

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
MARCH 8, 2022**

Mayor Felice called the Regular Meeting of the Township Committee of the Township of Chatham to order at 6:30 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 7, 2022; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 7, 2022; and notice was filed with the Township Clerk on January 7, 2022.

Roll Call

Answering present to the roll call were Committeewoman Ewald, Committeewoman Fondaco, Committeeman Lois and Mayor Felice. Deputy Mayor Hamilton arrived during Executive Session.

Executive Session

**RESOLUTION 2022-P-05
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. Contract negotiations:
 - b. Attorney-Client Privilege
 - c. Collective Bargaining – Teamsters
 - d. Personnel
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Committeewoman Ewald moved to adopt Resolution 2022-P-05 to enter Executive Session at 6:31 PM. Committeeman Lois seconded the motion.

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

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

Mayor Felice led the Flag Salute.

Approval of Agenda

Committeewoman Ewald asked that Resolutions 2022-086, 2022-087, 2022-089, 2022-090, 2022-091, 2022-093, 2022-094, 2022-095, 2022-096, 2022-097 and 2022-099 be pulled from the Consent Agenda for discussion and a separate vote.

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

Bond Resolutions

RESOLUTION 2022-078
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY COMBINING SEVERAL
AUTHORIZATIONS OF BONDS INTO A SINGLE ISSUE AND PRESCRIBING THE DETAILS
AND BOND FORM THEREOF FOR \$17,135,000 GENERAL IMPROVEMENT BONDS DATED
APRIL 1, 2022

WHEREAS, the bond ordinances hereinafter described have been duly adopted and it is necessary to provide for the issuance of the bonds authorized by such bond ordinances;

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

Section 1. There shall be issued at this time \$175,000 of the bonds authorized pursuant to Bond Ordinance No. 2010-18 adopted by the Township Committee of the Township on October 28, 2010. The bonds are issued to finance the acquisition of various communications equipment for the use of the Township Police and Fire Departments, the Green Village Fire Department and the Chatham Emergency Squad in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 2. There shall be issued at this time \$474,500 of the bonds authorized pursuant to Bond Ordinance No. 2011-10 adopted by the Township Committee of the Township on May 12, 2011. The bonds are issued to finance the undertaking of road improvements, including engineering; the acquisition of equipment for the use of the Department of Public Works ("DPW"), including, but not limited to, a hydraulic lift and a leaf and debris blower; and the undertaking of building improvements, including, but not limited to, Police Headquarters security equipment, all in, by and for the Township. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 14.64 years computed from the date of such bonds.

Section 3. There shall be issued at this time \$395,000 of the bonds authorized pursuant to Bond Ordinance No. 2012-06 adopted by the Township Committee of the Township on April 12, 2012. The bonds are issued to finance the acquisition of equipment for the use of the DPW; the undertaking of road improvements; the undertaking of building improvements; and the acquisition of equipment for the use of the Fire Department, all in, by and for the Township. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 11 years computed from the date of such bonds.

Section 4. There shall be issued at this time \$422,500 of the bonds authorized pursuant to Bond Ordinance No. 2013-10 adopted by the Township Committee of the Township on May 9, 2013. The bonds are issued to finance the acquisition of three pickup trucks with plows for the use of the DPW; the undertaking of improvements to various roads; the undertaking of improvements to various public buildings, including, but not limited to, installation of a generator at the Police Department; and the acquisition of firefighting, emergency and safety equipment for the use of the Volunteer Fire Departments, all in, by and for the Township. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 5. There shall be issued at this time \$526,500 of the bonds authorized pursuant to Bond Ordinance No. 2014-10 adopted by the Township Committee of the Township on May 22, 2014. The bonds are issued to finance the acquisition of a diesel fuel vault for the use of the DPW; the acquisition of mobile cameras for the use of the Police Department; the undertaking of improvements to various roads; the undertaking of improvements to various public buildings, including, but not limited to, boiler repair and fire alarm upgrades at the Municipal Building and various improvements to Police Headquarters; the acquisition of firefighting, emergency and safety equipment for the use of the Volunteer Fire Departments; and the undertaking of underground storage tank remediation at the DPW Yard, all in, by and for the Township. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 10.30 years computed from the date of such bonds.

Section 6. There shall be issued at this time \$1,971,000 of the bonds authorized pursuant to Bond Ordinance No. 2015-12 adopted by the Township Committee of the Township on May 28, 2015. The bonds are issued to finance the acquisition of equipment and machinery for the use of the DPW, including, but not limited to, a backhoe; the undertaking of improvements to various roads; the undertaking of improvements to various public buildings, including, but not limited to, exterior improvements to the Municipal Building; the acquisition of self-contained breathing apparatus equipment and firefighting, emergency and safety equipment for the use of the Volunteer Fire Departments; the undertaking of various improvements to Colony Pool, including, but not limited to, replacement of fencing; the acquisition of a new fire engine for the use of the Green Village Fire Department; and to provide funding for the Township's portion of the cost of undertaking various improvements to the Library of The Chathams, all in, by and for the Township. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 10.40 years computed from the date of such bonds.

Section 7. There shall be issued at this time \$735,000 of the bonds authorized pursuant to Bond Ordinance No. 2016-13 adopted by the Township Committee of the Township on May 12, 2016. The

bonds are issued to finance the acquisition of equipment and machinery and vehicles for the use of the DPW, including, but not limited to, pickup trucks; the acquisition of information technology equipment for the use of the Police Department, including, but not limited to, a computer server; the undertaking of improvements to various roads; the acquisition of self-contained breathing apparatus equipment and firefighting, emergency and safety equipment for the use of the Volunteer Fire Departments; the undertaking of various improvements to Colony Pool, including, but not limited to, structural improvements; and to provide funding for the Township's portion of the cost of undertaking various improvements to the Library of The Chathams, all in, by and for the Township. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 12.45 years computed from the date of such bonds.

Section 8. There shall be issued at this time \$1,290,000 of the bonds authorized pursuant to Bond Ordinance No. 2017-07 adopted by the Township Committee of the Township on May 11, 2017. The bonds are issued to finance the acquisition of equipment and machinery and vehicles for the use of the DPW, including, but not limited to, mason dump trucks; the acquisition of equipment and machinery for the use of the Police Department, including, but not limited to, in-vehicle computer equipment; the undertaking of improvements to various roads; the undertaking of improvements to various public buildings, including, but not limited to, exterior improvements to the Municipal Building; and the acquisition of self-contained breathing apparatus equipment and firefighting, emergency and safety equipment for the use of the Volunteer Fire Departments, all in, by and for the Township. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 9.41 years computed from the date of such bonds.

Section 9. There shall be issued at this time \$88,500 of the bonds authorized pursuant to Bond Ordinance No. 2017-10 adopted by the Township Committee of the Township on June 8, 2017. The bonds are issued to finance the undertaking of the Woodland Road Pathway Extension Project in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 10. There shall be issued at this time \$535,000 of the bonds authorized pursuant to Bond Ordinance No. 2017-12 adopted by the Township Committee of the Township on September 28, 2017. The bonds are issued to finance the acquisition of real property for open space purposes in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 40 years computed from the date of such bonds.

Section 11. There shall be issued at this time \$753,000 of the bonds authorized pursuant to Bond Ordinance No. 2018-10 adopted by the Township Committee of the Township on April 26, 2018. The bonds are issued to finance the acquisition of equipment and machinery for the use of the DPW, including, but not limited to, a fuel management system for use at the DPW Yard; the acquisition of equipment and machinery and vehicles for the use of the DPW, including, but not limited to, pickup trucks with plows; the undertaking of improvements to various roads; the undertaking of improvements to various public buildings, including, but not limited to, exterior improvements to the Municipal Building and replacement of garage doors at DPW Building No. 1; the acquisition of self-contained breathing apparatus equipment and firefighting, emergency and safety equipment for the use of the Volunteer Fire Departments; and the undertaking of various improvements to Colony Pool, including, but not limited to, installation of a new chlorine pump, installation of safety railing on the dock and refurbishment of tennis courts, all in, by and for the Township. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 10.38 years computed from the date of such bonds.

Section 12. There shall be issued at this time \$1,757,500 of the bonds authorized pursuant to Bond Ordinance No. 2019-11 adopted by the Township Committee of the Township on June 27, 2019. The bonds are issued to finance the acquisition of equipment and machinery and vehicles for the use of the DPW, including, but not limited to, a tandem dump truck, a pickup truck and a lawn mower; the undertaking of improvements to various roads; to provide funding for the Township's portion of the cost of installation of field lighting at Nash Field, including related drainage improvements; and the acquisition of new fire engines for the use of the Township Fire Department, all in, by and for the Township. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 9.59 years computed from the date of such bonds.

Section 13. There shall be issued at this time \$1,510,500 of the bonds authorized pursuant to Bond Ordinance No. 2020-06 adopted by the Township Committee of the Township on May 14, 2020. The bonds are issued to finance the acquisition of equipment and machinery and a vehicle for the use of the DPW, including, but not limited to, a wood chipper, a crack sealer and a dump truck; the acquisition of information technology equipment and equipment and machinery for the use of the Police Department, including, but not limited to, e-ticketing system equipment; the undertaking of improvements to various roads and construction of sidewalks; the undertaking of various recreation improvements, including, but not limited to, funding the Township's portion of the cost of installation of field lighting at Nash Field, including related drainage improvements; the undertaking of improvements to various public buildings, including, but not limited to, the Municipal Building and Police Headquarters; the acquisition of computer system upgrade equipment for the use of various Township departments, offices and agencies; the acquisition of self-contained breathing apparatus equipment and firefighting, emergency and safety equipment for the use of the Volunteer Fire Departments; and the undertaking of underground storage tank remediation at the DPW Yard, all in, by and for the Township. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 9.51 years computed from the date of such bonds.

Section 14. There shall be issued at this time \$646,000 of the bonds authorized pursuant to Bond Ordinance No. 2020-10 adopted by the Township Committee of the Township on June 25, 2020. The

bonds are issued to finance the acquisition of real property for affordable housing purposes in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 40 years computed from the date of such bonds.

Section 15. There shall be issued at this time \$3,800,000 of the bonds authorized pursuant to Bond Ordinance No. 2020-14 adopted by the Township Committee of the Township on September 10, 2020. The bonds are issued to finance the acquisition of real property (by purchase or eminent domain) for affordable housing purposes in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 40 years computed from the date of such bonds.

Section 16. There shall be issued at this time \$995,000 of the bonds authorized pursuant to Bond Ordinance No. 2021-09 adopted by the Township Committee of the Township on April 8, 2021. The bonds are issued to finance the acquisition of equipment and machinery and a vehicle for the use of the DPW, including, but not limited to, a mini-excavator, plows, a street sweeper and a dump truck; the acquisition of information technology equipment and equipment and machinery for the use of the Police Department, including, but not limited to, a license plate reader and body cameras; the undertaking of improvements to various roads and construction of sidewalks; the undertaking of various recreation improvements, including, but not limited to, funding the Township's portion of the cost of installation of field lighting at Nash Field, including related drainage improvements; the undertaking of improvements to various public buildings, including, but not limited to, the Municipal Building, Police Headquarters and DPW buildings; the undertaking of the Township Records Management Project and acquisition of computer system upgrade equipment for the use of various Township departments, offices and agencies; the acquisition of self-contained breathing apparatus equipment and firefighting, emergency and safety equipment for the use of the Volunteer Fire Departments; the undertaking of various improvements to Colony Pool; and the undertaking of building demolition and site improvements at 490 River Road (previously acquired by the Township) for future use for affordable housing purposes, all in, by and for the Township. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 14.89 years computed from the date of such bonds.

Section 17. There shall be issued at this time \$1,060,000 of the bonds authorized pursuant to Bond Ordinance No. 2021-13 adopted by the Township Committee of the Township on April 22, 2021. The bonds are issued to provide supplemental funding for the acquisition of real property (by purchase or eminent domain) for affordable housing purposes in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 40 years computed from the date of such bonds.

Section 18. The bonds authorized by said seventeen bond ordinances described in Sections 1 through 17, inclusive, of this resolution shall be issued as a single issue of bonds, aggregating \$17,135,000 and consisting of an issue of bonds in the denomination of \$5,000 each or any integral multiple thereof, numbered in the order of their maturity. In the event that the purchaser of the bonds elects to take bonds in the last maturity that are not in multiples of \$5,000, or if there are any such bonds herein, such bonds shall be in the denomination of \$1,000 or any integral multiple thereof, numbered upwards from the last numbered \$5,000 bond. The average period of usefulness within which the bonds authorized by said seventeen bond ordinances mature, according to the respective reasonable lives of the purposes to be financed, as determined in such bond ordinances taking into consideration the respective amounts of bonds authorized for the purposes to be financed as set forth in each of the bond ordinances hereinbefore set forth, is a period of 21.05 years computed from the date of such bonds. Said issue shall be payable in annual installments on April 1 in each year and, subject to adjustment as authorized by Section 23 of this resolution, in the amounts as follows:

\$605,000 in the year 2023,
\$630,000 in the year 2024,
\$655,000 in the year 2025,
\$680,000 in the year 2026,
\$705,000 in the year 2027,
\$740,000 in the year 2028,
\$770,000 in the year 2029,
\$795,000 in the year 2030,
\$815,000 in the year 2031,
\$840,000 in the year 2032,
\$865,000 in the year 2033,
\$895,000 in the year 2034,
\$925,000 in the year 2035,
\$950,000 in the year 2036,
\$980,000 in the year 2037,
\$1,010,000 in the year 2038,
\$1,035,000 in the year 2039,
\$1,060,000 in the year 2040,
\$1,080,000 in the year 2041, and
\$1,100,000 in the year 2042.

Said bonds shall be designated "General Improvement Bonds". A portion of the indebtedness evidenced by each such bond shall be deemed to have been incurred for the purpose described in each bond ordinance authorizing bonds of the same maturity, and such portion of such indebtedness shall be in the same proportion to the principal amount of such bonds as the total amount of bonds of like maturity to be

issued pursuant to such bond ordinance bears to the aggregate amount of bonds of like maturity to be issued pursuant to the seventeen such bond ordinances.

Section 19. All of said bonds shall be dated April 1, 2022, and shall bear interest from their date until their respective maturities at the rates per annum named in the proposal accepted. Such rates of interest shall be determined at the time said bonds are sold. Such interest shall be payable on each April 1 and October 1, commencing October 1, 2022 (each, an "Interest Payment Date"), in each year until maturity or prior redemption.

Section 20. The bonds maturing on or before April 1, 2029 are not subject to redemption prior to their stated maturities. The bonds maturing on or after April 1, 2030 are subject to redemption at the option of the Township prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after April 1, 2029, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Township determines to optionally redeem a portion of the bonds prior to maturity, such bonds so redeemed shall be in such maturities as determined by the Township, and within any maturity, by lot; *provided, however*, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting bonds for redemption, the Bond Registrar/Paying Agent (as hereinafter defined) shall treat each bond as representing that number of bonds that is obtained by dividing the principal amount of such bond by \$5,000.

Section 21. Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any bond subject to redemption is a part of a greater principal amount of the bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the bond not to be redeemed, a new bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the bond surrendered less the amount to be redeemed.

Section 22. The bonds will be issued in fully registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. The book-entry system will evidence ownership of the bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to the rules and procedures established by DTC. Interest on the bonds will be payable at the times stated in Section 19 of this resolution, and principal of the bonds will be paid annually on April 1 as set forth in the maturity schedule hereinbefore stated, in immediately available funds to DTC or its nominee as registered owner of the bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. Interest will be payable to owners of bonds shown on the records of DTC as of the fifteenth day of the month preceding the month in which such Interest Payment Date occurs. The Township will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the bonds, or (b) the Township determines that continuation of the book-entry system of evidence and transfer of ownership of the bonds would adversely affect the interests of the beneficial owners of the bonds, the Township will discontinue the book-entry system with DTC. If the Township fails to identify another qualified securities depository to replace DTC, the Township will authenticate and deliver replacement bonds in the form of fully registered certificates.

The principal of and interest on the bonds shall be payable in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

Section 23. The Chief Financial Officer, pursuant to N.J.S.A. 40A:2-34, is hereby authorized to sell and award the bonds in accordance with the terms of the notice of sale (the "Notice of Sale"), such terms to be determined by a resolution of the Township Committee to be hereafter adopted. The Chief Financial Officer shall report in writing to the Township Committee at the next meeting after the sale of the bonds as to the principal amount, interest rates and maturities of the bonds sold, the price obtained and the name of the purchaser. In accordance with N.J.S.A. 40A:2-26(g), there is hereby delegated to the Chief Financial Officer the authority to adjust the aggregate amount of and the maturity schedule for the bonds at the times and in the amounts as provided in the Notice of Sale. There is hereby further delegated to the Chief Financial Officer the authority to postpone the public sale of the bonds without re-advertisement in accordance with the provisions of the Notice of Sale. The public sale of the bonds may not be postponed more than sixty (60) days without re-advertisement.

Section 24. All of said bonds shall be signed by the Mayor by manual or facsimile signature and by the Chief Financial Officer by manual or facsimile signature, and the corporate seal of the Township shall be imprinted, affixed or reproduced thereon and such seal shall be attested by the Township Clerk or Deputy Township Clerk by manual or facsimile signature. The bonds will be authenticated by the manual signature of the Bond Registrar/Paying Agent.

Section 25. Each of said bonds shall be issued in substantially the following form:

[Form of Bond]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. R-_____ \$_____

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF MORRIS
TOWNSHIP OF CHATHAM
GENERAL IMPROVEMENT BOND

INTEREST RATE PER <u>ANNUM</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>CUSIP</u>
_____%	APRIL 1, 20__	APRIL 1, 2022	162195__

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: -----DOLLARS

The Township of Chatham, a municipal corporation of the State of New Jersey, located in the County of Morris (hereinafter referred to as the "Township"), for value received, hereby acknowledges itself indebted and promises to pay to the REGISTERED OWNER named above, on the MATURITY DATE specified above, upon surrender hereof, the PRINCIPAL SUM stated above and to pay to the REGISTERED OWNER hereof interest thereon from the DATED DATE of this Bond until it shall mature at the INTEREST RATE PER ANNUM specified above, payable on each April 1 and October 1, commencing October 1, 2022 (each, an "Interest Payment Date"), of each year until maturity or prior redemption. The principal hereof is payable at the office of the Chief Financial Officer, Municipal Building, 58 Meyersville Road, Chatham, New Jersey 07928-1199 (the "Bond Registrar/Paying Agent"). The interest so payable on any such Interest Payment Date will be paid to the person in whose name this Bond is registered on the record date for such interest, which shall be the fifteenth day of the month preceding the month in which such Interest Payment Date occurs. Both the principal of and interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This Bond is one of an issue of Bonds of like date and tenor, except as to number, denomination, interest rate and maturity, issued pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes, as amended) and pursuant to seventeen bond ordinances adopted by the Township Committee of the Township on October 28, 2010 (Ord. No. 2010-18), May 12, 2011 (Ord. No. 2011-10), April 12, 2012 (Ord. No. 2012-06), May 9, 2013 (Ord. No. 2013-10), May 22, 2014 (Ord. No. 2014-10), May 28, 2015 (Ord. No. 2015-12), May 12, 2016 (Ord. No. 2016-13), May 11, 2017 (Ord. No. 2017-07), June 8, 2017 (Ord. No. 2017-10), September 28, 2017 (Ord. No. 2017-12), April 26, 2018 (Ord. No. 2018-10), June 27, 2019 (Ord. No. 2019-11), May 14, 2020 (Ord. No. 2020-06), June 25, 2020 (Ord. No. 2020-10), September 10, 2020 (Ord. No. 2020-14), April 8, 2021 (Ord. No. 2021-09) and April 22, 2021 (Ord. No. 2021-13) and resolutions adopted by the Township Committee of the Township on March 8, 2022.

The Bonds maturing on or before April 1, 2029 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after April 1, 2030 are subject to redemption at the option of the Township prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after April 1, 2029, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Township determines to optionally redeem a portion of the Bonds prior to maturity, such Bonds so redeemed shall be in such maturities as determined by the Township, and within any maturity, by lot; *provided, however*, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar/Paying Agent shall treat each Bond as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000.

Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the

redemption proceedings. If any Bond subject to redemption is a part of a greater principal amount of the Bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the Bond not to be redeemed, a new Bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the Bond surrendered less the amount to be redeemed.

The Bond Registrar/Paying Agent shall keep at its office the books of the Township for the registration of transfer of Bonds. The transfer of this Bond may be registered only upon such books and as otherwise provided in the hereinabove mentioned resolutions upon the surrender hereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall deliver in exchange for this Bond a new bond or bonds, registered in the name of the transferee, of authorized denomination, in an aggregate principal amount equal to the unredeemed principal amount of this Bond, of the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, be performed or happen precedent to or in the issuance of this Bond exist, have been performed and have happened, and that this Bond, together with all other indebtedness of the Township, is within every debt and other limit prescribed by the Constitution or statutes of said State.

The full faith and credit of the Township are hereby pledged irrevocably to the punctual payment of the principal of and interest on this Bond in accordance with its terms.

This Bond shall not be valid or become obligatory for any purpose until the Certification of Authentication hereon shall have been signed by the Bond Registrar/Paying Agent.

IN WITNESS WHEREOF, the Township has caused this Bond to be signed by its Mayor by manual or facsimile signature and by its Chief Financial Officer by manual or facsimile signature and its seal to be impressed, affixed or reproduced hereon, and said seal to be attested by its Township Clerk by manual signature, and this Bond to be dated April 1, 2022.

[SEAL]

(manual or facsimile signature)
Mayor

ATTEST:

(manual signature)
Township Clerk

(manual or facsimile signature)
Chief Financial Officer

AUTHENTICATION DATE: APRIL 7, 2022

CERTIFICATION OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned resolutions, and is one of the General Improvement Bonds dated April 1, 2022 of the Township of Chatham, in the County of Morris, State of New Jersey.

Chief Financial Officer,
as Bond Registrar/Paying Agent

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____, the within Bond, and irrevocably appoints _____, attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:_____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

[End of Form of Bond]

Section 26. Bonds may, upon surrender thereof at the office of the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any bond may be registered only upon the registration books of the Township upon the surrender thereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall authenticate and deliver in exchange for such bond a new bond or bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which bonds shall be exchanged or the transfer of bonds shall be registered hereunder, the Bond Registrar/Paying Agent shall authenticate and deliver at the earliest practicable time bonds in accordance with the provisions of this resolution. All bonds surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Bond Registrar/Paying Agent. The Township or the Bond Registrar/Paying Agent may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of bonds under this resolution.

As to any bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such bond and the interest on any such bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond, including interest thereon, to the extent of the sum or sums so paid.

The Township shall appoint such registrars, transfer agents, depositories or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of bonds within a reasonable time according to the then commercial standards for the timely payment of principal and interest with respect to the bonds. The Chief Financial Officer is hereby appointed registrar and paying agent for the bonds (the "Bond Registrar/Paying Agent") subject to the right of the Township Committee to appoint another Bond Registrar/Paying Agent, and, as such, shall keep at the Municipal Building, 58 Meyersville Road, Chatham, New Jersey 07928-1199, the books of the Township for the registration, registration of transfer, exchange and payment of the bonds.

Section 27. The Mayor, the Chief Financial Officer and the Township Clerk are hereby authorized and directed to cause said bonds to be prepared and to execute and deliver said bonds upon payment of the purchase price therefor.

Section 28. This resolution shall take effect immediately upon its adoption.

Committeewoman Ewald moved to adopt Resolution 2022-078. Committeewoman Fondaco seconded the motion.

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

RESOLUTION 2022-079

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY PRESCRIBING THE DETAILS AND BOND FORM THEREOF FOR \$195,000 SEWER UTILITY BONDS DATED APRIL 1, 2022

WHEREAS, Bond Ordinance No. 2019-13 has been duly adopted by the Township Committee of the Township of Chatham New Jersey (the "Township") on June 27, 2019 and it is necessary to provide for the issuance of a portion of the bonds authorized by such bond ordinance;

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

Section 1. The bonds authorized by Bond Ordinance No. 2019-13 (the "Bond Ordinance") shall be issued as a single issue of bonds, aggregating \$195,000, consisting of an issue of bonds of the denomination of \$5,000 each or any integral multiple thereof, numbered in the order of their maturity. The bonds are being issued to finance the removal of underground storage tanks and the installation of above-ground storage tanks at the Water Pollution Control Plant in, by and for the Sewer Utility of the Township. The period of usefulness within which the bonds mature, according to the reasonable life of the purposes to be financed as set forth in the Bond Ordinance, is a period of 15 years computed from the date of such bonds. Said issue shall be payable in annual installments on April 1 in each year and, subject to adjustment as authorized by Section 6 of this resolution, in the amounts as follows:

\$15,000 in each of the years 2023 and 2024,
\$20,000 in each of the years 2025 to 2031, inclusive, and
\$25,000 in the year 2032.

Said bonds shall be designated "Sewer Utility Bonds".

Section 2. All of said bonds shall be dated April 1, 2022, and shall bear interest from their date until their respective maturities at the rates per annum named in the proposal accepted. Such rates of interest shall be determined at the time said bonds are sold. Such interest shall be payable on each April 1 and October 1, commencing October 1, 2022 (each, an "Interest Payment Date"), in each year until maturity or prior redemption.

Section 3. The bonds maturing on or before April 1, 2029 are not subject to redemption prior to their stated maturities. The bonds maturing on or after April 1, 2030 are subject to redemption at the option of the Township prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after April 1, 2029, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Township determines to optionally redeem a portion of the bonds prior to maturity, such bonds so redeemed shall be in such maturities as determined by the Township, and within any maturity, by lot; *provided, however*, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting bonds for redemption, the Bond Registrar/Paying Agent (as hereinafter defined) shall treat each bond as representing that number of bonds that is obtained by dividing the principal amount of such bond by \$5,000.

Section 4. Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any bond subject to redemption is a part of a greater principal amount of the bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the bond not to be redeemed, a new bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the bond surrendered less the amount to be redeemed.

Section 5. The bonds will be issued in fully registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. The book-entry system will evidence ownership of the bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to the rules and procedures established by DTC. Interest on the bonds will be payable at the times stated in Section 2 of this resolution, and principal of the bonds will be paid annually on April 1 as set forth in the maturity schedule hereinbefore stated, in immediately available funds to DTC or its nominee as registered owner of the bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. Interest will be payable to owners of bonds shown on the records of DTC as of the fifteenth day of the month preceding the month in which such Interest Payment Date occurs. The Township will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the bonds, or (b) the Township determines that continuation of the book-entry system of evidence and transfer of ownership of the bonds would adversely affect the interests of the beneficial owners of the bonds, the Township will discontinue the book-entry system with DTC. If the Township fails to identify another qualified securities depository to replace DTC, the Township will authenticate and deliver replacement bonds in the form of fully registered certificates.

The principal of and interest on the bonds shall be payable in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

Section 6. The Chief Financial Officer, pursuant to N.J.S.A. 40A:2-34, is hereby authorized to sell and award the bonds in accordance with the terms of the notice of sale (the "Notice of Sale"), such terms to be determined by a resolution of the Township Committee to be hereafter adopted. The Chief Financial Officer shall report in writing to the Township Committee at the next meeting after the sale of the bonds as to the principal amount, interest rates and maturities of the bonds sold, the price obtained and the name of the purchaser. In accordance with N.J.S.A. 40A:2-26(g), there is hereby delegated to the Chief Financial Officer the authority to adjust the aggregate amount of and the maturity schedule for the bonds at the times and in the amounts as provided in the Notice of Sale. There is hereby further delegated to the Chief Financial Officer the authority to postpone the public sale of the bonds without re-advertisement in accordance with the provisions of the Notice of Sale. The public sale of the bonds may not be postponed more than sixty (60) days without re-advertisement.

Section 7. All of said bonds shall be signed by the Mayor by manual or facsimile signature and by the Chief Financial Officer by manual or facsimile signature, and the corporate seal of the Township shall be imprinted, affixed or reproduced thereon and such seal shall be attested by the Township Clerk or Deputy Township Clerk by manual or facsimile signature. The bonds will be authenticated by the manual signature of the Bond Registrar/Paying Agent.

Section 8. Each of said bonds shall be issued in substantially the following form:

[Form of Bond]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. R-_____ \$_____

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF MORRIS
TOWNSHIP OF CHATHAM
SEWER UTILITY BOND

INTEREST RATE PER <u>ANNUM</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>CUSIP</u>
_____%	APRIL 1, 20__	APRIL 1, 2022	162195__

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: -----DOLLARS

The Township of Chatham, a municipal corporation of the State of New Jersey, located in the County of Morris (hereinafter referred to as the "Township"), for value received, hereby acknowledges itself indebted and promises to pay to the REGISTERED OWNER named above, on the MATURITY DATE specified above, upon surrender hereof, the PRINCIPAL SUM stated above and to pay to the REGISTERED OWNER hereof interest thereon from the DATED DATE of this Bond until it shall mature at the INTEREST RATE PER ANNUM specified above, payable on each April 1 and October 1, commencing October 1, 2022 (each, an "Interest Payment Date"), of each year until maturity or prior redemption. The principal hereof is payable at the office of the Chief Financial Officer, Municipal Building, 58 Meyersville Road, Chatham, New Jersey 07928-1199 (the "Bond Registrar/Paying Agent"). The interest so payable on any such Interest Payment Date will be paid to the person in whose name this Bond is registered on the record date for such interest, which shall be the fifteenth day of the month preceding the month in which such Interest Payment Date occurs. Both the principal of and interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This Bond is one of an issue of Bonds of like date and tenor, except as to number, denomination, interest rate and maturity, issued pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes, as amended) and pursuant to a bond ordinance adopted by the Township Committee of the Township on June 27, 2019 (Ord. No. 2019-13) and resolutions adopted by the Township Committee of the Township on March 8, 2022.

The Bonds maturing on or before April 1, 2029 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after April 1, 2030 are subject to redemption at the option of the Township prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after April 1, 2029, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Township determines to optionally redeem a portion of the Bonds prior to maturity, such Bonds so redeemed shall be in such maturities as determined by the Township, and within any maturity, by lot; *provided, however*, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar/Paying Agent shall treat each Bond as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000.

Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than

sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any Bond subject to redemption is a part of a greater principal amount of the Bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the Bond not to be redeemed, a new Bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the Bond surrendered less the amount to be redeemed.

The Bond Registrar/Paying Agent shall keep at its office the books of the Township for the registration of transfer of Bonds. The transfer of this Bond may be registered only upon such books and as otherwise provided in the hereinabove mentioned resolutions upon the surrender hereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall deliver in exchange for this Bond a new bond or bonds, registered in the name of the transferee, of authorized denomination, in an aggregate principal amount equal to the unredeemed principal amount of this Bond, of the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, be performed or happen precedent to or in the issuance of this Bond exist, have been performed and have happened, and that this Bond, together with all other indebtedness of the Township, is within every debt and other limit prescribed by the Constitution or statutes of said State.

The full faith and credit of the Township are hereby pledged irrevocably to the punctual payment of the principal of and interest on this Bond in accordance with its terms.

This Bond shall not be valid or become obligatory for any purpose until the Certification of Authentication hereon shall have been signed by the Bond Registrar/Paying Agent.

IN WITNESS WHEREOF, the Township has caused this Bond to be signed by its Mayor by manual or facsimile signature and by its Chief Financial Officer by manual or facsimile signature and its seal to be impressed, affixed or reproduced hereon, and said seal to be attested by its Township Clerk by manual signature, and this Bond to be dated April 1, 2022.

[SEAL]

(manual or facsimile signature)
Mayor

ATTEST:

(manual signature) (manual or facsimile signature)
Township Clerk Chief Financial Officer

AUTHENTICATION DATE: APRIL 7, 2022

CERTIFICATION OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned resolutions, and is one of the Sewer Utility Bonds dated April 1, 2022 of the Township of Chatham, in the County of Morris, State of New Jersey.

Chief Financial Officer,
as Bond Registrar/Paying Agent

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____, the within Bond, and irrevocably appoints _____, attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

[End of Form of Bond]

Section 9. Bonds may, upon surrender thereof at the office of the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any bond may be registered only upon the registration books of the Township upon the surrender thereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall authenticate and deliver in exchange for such bond a new bond or bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which bonds shall be exchanged or the transfer of bonds shall be registered hereunder, the Bond Registrar/Paying Agent shall authenticate and deliver at the earliest practicable time bonds in accordance with the provisions of this resolution. All bonds surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Bond Registrar/Paying Agent. The Township or the Bond Registrar/Paying Agent may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of bonds under this resolution.

As to any bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such bond and the interest on any such bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond, including interest thereon, to the extent of the sum or sums so paid.

The Township shall appoint such registrars, transfer agents, depositories or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of bonds within a reasonable time according to the then commercial standards for the timely payment of principal and interest with respect to the bonds. The Chief Financial Officer is hereby appointed registrar and paying agent for the bonds (the "Bond Registrar/Paying Agent") subject to the right of the Township Committee to appoint another Bond Registrar/Paying Agent, and, as such, shall keep at the Municipal Building, 58 Meyersville Road, Chatham, New Jersey 07928-1199, the books of the Township for the registration, registration of transfer, exchange and payment of the bonds.

Section 10. The Mayor, the Chief Financial Officer and the Township Clerk are hereby authorized and directed to cause said bonds to be prepared and to execute and deliver said bonds upon payment of the purchase price therefor.

Section 11. This resolution shall take effect immediately upon its adoption.

RESOLUTION 2022-080

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE PUBLICATION, PRINTING AND DISTRIBUTION OF A NOTICE OF SALE AND THE PUBLICATION OF A SUMMARY NOTICE OF SALE AND PRESCRIBING THE FORMS THEREOF FOR \$17,135,000 GENERAL IMPROVEMENT BONDS AND \$195,000 SEWER UTILITY BONDS, EACH ISSUE DATED APRIL 1, 2022, APPROVING THE PREPARATION, DISTRIBUTION AND EXECUTION OF A PRELIMINARY AND A FINAL OFFICIAL STATEMENT FOR SUCH BONDS, UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE OF FINANCIAL INFORMATION, COVENANTING TO COMPLY WITH THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND AUTHORIZING VARIOUS MATTERS IN CONNECTION WITH ELECTRONIC BIDDING FOR THE BONDS

WHEREAS, the Township Committee of the Township of Chatham, in the County of Morris, New Jersey (the "Township"), desires to make further provision for the issuance of \$17,135,000 General Improvement Bonds and \$195,000 Sewer Utility Bonds (collectively, the "Bonds"), which are to be issued pursuant to bond ordinances heretofore adopted by the Township Committee;

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

Section 1. A Notice of Sale (the "Full Notice of Sale") shall be published and printed and posted with the Preliminary Official Statement (as hereinafter defined) for distribution in substantially the following form:

**NOTICE OF SALE
TOWNSHIP OF CHATHAM,
IN THE COUNTY OF MORRIS, NEW JERSEY**

\$17,330,000* BONDS CONSISTING OF
\$17,135,000* GENERAL IMPROVEMENT BONDS AND
\$195,000* SEWER UTILITY BONDS

(Book-Entry Only) (Callable) (Parity Bid)

dated
April 1, 2022

The Township of Chatham, in the County of Morris, a municipal corporation of the State of New Jersey (the "Township"), hereby invites ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS for the purchase of its \$17,135,000* General Improvement Bonds and \$195,000* Sewer Utility Bonds, each issue dated April 1, 2022 (individually, the "General Improvement Bonds" or the "Sewer Utility Bonds"; collectively, the "Bonds").

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received and publicly opened and announced by the Chief Financial Officer in the Municipal Building, 58 Meyersville Road, Chatham, New Jersey 07928-1199, on March 24, 2022 at 11:00 o'clock A.M. (local time).

The Bonds comprise two issues of bonds payable on April 1 in each year and, subject to adjustment as provided herein, in the amounts as follows:

\$17,135,000* General Improvement Bonds

\$605,000 in the year 2023,
\$630,000 in the year 2024,
\$655,000 in the year 2025,
\$680,000 in the year 2026,
\$705,000 in the year 2027,
\$740,000 in the year 2028,
\$770,000 in the year 2029,
\$795,000 in the year 2030,
\$815,000 in the year 2031,
\$840,000 in the year 2032,
\$865,000 in the year 2033,
\$895,000 in the year 2034,
\$925,000 in the year 2035,
\$950,000 in the year 2036,
\$980,000 in the year 2037,
\$1,010,000 in the year 2038,
\$1,035,000 in the year 2039,
\$1,060,000 in the year 2040,
\$1,080,000 in the year 2041, and
\$1,100,000 in the year 2042.

\$195,000* Sewer Utility Bonds

\$15,000 in each of the years 2023 and 2024,
\$20,000 in each of the years 2025 to 2031, inclusive, and
\$25,000 in the year 2032.

The combined maturity schedule for the Bonds is as follows:

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
2023	\$620,000	2033	\$ 865,000
2024	645,000	2034	895,000
2025	675,000	2035	925,000
2026	700,000	2036	950,000
2027	725,000	2037	980,000
2028	760,000	2038	1,010,000
2029	790,000	2039	1,035,000
2030	815,000	2040	1,060,000
2031	835,000	2041	1,080,000
2032	865,000	2042	1,100,000

* Preliminary, subject to change as described herein.

* Preliminary, subject to change as described herein.

To the extent any instructions or directions set forth in PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY, potential bidders may contact Ipreo at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5021.

The Bonds shall be issued in registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity of each issue will be issued to The Depository Trust Company, New York, New York ("DTC") and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any integral multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The successful bidder, as a condition to delivery of the Bonds, shall be required to deposit the bond certificates with DTC, registered in the name of Cede & Co., its nominee. Interest on the Bonds will be payable on each April 1 and October 1, commencing October 1, 2022 (each, an "Interest Payment Date"), in each year until maturity or prior redemption, and principal of the Bonds will be payable, at maturity, by payment of immediately available funds by the Bond Registrar/Paying Agent to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest to participants of DTC will be the responsibility of DTC. Transfer of principal and interest to beneficial owners will be the responsibility of the DTC participants and other nominees of the beneficial owners. The Township will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Township determines that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Township will discontinue the book-entry system with DTC. If the Township fails to identify another qualified securities depository to replace DTC, the Township will deliver replacement bonds in the form of fully registered certificates.

The Bonds maturing on or before April 1, 2029 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after April 1, 2030 are subject to redemption at the option of the Township prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after April 1, 2029, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Township determines to optionally redeem a portion of the Bonds prior to maturity, such Bonds so redeemed shall be in such maturities as determined by the Township, and within any maturity, by lot; *provided, however*, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar/Paying Agent shall treat each Bond as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000.

Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any Bond subject to redemption is a part of a greater principal amount of the Bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the Bond not to be redeemed, a new Bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the Bond surrendered less the amount to be redeemed.

Bidders may not elect to structure any maturities of the Bonds as term bonds.

The Bonds are general obligations of the Township and are secured by a pledge of the full faith and credit of the Township for the payment of the principal thereof and the interest thereon. The Bonds are payable, if not paid from other sources, from ad valorem taxes to be levied upon all the real property taxable within the Township without limitation as to rate or amount.

Each proposal submitted must name the rate or rates of interest per annum to be borne by the Bonds bid for, and the rate or rates named must be a multiple of 1/8th or 1/20th of one percentum (1%). The interest payable with respect to each Bond on any one date will be evidenced by a single rate of interest. Not more than one rate may be named for Bonds of the same maturity. There is no limitation on the number of rates that may be named. The difference between the lowest and the highest rates named in the proposal shall not exceed two per centum (2%). The Township reserves its right to reject all bids, and any bid not complying with the material terms of this notice will be rejected. The Township reserves the right to waive defects it deems non-material, in its sole discretion.

The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest true interest cost ("TIC"). Such TIC cost shall be computed by determining the interest rate, compounded semi-annually, necessary to discount the debt service payments to the date of the Bonds and to the price bid, excluding interest accrued to the delivery date. Each proposal submitted must be for all the Bonds and the purchase price specified in the proposal must not be less than \$17,330,000 nor more than \$17,676,600 (102% of the aggregate principal amount of the Bonds). No proposal shall be considered that offers to pay an amount less than the principal amount of the Bonds offered for sale or under which the total loan is made at a TIC higher than the lowest TIC to the Township under any legally acceptable proposal, and if two or more bidders offer to pay the lowest TIC, then the Bonds will be sold to one of such bidders selected by lot from among all such bidders.

It is requested that each proposal be accompanied by a computation of the TIC to the Township under the terms of the proposal in accordance with the method of calculation described in the preceding

paragraph (computed to six decimal places), but such computation is not to be considered as part of the proposal for Bonds. Determinations of TIC by the Township shall be final.

The Township may after the receipt and opening of bids, adjust the maturity schedule of the Bonds, provided however, that (1) no maturity schedule adjustment shall exceed 10% upward or downward of the principal for any maturity as specified herein, and (ii) the aggregate adjustment to the maturity schedule shall not exceed 10% upward or downward of the aggregate principal amount of Bonds as specified herein and the aggregate principal amount of Bonds as adjusted will not exceed \$17,330,000. The dollar amount bid by the successful bidder shall be adjusted to reflect any adjustments in the aggregate principal amount of the Bonds to be issued. Immediately upon being notified that it is the successful bidder, the successful bidder shall provide to the Township's municipal advisor and bond counsel the initial offering prices of the Bonds to the public. Upon receipt of the initial offering prices of the Bonds to the public from the successful bidder, the bid price will be adjusted to reflect changes in the dollar amount of the underwriter's discount and the original issue premium, but will not change the per bond underwriter's discount as calculated from the bid and the initial offering prices of the Bonds to the public. The Township shall notify the successful bidder of the final maturity schedule and the resulting adjusted purchase price no later than 5:00 p.m., local time, on the day of the sale and award the Bonds. The interest rate or rates specified by the successful bidder for each maturity will not be altered.

The successful bidder must pay accrued interest from the date of the Bonds to the date of delivery. No interest will be paid upon the deposit made by the successful bidder. The Bonds will be authenticated by the Chief Financial Officer, acting as Bond Registrar/Paying Agent for the Bonds.

Sealed proposals should be addressed to the undersigned Chief Financial Officer, and enclosed in a sealed envelope marked on the outside "Proposal for Bonds". A good faith deposit (the "Deposit") in the form of a cash wire or a certified, treasurer's or cashier's check drawn upon a bank or trust company in the amount of \$346,600, payable to the order of the TOWNSHIP OF CHATHAM, is required for each bid to be considered. If a cash wire is used, the wire must be received by the Township no later than 11:00 A.M. on March 24, 2022. If a cash wire is utilized, each bidder must notify the Township of its intent to use such cash wire prior to 11:00 A.M. on March 24, 2022, and must provide proof of electronic transfer of such cash wire prior to 11:00 A.M. on March 24, 2022 (with return wiring instructions). Wire instructions for the Township can be obtained by contacting the Township's Bond Counsel (Steven Rogut or Peter Calhoun (908) 931-1150) or its municipal advisor (Bryan Morris bmorris@muniadvisors.com or (609) 291-0130) at Phoenix Advisors, LLC, Bordentown, New Jersey (the Municipal Advisor"). If a check is used, it must accompany the bid or be received by the undersigned Chief Financial Officer prior to the opening of bids. Each bidder accepts responsibility for delivering such cash wire or check on time and the Township is not responsible for any cash wire or check that is not received on time. Checks or wires of unsuccessful bidders will be returned upon the award of the Bonds. No interest on the Deposit will accrue to the successful bidder. The Deposit will be applied in part payment for the Bonds or to partially secure the Township from any loss resulting from the failure of the successful bidder to comply with the terms of its bid.

Award of the Bonds to the successful bidder or rejection of all bids is expected to be made promptly after opening of the bids, but such successful bidder may not withdraw its proposal until after 5:30 p.m. (local time) of the day of such bid-opening and then only if such award has not been made prior to the withdrawal.

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the successful bidder thereof to accept delivery of and pay for the Bonds in accordance with its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid for by the Township; provided, however, that the request for the assignment of CUSIP identification numbers shall be the responsibility of the Municipal Advisor and the CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the successful bidder. CUSIP numbers must be communicated to Bond Counsel within 24 hours of the award of the Bonds in order to have the CUSIP numbers printed on the Bonds.

The Bonds shall be delivered on or about April 7, 2022 at the office of Rogut McCarthy LLC, Cranford, New Jersey ("Bond Counsel"), or at such other place as may be determined by the successful bidder and the Township. **PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE IN IMMEDIATELY AVAILABLE FUNDS.**

A preliminary Official Statement has been prepared and is available at www.i-DealProspectus.com or may be obtained from the Municipal Advisor (bmorris@muniadvisors.com) or the undersigned, Chief Financial Officer, Municipal Building, 58 Meyersville Road, Chatham, New Jersey 07928-1199, Telephone No. (973) 635-3208. The preliminary Official Statement is deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12"), but is subject to (a) completion with certain pricing and other information to be made available by the successful bidder for the Bonds and (b) amendment. The preliminary Official Statement, as so revised, will constitute the "final official statement". By the submission of a bid for the Bonds, the successful bidder contracts for the receipt of a reasonable number of copies of the final Official Statement within seven business days of the award of the Bonds. In order to complete the final Official Statement, the successful bidder must furnish on behalf of the underwriters of the Bonds the following information to Bond Counsel and the Township by facsimile transmission or overnight delivery received by Bond Counsel and the Township within 24 hours after the award of the Bonds: (a) initial offering prices or yields (expressed as percentages), (b) selling compensation (aggregate total anticipated compensation to the underwriters expressed in dollars), (c) the identity of the underwriters if the

successful bidder is part of a group or syndicate and (d) any other material information necessary for the final Official Statement, but not known to the Township (such as the bidder's purchase of credit enhancement). It shall also be the obligation of the successful bidder to furnish to DTC an underwriter's questionnaire and the denominations of the Bonds not less than seventy-two (72) hours prior to the delivery of the Bonds.

Concurrently with the delivery of the Bonds, the officials of the Township who will have executed the final Official Statement will deliver to the purchaser of the Bonds a certificate stating that, to the best of their knowledge, the preliminary Official Statement did not as of its date and as of the sale date, and the final Official Statement did not as of its date and does not as of the date of delivery of the Bonds, contain an untrue statement of a material fact or omit to state a material fact required to be included therein for the purpose for which the preliminary Official Statement or the final Official Statement is to be used or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, provided such certificate shall not include consideration of information supplied by, or which should have been supplied by, the successful bidder for the Bonds.

The Township has agreed in its bond resolution adopted on March 8, 2022 to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12, (i) not later than seven months after the end of the Township's fiscal year (presently December 31) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year (commencing with the fiscal year ending December 31, 2021), (ii) timely notice of the occurrence of certain material events with respect to the Bonds and financial obligations of the Township and (iii) timely notice of a failure by the Township to provide the required annual financial information on or before the date specified in (i) above.

The successful bidder's obligation to purchase the Bonds shall be conditioned upon its receiving, at or prior to the delivery of the Bonds, in form and substance reasonably satisfactory to the successful bidder, evidence that the Township has made the continuing disclosure undertaking set forth above in a written agreement or contract for the benefit of the Bondholders and the beneficial owners of the Bonds.

The approving legal opinion of Bond Counsel will be furnished without cost to the purchaser. The preliminary Official Statement contains a discussion of the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), with respect to the exclusion from gross income for Federal income tax purposes of the interest on the Bonds and a description of the opinion of Bond Counsel with respect thereto. The Township has covenanted, to the extent permitted by the Constitution and laws of the State of New Jersey, to comply with the provisions of the Code required to preserve the exclusion from gross income of interest on the Bonds for Federal income tax purposes. There will also be furnished the usual closing papers.

If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of a bidder, any purchase of such insurance or commitment therefor shall be at the sole option and expense of the bidder and any increased costs of issuance of the Bonds resulting by reason of such insurance, unless otherwise paid, shall also be paid by such bidder. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued, shall not in any way relieve the purchaser of its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds.

The Township reserves the right to postpone, from time to time, the date and time established for the receipt of bids. Any such postponement shall be published on TM3 News Service, or by other available means, not less than twenty-four (24) hours prior to the sale. If any date fixed for receipt of bids and the sale of the Bonds is postponed, an alternative sale date will be announced via TM3 News Service, or by other available means, at least forty-eight (48) hours prior to such alternative date.

ISSUE PRICE DETERMINATION UNDER INTERNAL REVENUE CODE

If the "competitive sale requirements" are not satisfied, the winning bidder shall have the option to designate whether the "10% test" or the "hold-the-offering-price rule" shall apply to all the Bonds.

The following paragraphs contain the terms for the determination of issue price.

(a) The winning bidder shall assist the Township in establishing the issue price of the Bonds and shall execute and deliver to the Township at closing an "issue price" or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Bonds, together with the supporting pricing wires or equivalent communications. A form of issue price certificate is available upon request to Steven L. Rogut, Bond Counsel, (908) 931-1150 or slr@rogutmccarthy.com.

(b) The Township intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the "competitive sale requirements") because:

- (1) the Township shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the Township may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and

- (4) the Township anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid. Bids will not be subject to cancellation in the event that the competitive sale requirements are not satisfied. Unless the bidder intends to hold the Bonds for its own account with no intention to offer the Bonds to the public, the bidder, by submitting a bid, represents to the Township that the bidder has an established industry reputation for underwriting new issuances of municipal bonds.

(c) In the event that the competitive sale requirements are not satisfied, the Township shall so advise the winning bidder. In that case, the winning bidder shall have the option to designate (by 5:00 P.M. Prevailing Time on the sale date) whether the issue price will be calculated upon either (a) the first price at which 10% of each maturity of the Bonds (the "10% test") is sold to the public as the issue price of that maturity, applied on a maturity-by-maturity basis, or (b) a commitment to neither offer nor sell any of the Bonds of any maturity to any person at a price that is higher than the initial offering price to the public as of the sale date (the "initial offering price") during the holding period (as defined herein).

(d) If the 10% test is selected, the winning bidder shall advise the Township if any maturity of the Bonds satisfies the 10% test as of the date and time of the award of the Bonds, and bidders should prepare their bids on the assumption that all of the maturities of the Bonds will be subject to the 10% test in order to establish the issue price of the Bonds. If the competitive sale requirements are not satisfied and the 10% test is selected, then until the 10% test has been satisfied as to each maturity of the Bonds, the winning bidder agrees to promptly report to the Township the prices at which the unsold Bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the Closing Date has occurred, until either (i) all Bonds of that maturity have been sold or (ii) the 10% test has been satisfied as to the Bonds of that maturity, provided that, the winning bidder's reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the Township or Bond Counsel.

(e) In the event the "hold-the-offering-price" method is selected, for each maturity of the Bonds the winning bidder shall (a) neither offer nor sell any of the Bonds of such maturity to any person at a price that is higher than the initial offering price for such maturity during the holding period for such maturity (the "hold-the-offering-price rule"), and (b) verify that any selling group agreement shall contain the agreement of each dealer who is a member of the selling group, and any third-party distribution agreement shall contain the agreement of each broker-dealer who is a party to the third-party distribution agreement, to comply with the hold-the-offering-price rule. Pursuant to such agreement, no underwriter (as defined below) shall offer or sell any maturity of the Bonds at a price that is higher than the respective initial offering price for that maturity of the Bonds during the holding period.

(f) By submitting a bid, each bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each third-party distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such third-party distribution agreement, as applicable, to (A) either comply with the hold-the-offering-price limitations stated herein or to report the prices at which it sells to the public the unsold Bonds of each maturity allocated to it, whether or not the Closing Date has occurred, until either all Bonds of that maturity allocated to it have been sold or it is notified by the winning bidder that the 10% test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the winning bidder, depending upon whether the hold-the-offering-price method or the 10% test is selected by the winning bidder, (B) to promptly notify the winning bidder of any sales of Bonds that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below), and (C) to acknowledge that, unless otherwise advised by the underwriter, dealer or broker-dealer, the winning bidder shall assume that each order submitted by the underwriter, dealer or broker-dealer is a sale to the public, and (ii) any agreement among underwriters or selling group agreement relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter or dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such third-party distribution agreement to either comply with the hold-the-offering-price limitations stated herein or to report the prices at which it sells to the public the unsold Bonds of each maturity allocated to it, whether or not the Closing Date has occurred, until either all Bonds of that maturity allocated to it have been sold or it is notified by the winning bidder or such underwriter that the 10% test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the winning bidder or such underwriter, depending upon whether the hold-the-offering-price method or the 10% test is selected by the winning bidder.

(g) Sales of any Bonds to any person that is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below) shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

- (i) "public" means any person other than an underwriter or a related party,
- (ii) "underwriter" means (A) any person that agrees pursuant to a written contract or otherwise with the Township (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Bonds to the public),
- (iii) a purchaser of any of the Bonds is a "related party" to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (A) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (B) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (C) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other),
- (iv) "sale date" means the date that the Bonds are awarded by the Township to the winning bidder,
- (v) "holding period" means, for each maturity of the Bonds, the period starting on the sale date and ending on the earlier of (i) the close of the fifth business day after the sale date, or (ii) the date on which the Underwriter has sold at least 10% of each maturity to the Public at prices that are no higher than the Initial Offering Price for such maturity, and
- (vi) "maturity" means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

By order of the Township Committee of the Township of Chatham, in the County of Morris, New Jersey.

Dated: March 15, 2022

/s/ Debra A. King
Chief Financial Officer
Township of Chatham
County of Morris, New Jersey

Section 2. A Summary Notice of Sale ("Summary Notice of Sale") shall be published in substantially the following form:

SUMMARY NOTICE OF SALE

TOWNSHIP OF CHATHAM,
IN THE COUNTY OF MORRIS, NEW JERSEY

\$17,330,000* BONDS CONSISTING OF
\$17,135,000* GENERAL IMPROVEMENT BONDS AND
\$195,000* SEWER UTILITY BONDS

(Book-Entry Only) (Callable) (Parity Bid)

dated April 1, 2022

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received by the Chief Financial Officer of the Township of Chatham, in the County of Morris, New Jersey (the "Township"), in the Municipal Building, 58 Meyersville Road, Chatham, New Jersey 07928-1199, on

* Preliminary, subject to change.

March 24, 2022

at 11:00 o'clock A.M. (local time) at which time they will be publicly opened and announced, for the purchase of the Township's \$17,135,000* General Improvement Bonds and \$195,000* Sewer Utility Bonds, each issue dated April 1, 2022 (individually, the "General Improvement Bonds" or the "Sewer Utility Bonds"; collectively, the "Bonds").

The Bonds comprise two issues of bonds payable on April 1 in each year and, subject to adjustment as provided in the Notice of Sale, in the amounts as follows:

\$17,135,000* General Improvement Bonds

\$605,000 in the year 2023,
\$630,000 in the year 2024,
\$655,000 in the year 2025,
\$680,000 in the year 2026,
\$705,000 in the year 2027,
\$740,000 in the year 2028,
\$770,000 in the year 2029,
\$795,000 in the year 2030,
\$815,000 in the year 2031,
\$840,000 in the year 2032,
\$865,000 in the year 2033,
\$895,000 in the year 2034,
\$925,000 in the year 2035,
\$950,000 in the year 2036,
\$980,000 in the year 2037,
\$1,010,000 in the year 2038,
\$1,035,000 in the year 2039,
\$1,060,000 in the year 2040,
\$1,080,000 in the year 2041, and
\$1,100,000 in the year 2042.

\$195,000* Sewer Utility Bonds

\$15,000 in each of the years 2023 and 2024,
\$20,000 in each of the years 2025 to 2031, inclusive, and
\$25,000 in the year 2032.

The combined maturity schedule for the Bonds is as follows:

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
2023	\$620,000	2033	\$ 865,000
2024	645,000	2034	895,000
2025	675,000	2035	925,000
2026	700,000	2036	950,000
2027	725,000	2037	980,000
2028	760,000	2038	1,010,000
2029	790,000	2039	1,035,000
2030	815,000	2040	1,060,000
2031	835,000	2041	1,080,000
2032	865,000	2042	1,100,000

The Bonds shall be issued in book-entry only form through the book-entry system operated by The Depository Trust Company, New York, New York. The Bonds are subject to redemption prior to maturity at the option of the Township in accordance with the terms set forth in the Notice of Sale to be made available to interested persons (the "Notice of Sale"). The Notice of Sale and Proposal for Bonds should be reviewed by potential bidders for additional terms and conditions of the sale of the Bonds prior to bidding on the Bonds. To the extent any instructions or directions set forth in PARITY conflict with the Notice of Sale, the terms of the Notice of Sale shall control. For further information about PARITY, potential bidders may contact Ipreo at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5021.

The Bonds will bear interest from their date at a rate or rates of interest in multiples of 1/8th or 1/20th of 1% per annum specified by the successful bidder payable on each April 1 and October 1,

* Preliminary, subject to change.

commencing October 1, 2022, in each year until maturity or prior redemption. The Bonds will be in the denomination of \$5,000 or any integral multiple thereof. The purchase price specified must not be less than \$17,330,000 nor more than \$17,676,600 (par plus a maximum 2% premium). The difference between the lowest and the highest rates named in the proposal shall not exceed two per centum (2%). Each proposal must be for all the Bonds offered. As further described in the Notice of Sale, bidders must, at the time of making their bids, make a wire transfer or deposit a certified, cashier's or treasurer's check drawn upon a bank or trust company in the amount of \$346,600 to the order of the Township. The Bonds will be sold to the bidder specifying the lowest true interest cost in accordance with the terms set forth in the Notice of Sale. The Township will furnish the Bonds and the approving legal opinion of Rogut McCarthy LLC, Cranford, New Jersey, Bond Counsel.

Copies of the Preliminary Official Statement, the Notice of Sale and the Proposal for Bonds are available at www.i-DealProspectus.com or by contacting the Municipal Advisor (Bryan Morris of Phoenix Advisors, LLC at bmorris@muniadvisors.com) or the undersigned Chief Financial Officer at the Municipal Building, 58 Meyersville Road, Chatham, New Jersey 07928-1199, Telephone No. (973) 635-3208.

By order of the Township Committee of the Township of Chatham, in the County of Morris, New Jersey.

Dated: March 15, 2022

/s/ Debra A. King
Chief Financial Officer
Township of Chatham
County of Morris, New Jersey

Section 3. The Township Clerk is hereby authorized and directed to publish (A) the Summary Notice of Sale in THE BOND BUYER, which is a publication carrying municipal bond notices and devoted primarily to the subject of State and municipal bonds, and is published in New York City, and (B) the Full Notice of Sale in the Chatham Courier, a newspaper of general circulation published and circulating in the Township. Said Summary Notice of Sale and Full Notice of Sale shall be published in each publication not later than one week before the date of the sale of said Bonds.

Section 4. The preparation of and distribution to potential bidders for the Bonds of a Preliminary Official Statement to be dated on or about March 15, 2022 is hereby approved. Such Preliminary Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12").

Section 5. The preparation of an Official Statement in connection with the sale of the Bonds to be dated on or about March 24, 2022 is hereby approved. Such Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12.

Section 6. The execution of the Official Statement by the Township Administrator and the Chief Financial Officer on behalf of the Township, the distribution of same to the successful bidder and the successful bidder's subsequent distribution of the Official Statement to purchasers or prospective purchasers of the Bonds are hereby authorized.

Section 7. The Township hereby agrees to undertake for the benefit of the Bondholders and the beneficial owners of the Bonds to provide certain secondary market disclosure information pursuant to Rule 15c2-12 to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format, as prescribed by the MSRB. Specifically, the Township will do the following for the benefit of the holders of the Bonds and the beneficial owners thereof:

(A) Not later than seven months after the end of the Township's fiscal year (presently December 31), commencing with the report for the fiscal year ending December 31, 2021, provide or cause to be provided annual financial information with respect to the Township consisting of (i) audited financial statements (or unaudited financial statements if audited financial statements are not then available by the date of filing, which audited financial statements will be delivered when and if available) of the Township and (ii) certain financial information and operating data consisting of information concerning the Township's debt, overlapping indebtedness, tax rate, levy and collection data, property valuation, budget and fund balance of the type contained in Appendix A of the Official Statement. The audited financial statements will be prepared in accordance with mandated State statutory accounting principles, as in effect from time to time. Audited financial statements if not available by the filing date will be submitted separately when available.

(B) Provide or cause to be provided in a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds or financial obligations of the Township:

- (1) Principal or interest payment delinquencies;
- (2) Non-payment related default, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;

- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) Modifications to the rights of Bondholders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property which secures the repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Township (the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Township in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Township, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Township);
- (13) The consummation of a merger, consolidation, or acquisition involving the Township or the sale of all or substantially all of the assets of the Township, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a financial obligation of the Township, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the Township, any of which affect Bondholders, if material; and
- (16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the Township, any of which reflect financial difficulties.

The Township intends the words used in paragraphs (15) and (16) and the definition of "financial obligation" to have the meanings ascribed to them in SEC Release No. 34-83885 (August 20, 2018).

(C) Provide or cause to be provided, in a timely manner, notice of a failure of the Township to provide required annual financial information on or before the date specified above.

Section 8. All documents provided to the MSRB shall be accompanied by identifying information as prescribed by the MSRB.

Section 9. If the Township fails to comply with the undertaking described above, any Bondholder or beneficial owner of the Bonds may pursue an action for specific performance to enforce the rights of all Bondholders and beneficial owners with respect to such undertaking; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds or any liability by the Township for monetary damages. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all Bondholders and beneficial owners of the Bonds.

Section 10. The Township reserves the right to terminate its obligation to provide annual financial information and notice of material events, as set forth above, if and when the Township no longer remains an "obligated person" with respect to the Bonds within the meaning of Rule 15c2-12.

Section 11. The undertaking may be amended by the Township from time to time, without the consent of the Bondholders or the beneficial owners of the Bonds, in order to make modifications required in connection with a change in legal requirements or change in law, or change in the identity,

nature, type of operation, or status of the Township, which in the opinion of nationally recognized bond counsel complies with Rule 15c2-12 and does not, in such bond counsel's opinion, materially impair the interest of the Bondholders and the beneficial owners of the Bonds.

Section 12. The Township hereby covenants, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Bonds be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended.

Section 13. The Mayor, the Chief Financial Officer, the Township Administrator and the Township Clerk are hereby authorized and directed to execute and deliver such other documents and to take such other action as they determine to be necessary or appropriate in order to effectuate the issuance and sale of the Bonds including, without limitation, the execution and delivery of all closing documents and certificates.

Section 14. The Chief Financial Officer, the Township Administrator, the Township Clerk, the Bond Counsel, the Auditor, the Municipal Advisor and other Township officials and representatives are hereby authorized to take all necessary actions to allow for (A) the submission of electronic bids for the bonds, (B) the electronic posting of the Preliminary Official Statement, the full Notice of Sale and the bid form and (C) the submission by bidders of a wire transfer in lieu of a good faith check.

Section 15. This resolution shall take effect immediately upon its adoption.

Committeewoman Ewald moved to adopt Resolution 2022-079 and 2022-080. Committeeman Lois seconded the motion.

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

Resolution

RESOLUTION 2022-102

RESOLUTION AND PROCLAMATION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF CHATHAM SUPPORTING SOLIDARITY WITH THE PEOPLE OF THE UNITED STATES AND AROUND THE WORLD PRAYING FOR THE SAFETY OF THE PEOPLE OF UKRAINE AND AN END TO HOSTILITIES

WHEREAS, on February 24, 2022, after months of troop and tank buildups, Russia further invaded Ukraine, by shelling and engaging in rocket attacks on several major cities, including its capital Kyiv, targeting the civilian population, including innocent and unarmed women and children; and

WHEREAS, these Russian troops have met with strong and courageous opposition from the brave Ukrainian military and citizen resistance; and

WHEREAS, Russian President Vladimir Putin has long sought to control Ukraine, since the collapse of the communist Soviet Union and more currently after many countries in Eastern and Central Europe, who were once unwillingly a part of the communist Soviet bloc, proceeded toward democratic forms of government and joined alliances with Western European nations; and

WHEREAS, Ukraine has been at war with Russia since 2014, when, after Ukrainian citizens rose up to oust Ukraine's fraudulently elected pro-Russian president, Putin annexed Crimea and invaded Ukraine's Donbass region without provocation, and he has continued to control and back the separatist forces in those areas, who have waged a protracted war against the Ukrainian military; Putin refuses to acknowledge Ukraine as a sovereign nation; and

WHEREAS, over the last two days, the U.S. and its Western European allies have announced strong sanctions against Russia, that undoubtedly will cause its leaders to suffer economically, as they operate to militarily destroy Ukraine; and

WHEREAS, these sanctions are meant to stop the Russian military from obtaining new weapons transfers, to promote anti-corruption measures, to punish Russian banks and to close the European Union's and the United States' airspace to Russian flights; and

WHEREAS, the Chatham Township Committee stands with Ukrainian President Volodymyr Zelenskyy, who has stated "I am pleased even more allies have come forward with defensive and humanitarian aid. We must stand with the Ukrainian people as they defend their country and democracies everywhere."; and

WHEREAS, the Township of Chatham stands in solidarity with the people of Ukraine, especially Ukrainian Americans in Chatham in the face of this abhorrent, unprovoked assault on their country, their freedom, and their lives; and

WHEREAS, the people of Chatham Township join those in the streets of New York City, Berlin, London, Milan, Sydney, and countless others, including those in Moscow who risk imprisonment and retaliation, in protest against Russian aggression and in support for people of Ukrainian; and

WHEREAS, the governing body of Chatham Township joins with the people of Chatham Township in wishing for a swift end to this senseless Russian provoked violence and needless loss of life and joins in praying for the innocent men, women, and children of Ukraine who only want to live their lives peacefully and free from the dictates of Russian President Vladimir Putin; and

WHEREAS, this Resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

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

Section 1. That this Committee strongly condemns the unprovoked Russian invasion of Ukraine, denounces Vladimir Putin’s years-long aggression against this sovereign country, supporting Ukraine and the Ukrainian people, and encourages the US and its partners to continue the exceptionally strong sanctions and take further necessary action against Russia.

Section 2. Ashley Felice, as Mayor, does hereby proclaim solidarity with the people of Ukraine in their fight for freedom, I commend them for their strength, courage, and bravery, and I urge all residents to express their support for those facing this unjustified attack on democracy and freedom today and every day throughout this conflict.

Section 3. That the Clerk of the Council is directed to transmit copies of this resolution to President Joe Biden and all members of the United States Congress.

Committeewoman Ewald moved to adopt Resolution 2022-102. Committeewoman Fondaco seconded the motion.

Committeewoman Ewald thanked Mayor Felice for preparing this resolution. Mayor Felice noted that the resolution is set up to be signed by the full Township Committee.

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

Proclamation

Mayor Felice read aloud the attached proclamation for Women’s History Month.

Presentations

Chatham Township Historical Society

Martha Wells, Co-President of the Historical Society of the Chathams, gave a presentation about the Red Brick Schoolhouse. She discussed the history of the site. Ms. Wells also discussed grant opportunities for the Red Brick Schoolhouse, and stated that Township Committee approval would be needed before grant applications can be submitted.

Library of the Chathams

Andy Hollander, President of the Joint Library Trustees, gave a presentation on the financial needs of the Library of the Chathams. He provided background on the Library’s funding levels and reported on the amount of money that the Township and Borough are required to give. Mr. Hollander also requested that the Library is requesting an additional \$32,760 more than the State mandate.

Deputy Mayor Hamilton noted that the past two years have been a hard time for many institutions, and thanked Mr. Hollander and Mrs. Brodsky for their work. He also stated that the Township Committee will take the budget request under advisement.

Committeewoman Ewald asked about the \$4.5 million for an upcoming project, and if the amount has been updated. Mrs. Brodsky addressed expectations of what grants might be received and when they might be received. She also stressed the need to move forward with some of the project so that those who have already donated can see some progress.

Committeeman Lois asked about use of the mandatory contribution for capital projects. Mrs. Brodsky said that the mandatory contribution can be used toward capital projects, and the Library saved whatever portion of those funds they could for the capital projects.

Reports

Committeewoman Ewald reported that there are still spots available for the upcoming Eat Smart Weigh Less program. The Senior Center also has tax professionals available to assist seniors with filing taxes. Programs are also available to help people begin discussing health plans. Committeewoman Ewald further reported on upcoming MACC programs.

Committeewoman Fondaco reported on upcoming CTEC programs. She also reported on upcoming Historical Society programs. Committeewoman Fondaco noted the recent activities of the Department of Public Works.

Committeeman Lois reported on the Finance Committee's recent discussions on debt restructuring. He also commented on Recreation Committee discussions regarding the Oak Knoll School Field. Committeeman Lois further reported that JCP&L is continuing the restoration of power lines for customers who lost power in a recent storm.

Deputy Mayor Hamilton reported on the recent lifting of the mask mandate in schools. He further reported that Officer Sawyer finished his last shift as a member of the CTPD.

Engineer Ruschke provided an update on Safe Routes to School projects. He also reported on the County's plans to repave a portion of Shunpike Road.

The Township Clerk reported that technical issues with the audio system have been resolved.

Administrator Hoffmann reported on a JCP&L Energy Efficiency Grant Program.

Hearing of Citizens

Mayor Felice asked if any written comments had been received. The Township Clerk indicated that there were not any written comments.

Mayor Felice opened the Hearing of Citizens.

1. Cara Feeser, Falmouth Road, addressed the need for increased maintenance of the Township's recreation facilities. She gave particular attention to Esternay Field, and stated that the site was originally a shale quarry which is why there are drainage problems. Mrs. Feeser commented on the organic options for field maintenance, and stressed that conventional field maintenance methods will not work if underlying issues are not addressed.
2. Phil Ankel, Jay Road, commented on the resolutions on the agenda regarding field maintenance. He thanked Committeeman Lois for convincing Mayor Felice and Deputy Mayor Hamilton to leave the Open Space Tax at \$0.02 per \$100 assessed value. Mr. Ankel commented on the selection of Attorney King as Township Attorney and criticized the lack of transparency. He further commented on the selection of Mr. Howes as alternate prosecutor, and alleged they were only selected because they are Republicans.
3. Jude Tarasca, Floral Street, represented the Baseball Club and addressed field maintenance. He thanked Administrator Hoffmann for everything he has done to support the Baseball Club. Mr. Tarasca also thanked the Department of Public Works for their hard work to maintain fields. Mr. Tarasca further stated that fields do not look as good as they used to, and something needs to be done to improve them. He expressed concern that children will be injured due to the poor quality of the fields.
4. Mike Henny, Whitman Drive, advocated for improved maintenance of fields. He also stated that the Baseball Club is not asking the Township to abandon organic methods, they just want to be sure fields are better maintained.
5. Jessica Romeo, Pine Street, spoke against the use of toxic chemicals for field maintenance. She noted that aeration and seeding have always been part of the

maintenance program. Mrs. Romeo asked that the Environmental Commission be included in the discussion on field maintenance.

6. Stewart Carr, Crestwood Drive, advocated for having two Hearings of Citizens, and thanked Committeeman Lois for being open to the idea. Mr. Carr also said that there was not unanimous support for reducing the number of Hearings of Citizens, even though all members voted for the bylaws. Mr. Carr also responded to comments from Attorney King regarding the availability of Zoom for public meetings, and said that municipalities will still have the option even though the public health emergency has ended. Mr. Carr further opined that the School District only having one public hearing should not serve as the basis for the Township Committee only having one. Mr. Carr commented on the Rolling Knolls Landfill Site Remediation, and said that site access and site remediation are separate issues. He further asked that the Township rescind the previous letter sent to the EPA.

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

Committeewoman Fondaco asked if she could make a motion to amend the bylaws.

Committeeman Lois objected to the form of the motion. Attorney King stated that bylaws are normally adopted at the Reorganization Meeting.

The Township Clerk suggested that if bylaws are to be amended, the written draft should be available for review prior to the discussion and any action. Attorney King said that the matter can be added to a future agenda.

Deputy Mayor Hamilton asked if the bylaws could theoretically be amended at every meeting. Attorney King said it would not be a best practice to do so.

Introduction of Ordinances

Ordinance 2022-03

ORDINANCE 2022-03

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Chatham in the County of Morris finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 1.0% increase in the budget for said year, amounting to \$124,786.63 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Chatham, in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of Chatham shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$436,753.21, and that the CY 2022 municipal budget for the Township of Chatham be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Administrator Hoffmann explained that the Cap Bank Ordinance is an annual ordinance that offers the Township Committee flexibility regarding use of Cap Bank funds in later years. He noted that there is a three-year average.

Committeeman Lois said he believes the ordinance will allow the Township to raise taxes. Administrator Hoffmann stated that the ordinance is not a tax increase, and it give flexibility for budgets in future years. Committeeman Lois suggested that the ordinance be tabled so that the Township Committee could forego that flexibility and avoid future tax increases.

Deputy Mayor Hamilton asked about how cap banks work. Administrator Hoffmann explained that the ordinance allows for banking of up to 3.5% with a three-year average which is available for use in future years if there is need.

Committeeman Lois further alleged that this ordinance serves no purpose other than to increase taxes. He also said that he does not foresee needing this cap bank this year or next year. He further stated that the cap bank flexibility does not bring any value or service to residents other than preserve taxing power to raise taxes on property owners. Administrator Hoffmann stated that the ordinance is not a tax increase, and is a part of prudent fiscal planning.

Deputy Mayor Hamilton asked if the ordinance could be carried to the next meeting. The Township Clerk indicated that if no action is taken at this meeting, the introduction of the ordinance can be scheduled for the next meeting. Deputy Mayor Hamilton opined that the consideration of the ordinance be carried to the March 22nd meeting.

Ordinance 2022-04

ORDINANCE 2022-04

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO ADD CHAPTER III SECTION 15 REGARDING LOITERING IN A PUBLIC PLACE

BE IT ORDAINED, by the Township Committee of the Township of Chatham, in the County of Morris, to add the following sections to Chapter III of the Revised General Ordinances of the Township of Chatham:

Chapter III Section 15 Loitering in a Public Place

Section 3-15.1 Preemption.

- A. N.J.S.A. 2C:33-2.1 makes it unlawful for a person to loiter in a public place with the purpose of unlawfully obtaining or distributing a controlled dangerous substance or controlled substance analog.
- B. N.J.S.A. 2C:24-1.1 makes it unlawful for a person to loiter in a public place with the purpose of engaging in prostitution or promoting prostitution.
- C. The Township Committee of the Township of Chatham finds and declares that the municipal regulations contained herein are not preempted by state law based on the following:
 - a. The municipal regulations do not conflict with state law, either because of conflicting policies or operational effect;
 - b. N.J.S.A. 2C:1-5d expresses an intent that the New Jersey Code of Criminal Justice is to be exclusive in the field, but that section alone does not preempt these regulations;
 - c. The subject matter does not reflect the need for uniformity;
 - d. The state scheme is not so comprehensive or pervasive that it precludes the coexistence of municipal regulations; and
 - e. The municipal regulations do not stand as an obstacle to the accomplishment and execution of the full purposes and objectives of the State Legislature.

Section 3-15.2 Findings and Purpose.

- A. It is the responsibility of local government to adopt regulations designed to promote the public health, safety and welfare. Such authority has been delegated to municipalities by the Legislature of the State of New Jersey.

- B. The Township Committee of the Township of Chatham finds and declares that the loitering of groups of people or gangs in public places with the purpose of engaging in criminal activity or unlawful conduct is a significant problem which threatens the public health, safety and welfare.
- C. The purpose of these regulations is to deter or reduce criminal activity and unlawful conduct and to maintain a quality of life within the community which reassures citizens that they are safe and secure in public places.

Section 3-15.3 Definitions.

As used in this article, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended.

ATHLETIC EVENT

To include for example, sporting contests such as baseball, basketball, field hockey, football, lacrosse, rowing, soccer, softball, tennis and track and field.

CULTURAL EVENT

To include, for example, artistic and intellectual events such as concerts, dance recitals, lectures, movies, plays, and artistic displays.

LOITERING

To prowl, remain or wander in one location, including sifting in or out of a motor vehicle.

PUBLIC PLACE

Any place to which the public has access, including but not limited to any alley, boardwalk, bridge, driveway, shopping center, park, parking lot, plaza, public library, public street, sidewalk or transportation facility, or the doorways and entrance ways to any building which front on any of the aforesaid places, or a motor vehicle in or on any such place.

PURPOSE

A person is presumed to intend the reasonable and natural consequences of their actions. A person manifests the purpose to engage in unlawful conduct when a reasonable person would conclude that such an intent exists from an observation of the person's actions, conduct, demeanor, and speech under the attendant circumstances.

RECREATIONAL EVENT

To include, for example, a bicycle race, five-mile run, walkathon, and athletic activities available to the public at large.

SOCIAL EVENT

To include, for example, contests, shopping, cultural events, car show, dance, festival, outdoor events, and parades.

Section 3-15.4 Regulations

- A. It is unlawful for a person to loiter in a public place with the purpose of interfering with or obstructing the free flow of pedestrian traffic or vehicular traffic.
- B. It is unlawful for a person to loiter in a public place with the purpose of engaging in an altercation with another person.
- C. It is unlawful for a person to loiter in a public place with the purpose of creating a disturbance or otherwise interfering with a school activity, such as an athletic event, cultural event, educational activity, or a social event.
- D. It is unlawful for a person to loiter in a public place that creates a disturbance or otherwise interferes with a public event or traffic.
- E. It is unlawful for a person to loiter on private property that is customarily used for a commercial purpose by the public with the purpose of interfering with or obstructing the free flow of pedestrian traffic or vehicular traffic seeking the use of the commercial enterprise.

- F. Where one or more persons are participating in a course of unlawful conduct, as defined herein, a law enforcement officer engaged in executing or enforcing the law may order the participant and others in the immediate vicinity to disperse. Any person who fails, neglects, or refuses to obey this order commits a violation of these regulations.

Section 3-15.5 Violations and Penalties.

Any person found guilty of an offense under this article shall be subject to a fine under Chapter 1., General Provisions § 1-5.1 to 1-5.6.

Section 3-15.6 Repeal of Inconsistent Provisions

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 3-15.7 Severability

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 3-15.8 Effective Date

This ordinance shall take effect as provided by law.

Committeewoman Ewald moved to introduce Ordinance 2022-04. Deputy Mayor Hamilton seconded the motion.

Committeewoman Ewald asked about language in the ordinance about not conflicting with State law. Attorney King explained that is standard language, and any section found to be conflicting with State law would not invalidate the other sections.

Mayor Felice stated that Chatham Township is a safe municipality, and this ordinance was drafted following discussions she had with Chief Miller to find ways to keep the Township safe. Mayor Felice also stated that she worked with the Township Attorney and the Township Prosecutor on this ordinance.

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

Public Hearing for Ordinance 2022-04 will be scheduled for March 22, 2022.

Ordinance 2022-05

ORDINANCE 2022-05

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ADDING CHAPTER III SECTION 16 ADOPTING STANDARDS FOR SECURITY CAMERAS

WHEREAS in the interests of reducing crime, maintaining public safety and provide an enhanced quality of life for the residents and business owners of Chatham Township; and

WHEREAS, to maintain and promote public safety, the Township of Chatham, has determined that security video cameras monitoring areas open to the public would assist law enforcement in recognizing and monitoring threats, and investigating criminal activity; and

WHEREAS, security video camera systems are routinely implemented in new construction as the systems help protect people and personal property and assist and aid law enforcement to solve and prevent crime.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Chatham to add the following sections to Chapter III of the Revised General Ordinances of the Township of Chatham:

Section 3-16 Standards for Security Cameras

Section 3-16.1. Application

- a. All newly constructed residential dwelling units, including but not limited to condominium complexes, of more than eight (8) dwelling units and all newly constructed commercial and industrial structures of more than ten thousand (10,000) square feet shall provide for the installation and maintenance of security cameras in accordance with a plan to be approved by the Construction Code Official with a review by the Chief or Police or his duly appointed representative.
- b. Any such security cameras shall be installed so as to maintain continuous surveillance of the public streets, parking lots and sidewalks adjacent to such dwelling units and shall conform to standards adopted by the Township for CCTV camera security systems.
- c. Recordings from the surveillance cameras required by this Article shall be maintained for not less than 30 days and shall be made available to the Chatham Township Police Department in the event the recordings are needed for an investigation.
- d. It shall be the responsibility of the owner to install, maintain, and operate the security video system. However, it shall be within the sole discretion of the owner to determine whether personnel shall be assigned to monitor the cameras in real time.

Section 3-16.2 Violations and Penalties

An owner or managing agent who fails to comply with the provisions of this article shall, upon conviction be punishable as provided in Chapter 1., General Provisions § 1-5.1 to 1-5.6. of the Code of Chatham Township.

Section 3-16.3 Effective Date

This ordinance shall take effect as provided by law.

Deputy Mayor Hamilton moved to introduce Ordinance 2022-05. Committeewoman Ewald seconded the motion.

Mayor Felice said that this ordinance was also developed on consultation with Chief Miller. She explained the benefits of having security cameras. Deputy Mayor Hamilton noted a typographical error in the ordinance.

Committeewoman Ewald asked if there is a way to require security cameras when there is a major renovation. Attorney King said that there would have to be such a clause in the ordinance. Deputy Mayor Hamilton suggested that the ordinance move forward as drafted, and a clause as described by Committeewoman Ewald could be part of an additional ordinance at a later time.

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

Public Hearing for Ordinance 2022-05 will be scheduled for March 22, 2022.

Consent Agenda

RESOLUTION 2022-081

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 \$599,556.31 and the prior month's payroll of \$489,830.96 Current Fund, \$63,559.14 Sewer No. 1, and \$47,292.02 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of March 2022, in the amount of \$3,336,090.00 be paid.

RESOLUTION 2022-082

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 February 22, 2022.

RESOLUTION 2022-083
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 February 22, 2022.

RESOLUTION 2022-084
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING ONE-DAY
SPECIAL PERMIT FOR LIQUOR LICENSE

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following permit for a One-Day Liquor License is hereby approved:

<u>Name of Organization</u>	<u>Dates of Social Affair</u>	<u>Place where Affair will be held</u>
Green Village Fire Department	May 14, 2022	Green Village Firehouse 529 Green Village Road Green Village, NJ 07935

RESOLUTION 2022-085
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>
20	8	Nghiem, Huan/Maureen 109 Ormont Rd Chatham, NJ 07928	\$3,443.94 1 st Quarter 2022

RESOLUTION 2022-088
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE RESTORATION OF
FIELD LIGHTING TRENCH AND RELATED AREAS AT NASH FIELD

WHEREAS, lighting improvements have been made to Nash Field; and
WHEREAS, the restoration of the site is the responsibility of the Township; and,
WHEREAS, six (6) companies have been contacted and asked to visit the site for the purpose of providing a quote for the restoration of the conduit trenches around the perimeter of the fields; and,
WHEREAS, the Department of Public Works will receive written quotes during the week of March 7th and March 14th for the restoration of the trenched area; and,
WHEREAS, the goal is to have the trenched area restored by the end of March for the start of the 2022 baseball season; and,
WHEREAS, funds for the restoration are available in CAF G-01-60-040-020 and or Ordinance 2019-11.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the Township Administrator and Public Works Manager are authorized to review the quotes that will be received and select the Contractor who provides the best value; price and other considerations included so that the trenched areas can be restored preferably with sod.

RESOLUTION 2022-092
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, ESTABLISHING EMPLOYEE SALARIES FOR THE YEAR 2022

BE IT RESOLVED by the Township Committee of the Township of Chatham, in the County of Morris, New Jersey, that annual salaries of non-contractual employees are hereby established as shown below and shall be effective January 1, 2022. Seasonal salaries shall be effective May 1, 2022, Crossing Guards and SLEO III shall be effective for the 2022/2023 School Year. Employees terminating their employment prior to the effective date of this resolution shall not be eligible for any retroactive increase.

Township Committee Member	\$1,200.00
Township Administrator	\$186,623.00
Chief of Police (as well as additional compensation as outlined in the employment agreement)	\$177,352.84
Public Works Manager	\$122,044.00
Assistant Public Works Manager	\$120,000.00
Wastewater Treatment Facility Manager	\$120,000.00
Chief Financial Officer	\$124,185.00
Qualified Purchasing Agent	\$5,000.00
Township Clerk/Registrar	\$74,355.60
Secretary Board of Health/Dog Licensing Clerk	\$10,139.40
Deputy Clerk	Vacant
Tax Collector/Utility Collector	\$79,405.00
Tax Assessor (PT)	\$32,990.00
Assistant Tax & Utility Collector	\$41,155.50
Assistant Tax Assessor	\$41,155.50
Confidential Administrative Assistant/Payroll Clerk (*Upon Completion of Probationary Period)	\$51,125.00
Human Resources Manager/Payroll Clerk (*Upon Completion of Probationary Period)	\$51,125.00
Accounts Payable/Assistant Treasurer	\$57,260.00
Administrative Assistant/Deputy Registrar	Vacant
DPW Administrative Assistant/Recycling Coordinator	\$52,701.00
Police Administrative Assistant	\$42,343.00
Police Administrative Assistant/Records Manager	\$52,335.00
Special Law Enforcement Officer III (SLEO III)	\$36.60 per Hour
Emergency Management Coordinator PT	\$6,258.00
Deputy Emergency Management Coordinator PT	\$3,500.00
Construction Official/Building Sub-code Official /Inspector	\$116,256.00
Construction Office Control Person/TACO (*Upon Completion of Probationary Period)	\$55,000.00
Construction Office Administrative Assistant/General Administrative Assistant	\$45,500.00
Board Manager PT	\$45,500.00
Deputy Zoning Officer	\$3,805.00
Fire Sub-code Official/Inspector PT	\$20,806.00
Electrical Sub-code Official/Inspector PT	\$27,131.00
Plumbing Sub-code Official PT	\$17,546.00
Plumbing Inspector/Alternate Sub-code Official PT	\$21,268.00
Fire Prevention Official/Inspector PT	\$13,706.00
Planning Board Secretary	\$250 per meeting
Zoning Board Secretary	\$250 per meeting
Governmental Access TV Manager/Video Producer PT	\$6,399.00 \$25 hr special service
Recreation Director/Grant Writer	Vacant
Pool Manager	\$20,525.00
Assistant Pool Manager	\$19,416.00
Second Assistant Pool Manager	\$9,410.00
Swim Team Coach	\$3,650.00
Assistant Swim Team Coach	\$1,550.00
Lifeguard	\$11.90 - \$20.00 Hr.
Substitute Lifeguard	\$11.90 - \$20.00 Hr.

Water Safety Instructor (added to lifeguard wages)	\$0.50 Hr.
Gate Attendants	\$11.90 - \$20.00 Hr.
Fill-in Sub-code Inspectors	\$40.00 - \$45.00 Hr.
Laborer (PT or seasonal)	\$11.90 - \$20.00 Hr.
Crossing Guards	\$13.00 - \$22.00 Hr.
Clerk/Typist (PT)	\$13.00 - \$22.00 Hr.

This Resolution shall take effect immediately.

RESOLUTION 2022-100
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY APPOINTING DONALD KIDD ASSISTANT
PUBLIC WORKS MANAGER

BE IT RESOLVED by the Township Committee of the Township of Chatham that Donald Kidd is appointed to the position of Assistant Public Works Manager effective March 16, 2022 at the compensation rate outlined in the 2022 Salary Resolution.

RESOLUTION 2022-101
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY APPOINTING MICHAEL HAJJAR
WASTEWATER TREATMENT FACILITY MANAGER

BE IT RESOLVED by the Township Committee of the Township of Chatham that Michael Hajjar is appointed to the position of Wastewater Treatment Facility Manager effective March 16, 2022 at the compensation rate outlined in the 2022 Salary Resolution.

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

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

RESOLUTION 2022-086
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING A AUTHORIZING
NECESSARY IMPROVEMENTS TO MOUNTAIN VIEW FIELD FOR YEAR-ROUND USE

WHEREAS, it is the intention of the Township Committee to improve the Township’s recreation fields and facilities, so that all residents will have options for recreational enjoyment and quality recreation areas at all stages of life; and,

WHEREAS, the quality of Recreational facilities are an essential component of our residential community and add to of quality of life for all residents of Chatham Township; and,

WHEREAS, the currently organized members of this Township Committee adopted Resolution 2022-053 on January 20, 2022 which resolved “to improve the Township’s recreation and open space assets”.

WHEREAS, the Open Space Element of the Master Plan identifies the Municipal Complex on Meyersville Road containing Mountain View field and playground as occupying 2.34 acres; and,

WHEREAS, Chatham Township’s Goals and Objectives in the Land Use Plan of the Master Plan states, “enhancing the open space system and recreational facilities remain guiding principles in this plan.”; and,

WHEREAS, Resident complaints and dissatisfaction with the quality of natural turf have been recorded over the past 2 years in the meeting minutes of the Chatham Joint Recreation Advisory Committee; and,

WHEREAS, during both 2020 and 2021 fields in the Township have been forced closed due to bald turf and “rested” to prevent further damage when turf conditions became unsuitable for play; and,

WHEREAS, stinging insects such as ground nesting wasps have been observed to inhabit the sandy soils and turf in this field posing a potential danger to children and adults; and,

WHEREAS, Chatham Township ORDINANCE 2021-15 *Eliminating Use Of Pesticides On All Municipal Recreational Areas* is one of the leading, most restrictive, first-in-the-state of New Jersey to be adopted by a municipality according to the September 2021 meeting minutes of the Chatham Township Environmental Commission; and,

WHEREAS, all fields and facilities must be managed according to ORDINANCE 2021-15 *Eliminating Use of Pesticides on All Municipal Recreational Areas* inclusive of a provision of last resort to allow the use of pesticide in limited quantity and timeframe; and,

WHEREAS, the Department of Public Works of the Township of Chatham are the professional expert managers of maintaining field space and recreational open space in Chatham Township; and,

WHEREAS, funds generated by the Open Space Tax may be used to fund improvements to Parks, Playgrounds, Active Sport Recreation areas; and,

WHEREAS, existing funds in Chatham Township's Recreation Reserve Account are intended to support recreation fields and facilities within the Township; and,

WHEREAS, the fees collected and deposited in the Joint Recreation Trust Fund of the Chathams are intended in part for field and facility maintenance; and,

WHEREAS, the Capital Plan portion of the annual Budget of the Township of Chatham anticipates recreational facility upgrades and improvements; and,

WHEREAS, the planned 2022 Capital Reserve and anticipated Capital Surplus of the 2022 Annual Budget of the Township of Chatham maybe utilized as additional fund sources for recreational facility upgrades and improvements; and,

WHEREAS, these improvements will not require an increase in the municipal tax rate for the 2022 annual Budget of the Township of Chatham over or above the municipal tax rate of 2021.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham authorizes necessary maintenance and improvements to the natural turf and baseball field at Mountain View Field with the goal of making play possible year-round.

This resolution shall take effect immediately.

RESOLUTION 2022-087

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING A AUTHORIZING NECESSARY IMPROVEMENTS TO ESTERNAY FIELD FOR YEAR-ROUND USE

WHEREAS, it is the intention of the Township Committee to improve the Township's recreation fields and facilities, so that all residents will have options for recreational enjoyment and quality recreation areas at all stages of life; and,

WHEREAS, the quality of Recreational facilities are an essential component of our residential community and add to quality of life for all residents of Chatham Township; and,

WHEREAS, the currently organized members of this Township Committee adopted Resolution 2022-053 on January 20, 2022 which resolved "to improve the Township's recreation and open space assets".

WHEREAS, the Open Space Element of the Master Plan identifies Esternay Field as off Fairmount Avenue near River Road with one field and one practice field and a playground as occupying 14 acres; and,

WHEREAS, Chatham Township's Goals and Objectives in the Land Use Plan of the Master Plan states, "enhancing the open space system and recreational facilities remain guiding principles in this plan."; and,

WHEREAS, Resident complaints and dissatisfaction with the quality of natural turf have been recorded over the past 2 years in the meeting minutes of the Chatham Joint Recreation Advisory Committee; and,

WHEREAS, during both 2020 and 2021 fields in the Township have been forced closed due to bald turf and "rested" to prevent further damage when turf conditions became unsuitable for play; and,

WHEREAS, Chatham Township ORDINANCE 2021-15 *Eliminating Use Of Pesticides On All Municipal Recreational Areas* is one of the leading, most restrictive, first-in-the-state of New Jersey to be adopted by a municipality according to the September 2021 meeting minutes of the Chatham Township Environmental Commission; and,

WHEREAS, all fields and facilities must be managed according to ORDINANCE 2021-15 *Eliminating Use Of Pesticides On All Municipal Recreational Areas* inclusive of a provision of last resort to allow the use of pesticide in limited quantity and timeframe; and,

WHEREAS, the Department of Public Works of the Township of Chatham are the professional expert managers of maintaining field space and recreational open space in Chatham Township; and,

WHEREAS, funds generated by the Open Space Tax may be used to fund improvements to Parks, Playgrounds, Active Sport Recreation areas; and,

WHEREAS, existing funds in Chatham Township's Recreation Reserve Account are intended to support recreation fields and facilities within the Township; and,

WHEREAS, the fees collected and deposited in the Joint Recreation Trust Fund of the Chathams are intended in part for field and facility maintenance; and,

WHEREAS, the Capital Plan portion of the annual Budget of the Township of Chatham anticipates recreational facility upgrades and improvements; and,

WHEREAS, the planned 2022 Capital Reserve and anticipated Capital Surplus of the 2022 Annual Budget of the Township of Chatham maybe utilized as additional fund sources for recreational facility upgrades and improvements; and,

WHEREAS, these improvements will not require an increase in the municipal tax rate for the 2022 annual Budget of the Township of Chatham over or above the municipal tax rate of 2021.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham authorizes necessary maintenance and improvements to the natural turf at Esternay Field with the goal of making play possible year-round.

This resolution shall take effect immediately.

RESOLUTION 2022-089
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING A AUTHORIZING
NECESSARY STEPS TO ENSURE ADEQUATE LAWN CARE AT COLONY POOL FOR
SUMMER USE

WHEREAS, it is the intention of the Township Committee to improve the Township's recreation fields and facilities, so that all residents will have options for recreational enjoyment and quality recreation areas at all stages of life; and,

WHEREAS, the quality of Recreational facilities are an essential component of our residential community and add to quality of life for all residents of Chatham Township; and,

WHEREAS, the currently organized members of this Township Committee adopted Resolution 2022-053 on January 20, 2022 which resolved "to improve the Township's recreation and open space assets".

WHEREAS, the Open Space Element of the Master Plan identifies Colony Pool and Recreational Area as located on Spring and School Streets and containing swimming, playground and tennis facilities; and,

WHEREAS, Chatham Township's Goals and Objectives in the Land Use Plan of the Master Plan states, "enhancing the open space system and recreational facilities remain guiding principles in this plan."; and,

WHEREAS, the lawn surrounding the pool area provides entry to the pool and is used by bathers for picnics, sunbathing and seating; and,

WHEREAS, there exists photographic evidence of lawn balding and patching in both high traffic and low traffic areas of the lawn; and,

WHEREAS, lawn damage and mud can may cause a slippery condition and can be carried by foot traffic onto and into the facilities of the Recreation Center and into the bathing pool itself; and,

WHEREAS, Chatham Township ORDINANCE 2021-15 *Eliminating Use of Pesticides On All Municipal Recreational Areas* is one of the leading, most restrictive, first-in-the-state of New Jersey to be adopted by a municipality according to the September 2021 meeting minutes of the Chatham Township Environmental Commission; and,

WHEREAS, all fields and facilities must be managed according to ORDINANCE 2021-15 *Eliminating Use of Pesticides on All Municipal Recreational Areas* inclusive of a provision of last resort to allow the use of pesticide in limited quantity and timeframe; and,

WHEREAS, the Department of Public Works of the Township of Chatham are the professional expert managers of maintaining field space and recreational open space in Chatham Township; and,

WHEREAS, funds generated by the Open Space Tax may be used to fund improvements to Parks, Playgrounds, Active Sport Recreation areas; and,

WHEREAS, existing funds in Chatham Township's Recreation Reserve Account are intended to **support** recreation fields and facilities within the Township; and,

WHEREAS, the fees collected and deposited in the Joint Recreation Trust Fund of the Chathams are intended in part for field and facility maintenance; and,

WHEREAS, the Capital Plan portion of the annual Budget of the Township of Chatham anticipates recreational facility upgrades and improvements; and,

WHEREAS, the planned 2022 Capital Reserve and anticipated Capital Surplus of the 2022 Annual Budget of the Township of Chatham maybe utilized as additional fund sources for recreational facility upgrades and improvements; and,

WHEREAS, these improvements will not require an increase in the municipal tax rate for the 2022 annual Budget of the Township of Chatham over or above the municipal tax rate of 2021.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham authorizes necessary maintenance and improvements to the natural lawn surrounding the bathing facility at The Colony Pool club with the goal of ensuring and adequate lawn to support summer seasonal use.

This resolution shall take effect immediately.

Committeeman Lois moved to adopt Resolutions 2022-086, 2022-087 and 2022-089. Deputy Mayor Hamilton seconded the motion.

Committeewoman Ewald asked about the purpose of these resolutions. Mayor Felice said it is o make clear that the fields will be kept safe for use by children. Deputy Mayor Hamilton added that Public Works is being authorized to do whatever they need to do to get the fields back up to an appropriate standard.

Mayor Felice commented on the need for extermination of cicada killer wasps at Mountainview Field. The Township Clerk indicated that measures were taken several years ago with marginal success.

Committeeman Lois said that the Township will follow its own ordinances regarding the methods used for field maintenance.

Administrator Hoffmann noted that there was an organic program that was working, and the 2021 Budget did not have sufficient funds for the program. He also stated that identification of additional funds will allow the necessary work to be performed. Administrator Hoffmann further noted that the field quality is not the fault of the Department of Public Works. Deputy Mayor Hamilton noted that it was not intended to make it seem that DPW had not performed their work.

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

RESOLUTION 2022-090

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE REFURBISHMENT
OF COLONY TENNIS COURTS**

WHEREAS, it is the intention of the Township Committee to improve the Township’s recreation fields and facilities, so that all residents will have options for recreational enjoyment and quality recreation areas at all stages of life; and,

WHEREAS, the quality of Recreational facilities are an essential component of our residential community and add to quality of life for all residents of Chatham Township; and,

WHEREAS, the currently organized members of this Township Committee adopted Resolution 2022-053 on January 20, 2022 which resolved “to improve the Township’s recreation and open space assets”.

WHEREAS, the Open Space Element of the Master Plan identifies Colony Pool and Recreational Area as located on Spring and School Streets and containing swimming, playground and tennis facilities; and,

WHEREAS, Chatham Township’s Goals and Objectives in the Land Use Plan of the Master Plan states, “enhancing the open space system and recreational facilities remain guiding principles in this plan.”; and,

WHEREAS, the Colony Recreation courts are open year-round for use by all residents with priority on some courts given to Colony Membership only during The Colony Pool Club operating days; and,

WHEREAS, the Township of Chatham is proud to host the practices, home matches and tournaments held by the Chatham High School Varsity Tennis Program on these courts; and,

WHEREAS, there exists photographic evidence of court damage including cracking and age-related wear; and,

WHEREAS, proper maintenance, repair and upgrades may extend the life of the existing court facilities and prolong the need for a complete future replacement of these courts in their entirety; and,

WHEREAS, funds generated by the Open Space Tax may be used to fund improvements to Parks, Playgrounds, Active Sport Recreation areas; and,

WHEREAS, existing funds in Chatham Township’s Recreation Reserve Account are intended to support recreation fields and facilities within the Township; and,

WHEREAS, the fees collected and deposited in the Joint Recreation Trust Fund of the Chathams are intended in part for field and facility maintenance; and,

WHEREAS, the Capital Plan portion of the annual Budget of the Township of Chatham anticipates recreational facility upgrades and improvements; and,

WHEREAS, the planned 2022 Capital Reserve and anticipated Capital Surplus of the 2022 Annual Budget of the Township of Chatham maybe utilized as additional fund sources for recreational facility upgrades and improvements; and,

WHEREAS, it is appropriate to request that the School District of the Chathams provide a capital contribution to this tennis court refurbishment as these are the primary courts used by the High School Varsity Tennis program; and,

WHEREAS, these improvements will not require an increase in the municipal tax rate for the 2022 annual Budget of the Township of Chatham over or above the municipal tax rate of 2021.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham authorizes necessary maintenance, repair and improvements to the tennis courts at the Colony Recreation Center to provide for the refurbishment of these tennis courts.

BE IT FURTHER RESOLVED that the Township Administrator is authorized to prepare the necessary bid documents if necessary.

This resolution shall take effect immediately.

Committeeman Lois moved to adopt Resolution 2022-090. Committeewoman Ewald seconded the motion.

Committeewoman Ewald asked if there should be a Request for Proposals. Attorney King said that the resolution does not need that language. Mayor Felice suggested that a line be added to direct the Township Administrator to prepare the necessary bid documents.

Committeewoman Ewald asked about a contribution from the School District. Committeeman Lois stated that Board of Education member Matt Gilfillan asked that the contribution be included.

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

RESOLUTION 2022-091

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE INSTALLATION OF SECURITY CAMERAS AT NASH FIELD PARK AND SHUNPIKE PARK

WHEREAS, the fields and playgrounds at both Nash Field and Shunpike Field are recreation treasures enjoyed by residents and visitors of all ages; and

WHEREAS, in the past due to uncaring acts of vandalism has occurred which caused the closing of the bathrooms at Shunpike Field and the Castle Hill playground; and,

WHEREAS, similar incidents have occurred at Nash Field; and,

WHEREAS, due to advances in technology, the cost-effective installation of technology will assist the Township protect the safety of our residents, our recreation assets as well as visitors to our two parks; and,

WHEREAS, various options have been explored with the goal of ensuring the safety of both people and our recreation assets so that the bathrooms at Shunpike Field can be reopened to the public; and,

WHEREAS, best value price and other considerations included is Quote # CTPD28562 dated February 16, 2022 received from PACETALK 163 Stuyvesant Avenue, Lyndhurst, New Jersey 07071, through the Bergen County Cooperative Purchasing System Catalog Bid 19-32, of which the Township of Chatham is a member in the amount of \$62,098.00; and,

WHEREAS, funds will be available for this purchase in _____

WHEREAS, funds generated by the Open Space Tax may be used to fund improvements and to Parks, Playgrounds, Active Sport Recreation areas.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham authorizes the purchase and installation of cameras and modems for Shunpike Park and Nash Field Park as outlined in the

Committeeman Lois moved to adopt Resolution 2022-091. Deputy Mayor Hamilton seconded the motion.

Committeewoman Ewald asked about going to bid on this item. Mayor Felice stated that the security cameras are being purchased through a co-Op. The Township Clerk noted that when purchases are made through a co-op, the bidding process is handled through the co-op.

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

RESOLUTION 2022-093

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY DESIGNATING PHOENIX ADVISORS AS CONTINUING DISCLOSURE AGENT AND INDEPENDENT REGISTERED MUNICIPAL ADVISOR AND PREQUALIFYING FINANCIAL ADVISORS

WHEREAS, an RFQ for Financial Advisor Services was issued on January 13, 2022; and

WHEREAS, proposals were received and publicly opened on Thursday, February 10, 2022 at 12:00 PM, prevailing time; and

WHEREAS, the Township of Chatham has received Continuing Disclosure Agent and Independent Registered Municipal Advisor services from Phoenix Advisors LLC; and

WHEREAS, the terms of appointment are renewable each year; and

WHEREAS, the term of this appointment is one-year; and

WHEREAS, it is the desire of the Township Committee to prequalify a pool of firms to provide Financial Advisor Services.

NOW THEREFORE, BE IT RESOLVED that the Township of Chatham does hereby Phoenix Advisors, LLC as Continuing Disclosure Agent and Independent Registered Municipal Advisor; and

BE IT FURTHER RESOLVED that the following firms are prequalified to provide Financial Advisor Services:

1. NW Financial Group LLC
2. Acacia Financial Group, Inc.

Committeeman Lois moved to adopt Resolution 2022-093. Deputy Mayor Hamilton seconded the motion.

Committeewoman Ewald asked how the use of financial advisors will work. Administrator Hoffmann stated that Phoenix Advisors is currently assisting with the Township on certain matters. Committeewoman Ewald said she does not know why other advisors are necessary.

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

RESOLUTION 2022-094
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY APPOINTING A RISK MANAGEMENT
CONSULTANT

WHEREAS, the Township of Chatham has resolved to join the Morris County Municipal Joint Insurance Fund, following a detailed analysis; and

WHEREAS, the bylaws of said funds require that each Governing Body appoint a RISK MANAGEMENT CONSULTANT to perform various professional services as detailed in the bylaws; and

WHEREAS, the Board of Fund Commissioners established a fee equal to six percent (6%) of the Municipal assessment which expenditure represents reasonable compensation for the services required and was included in the cost considered by the Governing Body; and

WHEREAS, the judgmental nature of the Risk Management Consultant's duties renders comparative bidding impractical;

NOW THEREFORE, be it resolved that the Township of Chatham does hereby appoint Acrisure LLC as its Risk Management Consultant in accordance with the Fund's bylaws; and

BE IT FURTHER resolved that the governing Body is hereby authorized and directed to execute the Risk Management Consultant's Agreement annexed hereto and to cause a notice of this decision to be published according to N.J.S.A. 40A:11-5(1)(a)(i).

Administrator Hoffmann stated that the Risk Manager is currently on holdover from 2021, and time will be needed to switch to the new risk manager.

The compensation fee percentage was discussed. Action on this resolution was deferred to ensure that the percentage is correct.

RESOLUTION 2022-095
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY AWARDING A PROFESSIONAL
SERVICES CONTRACT FOR LABOR COUNSEL.

WHEREAS, the Township of Chatham is in need of the services of a professional labor attorney to assist with legal advice relating to general employment law related issues which may include reviewing and revising existing documents and providing training on employment related issues as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, an RFQ for Labor Counsel Services was issued on January 13, 2022; and

WHEREAS, proposals were received and publicly opened on Thursday, February 10, 2022 at 12:00 PM, prevailing time; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of each of the contracts may exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are or will be available upon adoption of the temporary budget for year 2022; and

WHEREAS, it is the desire of the Township Committee to prequalify a pool of attorneys to provide Labor Counsel Services; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that a professional service contract is hereby awarded to Ruderman & Roth, LLC in accordance with a proposal submitted and on file in the Office of the Township Clerk.

BE IT FURTHER RESOLVED that the following attorneys and/or firms are prequalified to provide Labor Counsel Services

1. Plosia Cohen LLC
2. DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.
3. Bell, Shivas & Bell P.C.

Deputy Mayor moved to adopt Resolution 2022-095. Committeeman Lois Deputy Mayor Hamilton seconded the motion.

Committeewoman Ewald said that she reviewed the RFQs and noted those firms that stood out. Attorney King noted that one of the firms had a conflict. Mayor Felice commented on her review of the RFQs.

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

RESOLUTION 2022-096
A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY PREQUALIFYING TAX APPEAL
ATTORNEYS

WHEREAS, an RFQ for Tax Attorney Services was issued on January 13, 2022; and
WHEREAS, proposals were received and publicly opened on Thursday, February 10, 2022 at 12:00 PM, prevailing time; and

WHEREAS, it is the desire of the Township Committee to prequalify a pool of attorneys to provide Tax Attorney Services; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the following attorneys and/or firms are prequalified to provide Tax Attorney Services

1. DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.
2. Dorsey & Semrau
3. Murphy McKeon, P.C.
4. Spiotti & Associates

Committeeman Lois moved to adopt Resolution 2022-096. Deputy Mayor Hamilton seconded the motion.

Attorney King explained how work will be assigned to the attorneys.

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

RESOLUTION 2022-097
A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY PREQUALIFYING CONFLICT
LITIGATION ATTORNEYS

WHEREAS, an RFQ for Conflict Litigation Attorney Services was issued on January 13, 2022; and

WHEREAS, proposals were received and publicly opened on Thursday, February 10, 2022 at 12:00 PM, prevailing time; and

WHEREAS, it is the desire of the Township Committee to prequalify a pool of attorneys to provide Conflict Litigation Attorney Services; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the following attorneys and/or firms are prequalified to provide Conflict Litigation Attorney Services

1. Bell, Shivas & Bell P.C.
2. Dasti & Associates
3. Savo, Schalk, Corsini, Gillespie, O'Grodnick & Fisher, P.A.
4. DeCotiis, FitzPatrick, Cole & Giblin, LLP

Deputy Mayor moved to adopt Resolution 2022-097. Committeeman Lois Deputy Mayor Hamilton seconded the motion.

Committeewoman Ewald questioned the need for a Conflict Litigation Attorney. Attorney King explained the purpose.

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

RESOLUTION 2022-099
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING TOWNSHIP ATTORNEY

**TO NEGOTIATE A TEMPORARY LEASE AGREEMENT FOR SCHOOL BUS PARKING ON
MUNICIPAL PROPERTY**

BE IT RESOLVED by the Township Committee of the Township of Chatham that the Township Attorney is authorized to negotiate a temporary lease agreement for school bus parking on Township owned property; and

BE IT FURTHER RESOLVED that the temporary lease shall expire on or about June 30, 2022.

Committeeman Lois moved to adopt Resolution 2022-099. Deputy Mayor Hamilton seconded the motion.

Committeewoman Ewald said that the resolution is vague and cryptic, and does not indicate where the buses would be stored. Mayor Felice said that negotiations are still ongoing.

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

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

Gregory J. LaConte
Municipal Clerk