about the timeline for the acquisition of 522 Southern Boulevard. Mayor Kelly said that the Township Committee will continue to negotiate with Kronos Holdings so long as they are willing to negotiate. He said that such discussions will not continue indefinitely, and it would be difficult to give a firm timeline of when the Township might need to proceed with condemnation. He also said that the end of the process will need to be the deadline for the application for tax credits, and that deadline has not yet been announced. Mayor Kelly noted that the Township will need to make monthly progress reports to the Superior Court.

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

Deputy Mayor Ness moved to adjourn at 10:54 PM. Mayor Kelly seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk