

**MINUTES
TOWNSHIP COMMITTEE
WORKSHOP MEETING
MARCH 21, 2023**

Mayor Felice called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:31 P.M.

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both *The Chatham Courier* and the *Morris County Daily Record* on January 4, 2023; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 4, 2023; and notice was filed with the Township Clerk on January 4, 2023.

Roll Call

Answering present to the roll call were Committeewoman Ewald, Committeeman Lois, Deputy Mayor Hamilton and Mayor Felice. Committeeman Choi arrived late.

Mayor Felice led the Flag Salute.

Approval of Agenda

The agenda was approved as written.

Reports

Committeeman Choi reported that guidelines were provided for negotiations with Chatham Borough for the Joint Recreation Agreement, and the negotiations are still under way.

Committeewoman Ewald reported that the Municipal Alliance has several upcoming programs. She further reported on behalf of the Historical Society that the Pathways of History Museum Tours on Saturday May 6 and Sunday May 7 will include the Red Brick Schoolhouse. The Senior Center's Shred Event will be on April 22nd at the Chatham Middle School. The Garden Tour will be on June 3rd and Fishawack will be on June 10th.

Committeeman Lois reported that memberships for Colony Pool are available and the Early Bird rates are available through March 31st. Summer jobs at Colony Pool are still available. Committeeman Lois noted ongoing negotiations for the Joint Recreation Program. He also stated that he and Committeeman Choi recently attended the Chatham Emergency Squad's officer installation dinner. Committeeman Lois commented on the number of calls that the Emergency Squad responded to in 2022, and applauded their effectiveness. Fundraising efforts will soon begin for a new command center.

Deputy Mayor Hamilton reported that the Friends of the Library Book Sale was recently held. Final numbers have not yet been released but the sale went well. Deputy Mayor Hamilton also gave an update on the Teen Center plans.

Hearing of Citizens

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

Introduction of Ordinances

Ordinance 2023-04

ORDINANCE 2023-04

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY, AMENDING CHAPTER 30, LAND DEVELOPMENT, OF THE TOWNSHIP CODE, ARTICLE II, DEFINITIONS, § 30-6, DEFINITIONS.

WHEREAS, pursuant to *N.J.S.A. 40:48-2*, New Jersey municipalities may make, amend, and enforce ordinances they deem necessary and proper for the order and protection of persons and public health, safety and welfare of the municipality and its citizens; and

WHEREAS, after a review of the definition section, specifically impervious coverages, and based on the recommendation of the Municipal Engineer it has been determined to clarify such definitions.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, in the County of Morris, and State of New Jersey, that Chapter 30, Land Development, shall be amended as follows:

SECTION 1. Chapter 30, Land Development, Article II, Definitions, § 30-6, Definitions, is hereby amended as follows:

IMPERVIOUS IMPROVEMENTS

Shall mean buildings, structures, pavement, porous construction material, or other improvements which prevent normal groundwater absorption.

IMPERVIOUS SURFACES ON A SINGLE FAMILY RESIDENTIAL LOT IN RESIDENCE DISTRICTS

Shall mean buildings, roofed structures, pavement, driveways, parking and turnaround areas, sidewalks, patios, porous construction material, and other improvements which prevent normal ground water absorption, excluding decks and the surface area of swimming pools.”

SECTION 2. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portions of this ordinance.

SECTION 3. All ordinances of the Township of Chatham which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect immediately upon passage and publication.

Committeewoman Ewald moved to introduce Ordinance 2023-04. Committeeman Lois seconded the motion.

Committeewoman Ewald asked about the content of the ordinance. Mr. King reported that it is based on the memo from Township Engineer John Ruschke, and the ordinance was reviewed by the Planning Board Attorney as well. He also said that there was an issue pertaining to the definition of impervious coverage, which is clarified by this ordinance.

Deputy Mayor Hamilton asked if there is a definition for porous construction material and if that needs to be defined. Mr. King said he would have to research that question to see if there is a legal definition.

Committeeman Lois addressed the enhancement of water absorption by porous materials. He also noted a typo in the ordinance.

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

Public Hearing for Ordinance 2023-04 will be scheduled for April 25, 2023.

Public Hearing/Final Adoption of Ordinances

Ordinance 2023-01

ORDINANCE 2023-01

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 2023 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 \$122,928.55 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 2023 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 \$430,249.93, and that the CY 2023 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.

Mayor Felice opened the Public Hearing on Ordinance 2023-01.

Seeing no public comment, Mayor Felice closed the Public Hearing.

Mayor Felice stated that the vote on this ordinance will be postponed until April.

Ordinance 2023-02

ORDINANCE 2023-02

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM PROHIBITING THE TRESPASS UPON PRIVATE OR PUBLIC PROPERTY FOR THE PURPOSE OF TAMPERING WITH OR COMMITTING THE THEFT OR UNLAWFUL TAKING OF A MOTOR VEHICLE AND PRESCRIBING THE PENALTIES THEREFOR

WHEREAS, throughout the State of New Jersey,] communities have been victimized by car theft rings resulting in the damage and loss of private property and threatening the quality of life enjoyed by many; and

WHEREAS, in light of the state-wide increase in car thefts, programs to stem the theft of vehicles have been introduced in Chatham Township, including public information campaigns, adjustments in the tactics and methods of community policing, participation in regional law enforcement initiatives, installation of public situational awareness cameras and license plate readers and various strategies of information sharing; and

WHEREAS, the actions and efforts of the Chatham Township Police Department to meet this challenge are recognized, commended, and appreciated by the community; and

WHEREAS, the sum total of actions taken have resulted in a reduction in the number of cars stolen in our community; and

WHEREAS, further action is required to prevent criminals from pursuing car thefts in Chatham Township and to deter the organized criminal enterprise of bad actors regularly targeting our community; and

WHEREAS, the increase in key fob car access, the demand for luxury cars in other countries, and the change in state laws which lead to criminal "catch and release" remain unaddressed by state law makers and are encouraging lawless behavior in our community.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, that Section 3-7, of the Code of the Township of Chatham, be amended by the revision of Section 3-7.11, as follows:

"§ 3-7.11 Intent to Steal.

No person shall hide or be in or near any public or private place with intent to steal any goods or chattels nor intentionally enter upon or trespass upon the land nor property of

any person without permission for the purpose of tampering with or committing the theft, or unlawful taking, of a motor vehicle.

Intent shall include entering or remaining on any driveway, paved surface, or location within 20 feet of a stationary motor vehicle, knowing that he or she is not licensed or privileged to enter or remain in said location, and committing any of the following acts:

Peering into a window or a motor vehicle that the person does not own or have license or privilege to possess; and

Pulling a door handle or taking an action in an attempt to open or unlock a motor vehicle that the person does not own or have license or privilege to possess; and/or

Possessing an electronic device, tool or machine that is capable of determining if an electronic key is located inside a motor vehicle or able to repeat, duplicate or capture the signal from an electronic key, or obtain illegal access to the vehicle.”

BE IT FURTHER ORDAINED, that Section 3-7.12, of the Code of the Township of Chatham, shall be amended to read as follows:

“§3-7.12 Violations and Penalties.

Any person who violates any of the provisions of § 3-7 of this chapter shall upon conviction be liable to the penalty stated in Chapter 1, § 1-5. The continuation of such violation on each successive day shall constitute a separate offense. In addition to any other penalty prescribed by this section or Chapter 1, § 1-5, the minimum fine for a violation of § 3-7.11 shall be \$1,000 for the first offense and \$2,000 for each second or subsequent offense. Each property trespassed upon, or vehicle tampered or targeted for theft or unlawful removal, shall constitute a separate and distinct offense.”

BE IT FURTHER ORDAINED, that this ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

Mayor Felice opened the Public Hearing on Ordinance 2023-02.
Seeing no public comment, Mayor Felice closed the Public Hearing.

Deputy Mayor Hamilton moved to adopt Ordinance 2023-02. Committeeman Lois seconded the motion.

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

Ordinance 2023-03

ORDINANCE 2023-03

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY, AMENDING CHAPTER 7, TRAFFIC, OF THE TOWNSHIP CODE, PART I, ON-STREET TRAFFIC REGULATIONS § 7-13, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.

WHEREAS, pursuant to *N.J.S.A. 40:48-2*, New Jersey municipalities may make, amend, and enforce ordinances they deem necessary and proper for the order and protection of persons and public health, safety and welfare of the municipality and its citizens; and

WHEREAS, concerns have been raised regarding parking on Southern Boulevard in the Township of Chatham and the negative impact it has as it relates to emergency vehicles entering and exiting the municipal police department and public works buildings; and

WHEREAS, specifically, pursuant to *N.J.S.A. 40:67-1*, the Township of Chatham’s governing body is authorized to amend and enforce ordinances to prevent and remove all encroachments, obstructions, and encumbrances in and/or upon all streets.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, in the County of Morris, and State of New Jersey, that Chapter 7 Traffic, shall be amended as follows:

SECTION 1. Part I., On-Street Traffic Regulations, § 7-13. Parking Prohibited At All Times On Certain Streets, be amended to include the following street and location:

<u>“Name of Street</u>	<u>Side</u>	<u>Location</u>
Southern Boulevard	Both	Beginning from the entrance and exit of the Police Station 1,000 feet South and 1,000 feet North”

SECTION 2. The Police Department is required to obtain approval from the County of Morris to regulate said parking inasmuch as Southern Boulevard is a County road, and the Township will place appropriate “No Parking” signage.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. All ordinances of the Township of Chatham which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect immediately upon passage and publication.

Mayor Felice opened the Public Hearing on Ordinance 2023-03.
Seeing no public comment, Mayor Felice closed the Public Hearing.

Committeewoman Ewald moved to adopt Ordinance 2023-03. Deputy Mayor Hamilton seconded the motion.

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

Consent Agenda

RESOLUTION 2023-069

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 \$764,672.37 and the prior month’s payroll of \$478,971.91 Current Fund, \$68,429.25 Sewer Utility, \$8,254.88 Open Space and \$22,627.80 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of March 2023, in the amount of \$3,414,532.00 be paid.

RESOLUTION 2023-070

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING MINUTES OF MEETINGS

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meetings held on February 21, 2023 and March 7, 2023.

RESOLUTION 2023-071

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meetings held on February 21, 2023 and March 7, 2023.

RESOLUTION 2023-072

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, ESTABLISHING EMERGENCY TEMPORARY BUDGET APPROPRIATION FOR 2023

WHEREAS, an emergent condition has arisen in that the Township is expected to enter in contracts, commitments or payments prior to the 2023 budget and no adequate provision has been made in the 2023 temporary budget for the aforesaid purposes, and

WHEREAS, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2023 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$5,011,442.00,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey , (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20 :

Emergency temporary appropriations be and the same are hereby made in the amount of \$5,011,442.00 as follows:

General Administration	
Salaries and Wages	80,000.00
Other Expenses	27,000.00
Mayor and Twp. Committee	
Other Expenses	250.00
Municipal Clerk	
Salaries and Wages	15,000.00
Other Expenses	6,000.00
Financial Administration	
Salaries and Wages	59,000.00
Other Expenses	2,500.00
Audit Services	
Other Expenses	20,000.00
Computerized Data Processing	
Other Expenses	51,000.00
Collection of Taxes	
Salaries and Wages	17,000.00
Other Expenses	1,500.00
Assessment of Taxes	
Salaries and Wages	15,000.00
Other Expenses	20,000.00
Legal Services and Costs	
Other Expenses	30,000.00
Engineering Services and Costs	
Other Expenses	5,000.00
Planning Board	
Salaries and Wages	4,000.00
Other Expenses	3,000.00
Board of Adjustment	
Salaries and Wages	4,000.00
Other Expenses	3,000.00
Affordable Housing	
Other Expenses	500.00
Code Enforcement and Administration	
Salaries and Wages	65,000.00
Other Expenses	1,000.00
Insurance	
Liability	45,000.00

Worker's Compensation	28,000.00
Group Insurance Plan	500,000.00
Public Safety	
Police	
Salaries and Wages	600,000.00
Other Expenses	20,000.00
Police Dispatch / 911	
Other Expenses	65,000.00
Emergency Management Services	
Salaries and Wages	1,500.00
First Aid Organization	
Aid to Volunteer EMS	4,000.00
Fire	
Other Expenses	100,000.00
Aid to Volunteer Fire Co.	100,000.00
Road Repairs and Maintenance	
Salaries and Wages	150,000.00
Other Expenses	20,000.00
Solid Waste Collection	
Salaries and Wages	3,000.00
Other Expenses	35,000.00
Public Building and Grounds	
Salaries and Wages	121,000.00
Other Expenses	30,000.00
Vehicle Maintenance	
Other Expenses	30,000.00
Board of Health	
Salaries and Wages	2,500.00
Other Expenses	20,000.00
Environmental Commission	750.00
Animal Control Services	
Other Expenses	8,500.00
Recreation Services and Program	
Salaries and Wages	18,000.00
Other Expenses	20,000.00
Maintenance of Joint Free Public Library	240,000.00
Celebration of Public Events	1,000.00
Utilities:	
Electricity	1,000.00
Street Lighting	10,000.00

Telephone	7,000.00
Water	10,000.00
Natural Gas	7,000.00
Gasoline	45,000.00
PERS	502,249.00
PFRS	858,193.00
Social Security System	45,000.00
Municipal Court	
Other Expenses	10,000.00
	Sub-Total \$4,088,442.00
Capital Improvement Fund	303,000.00
Debt Service - *Includes Open Space Payment of Bond Interest	260,000.00
	TOTAL \$4,651,442.00
<u>Water Pollution Control - Sewer Utility</u>	
Salaries and Wages	160,000.00
Other Expenses	180,000.00
Social Security	10,000.00
	Sub-Total \$350,000.00
Capital Outlay	10,000.00
	TOTAL \$360,000.00
GRAND TOTAL	\$5,011,442.00

BE IT FURTHER RESOLVED that said emergency temporary appropriations will be provided for in the 2023 budget.

BE IT FURTHER RESOLVED that one certified copy of this resolution be filed with the Director, Division of Local Government Services.

RESOLUTION 2023-073

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT AND/OR PERFORMANCE BOND BALANCES

WHEREAS, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

WHEREAS, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

NAME	<u>Project</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
Amy Gustafson 2 Aberdeen Road Chatham, NJ 07928	BOA-22-007	7765834724	\$0.00

RESOLUTION 2023-074

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING MEMBERS TO THE BOARD OF HEALTH

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

Board of Health

Term Expires

1. Ana McCormack

December 31, 2023

RESOLUTION 2023-075

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING MEMBERS TO THE ZONING BOARD OF ADJUSTMENT

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

Zoning Board of Adjustment

Term Expires

1. Prerna Sood (Alternate 1)

December 31, 2023

RESOLUTION 2023-076

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING TAX AND SEWER LIEN

WHEREAS, due to payment by property owner of the lien amount, a redemption of the tax and sewer lien is appropriate; and

WHEREAS, the Tax Collector has recommended the refund of redemption monies as well as the Premium to the Outside Lien Holder;

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

<u>BLOCK</u>	<u>LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
64.05	14.03	Lienholder: Christiana T. c/f C&E1/First PO Box 5021 Philadelphia, PA 19111-5021 Certificate 21-00006 Property Owner: Nancy McLaughlin 23F Heritage Drive Chatham, NJ 07928	Redemption: \$1,379.98 Premium: \$2,200.00
128	51	Lienholder: Realty Solutions 25 Hughes Place Summit, NJ 07901 Certificate 21-00009 Property Owner: Joseph & Melissa Sparacio 41 Woodmont Drive Chatham, NJ 07928	Redemption: \$17,834.12 Premium: \$75,900.00

BE IT FURTHER RESOLVED that the Tax Collector is authorized to prepare and sign a Discharge of Certificate 21-00006 and Certificate 21-00009.

RESOLUTION 2023-077

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING A NOTICE TO BIDDERS FOR THE LAFAYETTE AVENUE SIDEWALK PROJECT

WHEREAS, the Township was awarded a Safe Routes to School Grant for installation of a sidewalk on Lafayette Avenue (NJDOT Job Number 6805302); and

WHEREAS, the Department of Transportation has granted the Township permission to go out to bid for the project; and

WHEREAS, the final bid documents are subject to the approval of the DOT.

BE IT RESOLVED, by the Township Committee of the Township of Chatham that authorization is given to the QPA, the Township Administrator and the Township Engineer to prepare the necessary bid documents for the Lafayette Avenue Sidewalk Project and advertise the same upon approval of the documents by the DOT.

RESOLUTION 2023-078

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING A CONSTRUCTION OFFICIAL, ZONING OFFICER, AND BUILDING SUB-CODE OFFICIAL/INSPECTOR (HHS)

WHEREAS, the Township of Chatham desires to fill a vacancy in the positions of Construction Official, Zoning Officer, and Building Sub-Code Official/Inspector (HHS) due to a retirement; and

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

WHEREAS, the Township Administrator has recommended that it would be in the best interests of the Township to appoint John K. Daniels as Construction Official, Zoning Officer, and Building Sub-Code Official/Inspector (HHS); and

WHEREAS, the Township Committee appoints John K. Daniels as Construction Official, Zoning Officer, and Building Sub-Code Official/Inspector (HHS).

BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, New Jersey that John K. Daniels is hereby appointed Construction Official at a starting annual salary of \$97,000, Zoning Officer at a starting annual salary of \$4,000, and Building Sub-Code Official/Inspector (HHS) at a starting annual salary of \$18,000, effective April 3, 2023, pending satisfactory completion of a criminal background investigation, and subject to satisfactory completion of a probationary period of 180 days.

RESOLUTION 2023-079

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY SUPPORTING THE GRANT APPLICATION OF THE HISTORICAL SOCIETY OF CHATHAM TOWNSHIP FOR THE RED BRICK SCHOOLHOUSE

WHEREAS, the Township of Chatham, New Jersey is owner of the property located at 24 Southern Blvd, Chatham Township, NJ, also known as Mount Vernon School (aka Red Brick Schoolhouse); and

WHEREAS, the Historical Society of the Township of Chatham, a non-profit organization that occupies the Mount Vernon School, was awarded a New Jersey Historic Trust Grant in 2022 in the amount of \$266,550.00 and a Morris County Historic Preservation Trust Fund in the amount of \$180,400; and

WHEREAS, the Historical Society of the Township of Chatham desires to apply to the Morris County Historic Preservation Trust Fund for a historic preservation grant in 2023 in the amount of \$85,650.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that it supports the application of the Historical Society of the Township of Chatham for a Morris County Historic Preservation Trust Fund in the amount of \$85,650.00 for historic preservation of Mount Vernon School.

RESOLUTION 2023-080

RESOLUTION REAFFIRMING AND CORRECTING RESOLUTION NO. 2019-224 OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AWARDED A CONTRACT FOR INFORMATION TECHNOLOGY CONSULTING, SUPPORT, AND INSTALLATION OF HARDWARE AND SOFTWARE TO EMAZZANTI TECHNOLOGIES, LLC.

WHEREAS, on December 12, 2019, the Township Committee passed Resolution No. 2019-224, which is attached hereto and made a part of this Resolution; and

WHEREAS, the Resolution awarded under the competitive contracting provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-4.1, et seq., a Contract to eMazzanti Technologies, LLC, of 701 Grand Street, Hoboken, New Jersey, pursuant to its Request for Proposal which is also attached hereto and made a part of this Resolution; and

WHEREAS, the Resolution contained a mistake with an award of a three year term instead of a four year term as indicated in the proposal; and

WHEREAS, the Township Committee desires to reaffirm and correct the award of the Contract for the intended four year period.

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

1. The Mayor and Township Clerk, who previously authorized the Contract pursuant to the Request for Proposal from Mazzanti, Inc., d/b/a eMazzenti Technologies, of 701 Grand Street, Hoboken, New Jersey, for a four year term, or 48 months, with an option for a renewal of 36 months, as stated in the October 29, 2019 response to Request for Proposal.
2. The current execution of the Mazzanti, Inc., d/b/a eMazzenti Technologies, conforms with the Request for Proposal and, therefore, a new Contract does not have to be executed.
3. A copy of this Resolution, as well as the Contract and Resolution No. 2019-224, shall be placed on file with the Clerk of the Township of Chatham.
4. A notice of this action shall be printed once in the *Chatham Courier* as provided by law.

RESOLUTION 2023-081

RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO SURENIAN, EDWARDS, BUZAK & NOLAN, LLC TO REPRESENT THE TOWNSHIP OF CHATHAM TO COMPEL THE GOVERNOR TO APPOINT MEMBERS TO THE COUNCIL ON AFFORDABLE HOUSING (COAH), DOCKET NO. A-00050-22.

WHEREAS, the Township of Chatham has approved Surenian, Edwards, Buzak & Nolan, LLC, of 311 Broadway, Suite A, Point Pleasant Beach, New Jersey, as one of its legal counsel for affordable housing; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract could exceed \$17,500; and

WHEREAS, the contract is for a case entitled, “*In the Matter of the Application of the Council on Affordable Housing by Governor Phillip Murphy*”, Docket No. A-00050-22 (“Appeal”); and

WHEREAS, Surenian, Edwards, Buzak & Nolan, LLC have completed and submitted a Business Entity Disclosure Certification which certifies that Surenian, Edwards, Buzak & Nolan, LLC have not made any reportable contributions to a political or candidate committee in the Township of Chatham in the previous one year, and that the contract will prohibit Surenian, Edwards, Buzak & Nolan, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has determined that funds are available for this purpose; and

WHEREAS, Surenian, Edwards, Buzak & Nolan, LLC (the “Law Firm”) were previously named as counsel to represent the Township of Chatham under the Joint Appeal to compel the Governor of the State of New Jersey to appoint members to the COAH under Docket No. A-00050-22; and

WHEREAS, the Law Firm has recently changed its name to Surenian, Edwards, Buzak & Nolan, LLC; and

WHEREAS, the Law Firm has responded to an Request for Proposal and was appointed as a qualified Law Firm for housing related matters; and

WHEREAS, the Township Committee of the Township of Chatham desires the Law Firm to continue its representation of the Township.

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

1. The Township Committee hereby authorizes execution by the Mayor and Township Clerk of a professional services agreement with Surenian, Edwards, Buzak & Nolan, LLC, of 311 Broadway, Suite A, Point Pleasant Beach, New Jersey, regarding litigation entitled, “*In the Matter of the Application of the Council on Affordable Housing by Governor Phillip Murphy*”, Docket No. A-00050-22.
2. The Business Disclosure Entity Certification and the Determination of Value Certification shall be placed on file with this Resolution.
3. A copy of this Resolution, as well as the Contract, shall be placed on file with the Clerk of the Township of Chatham.
4. A notice of this action shall be printed once in the *Chatham Courier* as provided by law.

RESOLUTION 2023-082

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE EXECUTION OF AN AMENDMENT TO EASEMENT FOR SANITARY SEWER FOR PROPERTY KNOWN AS 43 SUSAN DRIVE, CHATHAM TOWNSHIP, NEW JERSEY, LOT 15, BLOCK 20, ON THE TAX MAP OF THE TOWNSHIP OF CHATHAM.

WHEREAS, pursuant to Filed Map 2662 (“Filed Map”) recorded in the Morris County Clerk’s Office on approximately April 15, 1966, a fifteen (15) foot wide easement for sanitary sewer was granted to the Township of Chatham across a portion of property owned by Mariam Vaziri, at 43 Susan Drive

(Lot 15, Block 20) (the “Property”), in the Township of Chatham, for a sewer pipe that was to be installed by the Township across several lots, including the subject Property; and

WHEREAS, the location of the installed and existing sanitary sewer line on the Property was ultimately inconsistent with the easement area depicted in the Filed Map; and

WHEREAS, the prior easement is inconsistent and the owner of the current Property, Mariam Vaziri and the Township desire to relocate the fifteen (15) foot wide sanitary sewer easement to be consistent with the location of the existing sanitary sewer line on the Property; and

WHEREAS, the Township Engineer has reviewed the papers submitted and has verified that the easement is consistent with the original 1966 Filed Map and intent of an easement across the Property.

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

1. The Mayor and Township Clerk are hereby authorized to execute the Amendment to Easement for Sanitary Sewer for property owned by Miriam Vaziri at 43 Susan Drive, Chatham Township, New Jersey.
2. The Township Clerk will then file said Amendment to Easement with the Morris County Clerk’s Office.
3. A copy of this Resolution, as well as the recorded Amendment to Easement, shall be placed on file with the Clerk of the Township of Chatham.

RESOLUTION 2023-083

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY SUPPORTING THE FY24 COMMUNITY PROJECT FUNDING GRANT APPLICATION OF THE LIBRARY OF THE CHATHAMS

WHEREAS, the Library of the Chathams is applying for a FY24 Community Project Funding Grant in the amount of \$5,500,000.00 for the Bridging Space to Place Project; and

WHEREAS, the Township Committee supports the submission of the grant application.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that it supports the application of the Library of the Chathams for a FY24 Community Project Funding Grant in the amount of \$5,500,000 for the Bridging Space to Place Project.

RESOLUTION 2023-084

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING FIRE DEPARTMENT MEMBERSHIPS

WHEREAS, the Township of Chatham has designated the Green Village Volunteer Fire Department and the Chatham Township Volunteer Fire Department as the official fire companies for the Township; and

WHEREAS, members of both departments are eligible for membership in N.J. State Firemen’s Association as provided by applicable law; and

WHEREAS, in order to become members of the association, the Township is required to certify that each applicant is an active member of the respective Fire Department;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the following named individual has been admitted to active membership in the respective department as approved by the Township Committee.

NAME	<u>FIRE DEPARTMENT</u>
Nick Nikolopoulos	Chatham Township Volunteer Fire Department

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

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

Non-Consent Agenda

RESOLUTION 2023-085

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE INTERCREDITOR AND SUBORDINATION AGREEMENT, DEED AND CLOSING DOCUMENTS RELATING TO PROPERTY KNOWN AS 522 SOUTHERN BOULEVARD BLOCK 128 LOT 2

WHEREAS, the Township of Chatham by virtue of a Declaration of Taking of the Superior Court of New Jersey, Docket No.: MRS-L-789-21 became the owner of property know as 522 Southern Boulevard Block 128 Lot 2 pursuant to its Fair Share Housing obligation; and

WHEREAS, the pursuant to such agreements and obligations the property is to be transferred to Chatham Family Apartments LLC.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Chatham Committee, in the County of Morris, that the Committee does hereby authorize the proper Township officials to include the Mayor to enter into all such documents to facilitate the prior agreements entered into by the Township pursuant to its Fair Share obligation subject to property known as 522 Southern Boulevard Block 128 Lot 2.

BE IT FINALLY RESOLVED that a notice of this action shall be printed once in the legal newspaper of the Township of Chatham.

Mayor Felice explained that she is technically already authorized to sign the documents addressed in Resolution 2023-085. She said that because the authorization was several years ago before she was Mayor, it was felt that the Township Committee should reauthorize the execution of the documents. She also apologized that the resolution was added at the last minute.

Mr. King also noted that it is more transparent to have the resolution adopted.

Committeeman Lois asked when the closing will be. Mr. Shehady said that work is being done to have the closing by the end of March.

Committeewoman Ewald moved to adopt Resolution 2023-085. Deputy Mayor Hamilton seconded the motion.

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

Hearing of Citizens

Mayor Felice opened the Hearing of Citizens.

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

Other Business

Committeeman Choi asked for clarification why Ordinance 2023-01 was on the agenda if it is being postponed. The Township Clerk explained that because the public hearing was announced for tonight at the last meeting and the legal advertisement had tonight's date for the hearing, the Committee was bound by that notice to hold the hearing. The vote could have been held tonight, or can be deferred to a future meeting without additional notice.

Mr. Shehady said that if the ordinance is to be adopted, it would need to be adopted prior to adoption of the Budget. By postponing the vote on Ordinance 2023-01, it can be further considered in the context of the proposed 2023 Budget. Mr. Shehady also clarified the two parts of the ordinance regarding the additional appropriations cap and the banking of any unused cap.

Mayor Felice said that the actual appropriations in the 2023 Budget may sway opinions on Ordinance 2023-01. Committeeman Choi said that either way it is a tool the could be available to the Township Committee that does not have to be used. Committeewoman Ewald supported the Mayor's decision to postpone the vote and said that having the budget available will help inform the debate.

Deputy Mayor Hamilton moved to adjourn at 7:59 PM. Committeewoman Ewald seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk