MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
MARCH 22, 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, Deputy Mayor Hamilton and Mayor Felice.

Committeewoman Ewald participated via Zoom.

Executive Session

RESOLUTION 2022-P-06
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. Personnel: DPW
    b. Personnel: Police Department
    c. Attorney-Client Privilege

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 Fondaco moved to adopt Resolution 2022-P-06 to enter Executive Session at 6:31 PM. Deputy Mayor Hamilton seconded the motion.

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

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

Mayor Felice led the Flag Salute.

Mayor's Statement

Mayor Felice commented on the public safety threats caused by car thefts. She noted that there are two ordinances on tonight's agenda for adoption that are designed to assist Law Enforcement to help keep the Township safe and to deter thefts.

Mayor Felice also stated that the introduction of the 2022 Municipal Budget is on the agenda for this evening. The Budget does not anticipate an increase in taxes, and debt service has been reduced.

Mayor Felice further noted that the Township Committee's bylaws are under review regarding Affordable Housing and the number of public comment sessions.

Proclamation

Mayor Felice read aloud the attached proclamation for Week of the Young Child. Meghan Tavormina of The Learning Path Preschool was present to accept the proclamation.

Approval of Agenda

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

Reports

Committeewoman Ewald reported that the Senior Center has several interesting upcoming programs, and she encouraged seniors to look at the website for the event calendar. She further reported that the Mayors Wellness Committee is hosting Conversation of Your Life Office Hours Event on April 7th.

Committeewoman Fondaco reported on DPW's work on recreational facilities. She also reported on that the Compost Area will open on April 5th, and mulch deliveries will begin on April 8th. Orders for mulch will be taken starting on March 28th, and payments must be by check or exact change cash.

Committeeman Lois reported that early-bird registration for Colony Pool is available. He also noted that the 2022 Budget is being introduced without a municipal tax increase. Committeeman Lois further commented on debt restructuring and its impact on the 2022 Budget.

Deputy Mayor Hamilton reported that the School District is also in the process of presenting a 2022 Budget. He also reported that the Public Safety Committee is working with Chief Miller to ensure that the Police Department has appropriate staffing levels. Deputy Mayor Hamilton further reported that the Friends of the Library of the Chathams hosted another successful Book Sale. The Library's Diversity Program will be launching on April 3rd.

Engineer Ruschke reported on a DOT project. Safe Routes to Schools projects are also moving forward. Engineer Ruschke also said DPW is working on roads in preparation of repaving. He further commented on refurbishment of the Colony Tennis Courts and discussed options relative to cost.

Administrator Hoffmann asked the Township Committee to adopt Resolution 2022-110, and explained the impact of Energy Tax Receipts on the Municipal Budget. He further commented on the preparation of the 2022 Budget and acknowledged the work done by CFO Debra King and Township Auditor Valerie Dolan and the Finance Committee.

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. Maureen Kelly, Mountain Avenue, said she read the agenda and does not see reports by the Affordable Housing Committee, Diversity Committee and Business Advisory Committee on the schedule. She also addressed the context of tax increases on the municipal portion over the past few years. Mrs. Kelly noted that the School District portion is 67% of the overall tax bill. She further stated that Mayor Felice and Deputy Mayor Hamilton voted against keeping the Open Space Tax at $0.02 per $100 assessed value last year but supported keeping it at that rate this year. Mrs. Kelly also commented on the value of development fees and said builders are still building in

Chatham Township. She further noted that there have not been any cuts to the budget, which she said suggests that the current majority like the tax rate.

Committeeman Lois acknowledged that development fees help fund costs related to affordable housing, and he attempted to establish a causal relationship between development fees and a decline in added assessments. Mayor Felice noted that this is the first time that the Open Space Tax is being used to maintain recreational facilities rather than simply build the Open Space Trust Fund. Committeeman Lois noted the decision not to pay off the Township's debt at a faster rate.

2. Stewart Carr, Crestwood Drive, said that at the last meeting, Deputy Mayor Hamilton asked Attorney King three times if bylaws could be amended throughout the year, and the question was ultimately answered by the Township Clerk instead. Mr. Carr asked if Attorney King could answer questions instead of dodging them. Mr. Carr further asked if the Township will rescind the letter that was sent to the EPA advocating for a particular option for Rolling Knolls. He also asked Mayor Felice if she has reached out to Chatham Borough Mayor Kobylarz to discuss if the Township and Borough should have a public question on a ballot whether or not the Library's capital project should move forward. Mr. Carr also asked if Committeeman Lois is concerned about the 20% tax increase over the past few years, what should be cut from the budget. He also argued against having a cap bank ordinance.

   Mayor Felice stated that a municipality is not allowed to lower taxes. Committeeman Lois said he does not think that the prior budgets were wasteful, and he thinks there are more creative ways to fund the budget than through taxes.

   Committeewoman Ewald commented on debt service and explained that debt will only be lowered by paying it off.

   Deputy Mayor Hamilton stated that he agrees with Attorney King that bylaws should not be amended on a whim. He also said that his opposition to the Open Space Tax last year was because he does not want the Township to stockpile money for sake of having funds available, and he supports the tax this year because it is being used for maintenance of recreational facilities.

3. Dot Stillinger, Noe Avenue, provided her email address. Mrs. Stillinger spoke in favor of giving support to the Library of the Chathams. She also advocated for transparency regarding the Rolling Knolls site.

   Mayor Felice stated that the Township Committee is following developments regarding the Rolling Knolls site.

4. Jen McNally, Noe Avenue, addressed the tax increases in recent years, and clarified that the increase referenced by Committeeman Lois was only on the municipal portion. She also said she would like to see presentations by the Affordable Housing, Diversity and Business Advisory Committees.

   Committeewoman Ewald stated that the tax increase and increase in debt was driven by Affordable Housing, and the implementation of the developer fee ordinance has helped mitigate tax increases. She also addressed restructuring of debt to avoid large principal payments.

   Committeeman Lois noted that the Township could have restructured debt at more favorable rates last year.

   Deputy Mayor Hamilton addressed the tax rate increase in recent years, and said that the increase might have a significant impact on people who are on fixed incomes.

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

Public Hearing/Final Adoption of Ordinances

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 remaining 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.

Mayor Felice opened the Public Hearing on Ordinance 2022-04.

1. Maureen Kelly, Mountain Avenue, questioned the intention of this ordinance. She also alleged that it is targeted against the people who will live in Affordable Housing.

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

Committeeman Lois moved to adopt Ordinance 2022-04. Deputy Mayor Hamilton seconded the motion.

Committeewoman Ewald asked Attorney King to comment on an ACLU notice which stated that municipalities cannot have loitering ordinances. Attorney King addressed the case law about loitering ordinances. He stated that loitering for specific purposes can be regulated.

Mayor Felice addressed the public safety issues related to loitering.

Committeewoman Ewald asked if panhandling would be covered by this ordinance on private property. Deputy Mayor Hamilton said that private property for which there is a common public use such as commercial properties would be included.

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

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.

Mayor Felice opened the Public Hearing on Ordinance 2022-05.

1. Michael Kelly, Mountain Avenue, said that the public hearing on this ordinance is prior to any explanation on the purpose of the ordinance. He also asked what developments will be subject to this ordinance, and if The Enclave, Arbor Green and the upcoming affordable housing development at 522 Southern Boulevard would be subject to this ordinance. Mr. Kelly said that if the affordable housing developments are the only ones that would need to have security cameras, it would appear to be discriminatory.

Seeing no further comment, Mayor Felice closed the Public Hearing on Ordinance 2022-05.

Committeeman Lois noted that the Arbor Green development is in an area that already has a lot of video surveillance due to the Police Department and Public Works Garage being on the adjacent property. He also said that the ordinance is not retroactive to developments that have already received permits.

Deputy Mayor Hamilton noted that the ordinance applies to all new residential developments of more than 8 units, not only affordable housing.

Attorney King noted that there are already security cameras in many public areas, and they are not a problem for law abiding citizens. He also noted that security camera footage can be made available when people's cars are damaged in parking lots at commercial centers.

Mayor Felice noted that many people have Ring Cameras on their houses.

Committeewoman Ewald asked about adding language for major renovations. She also asked Attorney King to address litigation and privacy rights. Attorney King stated that there is no expectation of privacy in public areas. Committeewoman Ewald expressed a concern about too much surveillance. She also said that the ordinance does not allow cooperation with the Police Department to be voluntary.

Deputy Mayor Hamilton said that the ordinance only requires that security camera footage be shared in the event it is needed in connection with the investigation of a crime.

Committeeman Lois expressed his support for the ordinance.

Deputy Mayor Hamilton said that the ordinance supports public safety for the residents of new housing, and said that he wants residents to be protected.

Committeeman Lois moved to adopt Ordinance 2022-05. Deputy Mayor Hamilton seconded the motion.

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

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 the purpose of a cap bank ordinance, and said that it is an insurance policy for future budgets.

Committeewoman Ewald moved to introduce Ordinance 2022-03. Committeewoman Fondaco seconded the motion.

Deputy Mayor Hamilton expressed his appreciation for the additional information from Administrator Hoffmann and said he is in favor of introducing the ordinance.

Mayor Felice noted that the Township Committee can decide at the next meeting if the ordinance should be adopted.

Committeeman Lois stated that he is opposed to the cap bank ordinance because prior Township Committees have been able to adopt budgets without any tax increase.

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

Public Hearing for Ordinance 2022-05 will be scheduled for April 12, 2022.

The Township Committee took a recess at 9:14 PM.
The meeting resumed at 9:15 PM.

Introduction of the 2022 Municipal Budget

Administrator Hoffmann presented the 2022 Municipal Budget. He stated that the Public Hearing will be scheduled for April 26, 2022. Administrator Hoffmann also stated that the municipal purpose and open space tax rates are remaining flat, and there is a slight increase for the library tax. He also summarized the in-cap and out-of-cap expenses. Sources of revenue were also discussed. Administrator Hoffmann further addressed the planned capital improvement projects for 2022. He further noted that this year the Township's budget is subject to State review.

Mayor Felice thanked Administrator Hoffmann for the Budget Presentation. Mayor Felice also thanked the CFO, Township Auditor, Finance Committee and other financial professionals for their participation in the preparation of the 2022 Budget.

Committeewoman Ewald thanked Administrator Hoffmann and CFO Debbie King for the preparation of the Budget. She also asked what items are being charged to the Open Space Trust and what the State has authorized the Township to move from the operating budget to the capital budget. CFO King addressed the recreation facility maintenance and Colony staff that had been moved. She noted that the fees collected from Colony will need to be put back into the Open Space Trust as a result. She further stated that the Township is seeking clarification from the State about the movement of so large an amount from the in-cap to out-of-cap expenses. CFO King further noted that the Recreation Director's salary cannot be charged to the Open Space Trust. Committeewoman Ewald asked about the additional items requested by the Fire Department. CFO King Commented on the Township's contribution to the Fire Department, and stated that there is a maximum contribution allowed by the State.

Administrator Hoffmann commented on a contract for street lighting.

Committeeman Lois moved to adopt Resolution 2022-103. Committeewoman Ewald seconded the motion.

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

Consent Agenda

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 (5%) 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).

RESOLUTION 2022-104
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS

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

Animal Control – February
CFO – February
Police – February

RESOLUTION 2022-105
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 March 8, 2022.

RESOLUTION 2022-106
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 March 8, 2022.

RESOLUTION 2022-107
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING THE LIST OF VOLUNTEERS ELIGIBLE FOR LOSAP

WHEREAS, the Township of Chatham has received a list of volunteers eligible for LOSAP from the Green Village Volunteer Fire Department, the Chatham Township Volunteer Fire Department and the Chatham Emergency Squad; and

WHEREAS, the Township Committee has reviewed the list from each emergency service organization.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the volunteers on the attached certified lists are hereby approved as being eligible for LOSAP; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to each emergency service organization for a 30-day posting.

RESOLUTION 2022-108
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING CONDITIONAL OFFER OF EMPLOYMENT TO PHILIP MASI FOR THE POSITION OF PATROLMAN IN THE CHATHAM TOWNSHIP POLICE DEPARTMENT

BE IT RESOLVED, by the Township Committee of the Township of Chatham that a conditional offer of employment is hereby extended to Philip Masi with an appointment date of April 16, 2022 pending successful completion of all required checks. The terms and conditions of employment shall be as found in the Collective Bargaining Agreement in effect between the Township of Chatham and PBA Local 170.

RESOLUTION 2022-109
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE PREPARATION OF A REQUEST FOR PROPOSALS (RFQ) FOR ENGINEERING CONSTRUCTION OVERSITE FOR SAFE ROUTES TO SCHOOLS (SRTS) NJDOT NO. TAD-D005 LAFAYETTE AND SPRING STREET

WHEREAS, the Township of Chatham received a SRTS grant award for the construction of a sidewalks on Lafayette Avenue and Spring Street; and

WHEREAS, since the award of the grant the New Jersey Department of Transportation (NJDOT) and the federal government have changed some of the criteria for completion of grant funded projects; and,

WHEREAS, one of the changes requires full time, on-site Engineering Inspection while the contractor is on site; and,

WHEREAS, the Township sent the NJDOT a letter dated March 4, 2022 seeking hardship consideration from this new requirement as well as additional funding; and,

WHEREAS, the NJDOT is willing to fund the additional cost related to on-site Engineering Inspection is the Township requests an RFQ for this service.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Chatham that the Township Administrator and Township Engineer are authorized to prepare, advertise and evaluate RFQ responses for this project; and,

BE IT ALSO RESOLVED, that the ranked responses will be submitted to the NJDOT for review and funding approval.

RESOLUTION 2022-110
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY URGING THE SWIFT PASSAGE OF S-330 AND A-1012 WHICH RESTORES ENERGY TAX RECEIPTS

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and

WHEREAS, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able

to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and

WHEREAS, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities and S-330 has since been passed by the Senate; and

WHEREAS, Assemblyman Weber and Assemblyman Conway have introduced legislation (A-1012) that will restore, over a five-year period, Energy Tax Receipts to municipalities.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham in the County of Morris urges the Legislature to swiftly pass this legislation and Governor Murphy sign the legislation prior to passage of the FY2023 State budget.

BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded to Senator Bucco, Assemblyman Bergen, Assemblywoman Dunn, Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities.

RESOLUTION 2022-111
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, ESTABLISHING EMERGENCY TEMPORARY BUDGET APPROPRIATION FOR 2022

WHEREAS, an emergent condition has arisen in that the Township is expected to enter in contracts, commitments or payments prior to the 2022 budget and no adequate provision has been made in the 2022 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 2022 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total $5,681,256.05,

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 $5,681,256.05 as follows:

General Administration	
Salaries and Wages	$79,000.00
Other Expenses	$25,000.00
Mayor and Twp. Committee	
Salaries and Wages	$6,000.00
Other Expenses	$150.00
Municipal Clerk	
Salaries and Wages	$22,500.00
Other Expenses	$6,000.00
Financial Administration	
Salaries and Wages	$31,000.00
Audit Services	
Other Expenses	$20,000.00
Computerized Data Processing	
Salaries and Wages	$12,000.00
Collection of Taxes	
Salaries and Wages	$11,000.00
Other Expenses	$1,500.00
Assessment of Taxes	
Salaries and Wages	$9,000.00
Other Expenses	$3,000.00

Legal Services and Costs	
Other Expenses	$30,000.00
Engineering Services and Costs	
Other Expenses	$33,000.00
Planning Board	
Salaries and Wages	$8,500.00
Other Expenses	$5,500.00
Board of Adjustment	
Salaries and Wages	$8,500.00
Affordable Housing	
Other Expenses	$2,500.00
Code Enforcement and Administration	
Salaries and Wages	$70,000.00
Other Expenses	$3,500.00
Insurance	
Liability	$45,000.00
Worker's Compensation	$30,000.00
Group Insurance Plan	$700,000.00
Public Safety	
Police	
Salaries and Wages	$670,000.00
Police Dispatch / 911	
Other Expenses	$62,000.00
Emergency Management Services	
Salaries and Wages	$2,000.00
First Aid Organization	
Aid to Volunteer EMS	$3,000.00
Fire	
Other Expenses	$62,000.00
Aid to Volunteer Fire Co.	$25,000.00
LOSAP	$76,800.00
Road Repairs and Maintenance	
Salaries and Wages	$130,000.00
Other Expenses	$10,000.00
Tree Protection	$100.00
Solid Waste Collection	
Salaries and Wages	$45,000.00
Other Expenses	$65,000.00
Public Building and Grounds	
Salaries and Wages	$50,000.00
Other Expenses	$30,000.00
Vehicle Maintenance	
Other Expenses	$35,000.00

Board of Health		
Salaries and Wages		$3,000.00
Other Expenses		$18,000.00
Environmental Commission		$800.00
Animal Control Services		
Other Expenses		$1,200.00
Recreation Services and Program		
Other Expenses		$10,000.00
Colony Pool		
Other Expenses		$10,000.00
Maintenance of Joint Free Public Library		$210,000.00
Utilities:		
Electricity		$36,000.00
Street Lighting		$19,000.00
Telephone		$22,000.00
Water		$10,000.00
Natural Gas		$10,000.00
Gasoline		$65,000.00
PERS		$444,466.13
PFRS		$754,325.16
Social Security System		$68,500.00
Municipal Court		
Other Expenses		$15,000.00
	Sub-Total	***$4,125,841.29***
Judgements		$37,500.00
Debt Service - *Includes Open Space		
Payment of Bond Principal		$74,400.00
Payment of Bond Interest		$323,339.25
	TOTAL	***$4,561,080.54***
Water Pollution Control - Sewer Utility		
Salaries and Wages		$234,000.00
Other Expenses		$366,000.00
Social Security		$18,500.00
	Sub-Total	***$618,500.00***
Capital Outlay		$8,500.00
Debt Service		
Payment of Bond Principal		$170,000.00
Payment of Bond Interest		$34,830.00
Payment of Wastewater Loan Principal		$279,336.77

Payment of Wastewater Loan Interest		$19,008.74
	TOTAL	***$1,130,175.51***
GRAND TOTAL		***$5,691,256.05***

BE IT FURTHER RESOLVED that said emergency temporary appropriations will be provided for in the 2022 budget.

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

RESOLUTION 2022-112
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING CO-SIGNATURE ON GRANT AGREEMENT 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, is a non-profit organization that does not lease said property from Chatham Township due to a restriction in the Deed of the Property, but rather has a 50-year Use and Occupancy Agreement dated December 16, 2016 and has applied to the New Jersey Historic Trust (TRUST) for a 2022 Preserve New Jersey capital historic preservation grant; and

WHEREAS the TRUST requires that a minimum of fifteen (15) years remain on the term of the lease at the date a grant is awarded; and

WHEREAS, the Historical Society of the Township of Chatham does not meet the minimum lease requirement of the TRUST; and

WHEREAS, the Township of Chatham is the owner of the Mount Vernon School and meets the TRUST'S grant eligibility requirements as either a non-profit organization or an agency of government.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that, if the Historical Society of the Township of Chatham is awarded and accepts said 2022 Preserve New Jersey capital historic preservation grant from the TRUST, the Township of Chatham agrees to be a joint signatory to the grant and will abide by its terms.

RESOLUTION 2022-113
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE SALE OF SURPLUS MUNICIPAL EQUIPMENT

WHEREAS, the Township of Chatham is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Township Committee are desirous of selling said surplus property in an "as is" condition without express or implied warranties.

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

(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com.

(2) The sale will be conducted online and the address of the auction site is govdeals.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(4) A list of the surplus property to be sold is as follows:

Year	ITEM	VIN or MODEL No
1997	Ford Explorer	1FMDU34X8YUD22783
2004	GMC Pickup with plow	1GTHK24U64E353129

(5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Township of Chatham reserves the right to accept or reject any bid submitted.

RESOLUTION 2022-114

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 BY LINCOLN LANDSCAPING

WHEREAS, the Township Committee approved Resolution 2022-088 at the March 8, 2022 meeting related to the restoration of trenched areas; and,

WHEREAS, seven (7) companies were 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, 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 Open Space Trust Fund Account R-98-55-000-020; and,

WHEREAS the Township Committee authorized the Township Administrator and Public Works Manager to review the quotes 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; and,

WHERREAS, Lincoln Landscaping submitted the quote that provided the best value at an overall cost of $29,775.00 with a completion date of Thursday, March 31st; and,

WHEREAS, the Chief Financial Officer has certified that funds are available in the Open Space Trust Account noted above.

NOW THEREFORE BE IT RESOLVED, that the Township Committee confirms the selection made and authorizes payment to Lincoln Landscaping upon completion of the project.

RESOLUTION 2022-115
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE INSTALLATION OF HEAVY DUTY NETTING ALONG THE FIRST BASE AND THIRD BASE FOUL LINES AT THE MUNICIPAL BUILDING/MOUNTAIN VIEW FIELD

WHEREAS, the Township Committee approved Resolution 2022-086 at the March 8, 2022 meeting related to improvements at the Mountain View ball field; and,

WHEREAS, the Township staff has solicited quotes from three (3) companies for this project with two (2) companies visiting the field for the purpose of providing a quote; and,

WHEREAS, the best value is the quote for $28,300 dated March 11, 2022 from GM Fence 26 Eisenhower Parkway, Roseland, New Jersey 07068; and,

WHEREAS, funds for the purchase and installation of restoration are available in joint Recreation Trust Fund.

NOW THEREFORE BE IT RESOLVED, that the Township Committee authorizes the purchase and installation of the heavy duty netting at Mountain View Field.

RESOLUTION 2022-116
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING A CONTRIBUTION TO THE JOINT FREE PUBLIC LIBRARY OF THE CHATHAMS

WHEREAS, it is the intention of the Township Committee to provide for the financial needs of the Joint Free Public Library of the Chathams, so that all residents will have access to a quality Library resources; and,

WHEREAS, the Joint Free Public Library is an essential component of our residential community and adds to the quality of life for all residents of Chatham Township; and,

WHEREAS, The Joint Free Public Library of the Chathams sends to both Chatham Township and Chatham Borough an annual request for funding to support Library Facilities and Services; and,

WHEREAS, the apportionment of the annual funding is calculated according to a funding formula from the State of New Jersey that is allocated between Chatham Township and Chatham Borough according to the 1974 Joint Library Agreement of The Borough of Chatham and the Township of Chatham In The County of Morris; and,

WHEREAS, The Joint Free Public Library of the Chathams has been funded in majority by Chatham Township taxpayers for a period of no less than the past 15 years; and,

WHEREAS, the Chatham Township Committee fully supports the mission of the Joint Free Public Library of the Chathams; and,

WHEREAS, Chatham Township has included in the Introduced 2022 Budget a tax to support the Library, as required by the laws of the State of New Jersey, in the amount of $1,167,172; and,

WHEREAS, The Joint Free Public Library of the Chathams has requested additional funding from both Chatham Borough and Chatham Township above the minimum allocation required by the laws of New Jersey; and,

WHEREAS, the apportionment of this additional funding request from Chatham Township to support expanded library services is in the amount of $17,638.70; and,

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

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham authorizes to fund this optional contribution request made by the Joint Free Public Library of the Chathams up to the amount of $17,638.70 but payable only as an equivalent, dollar-for-dollar match of the optional amount contributed by the Borough of Chatham above the required minimum allocation required by the State of New Jersey.

This resolution shall take effect immediately.

Committeeman Lois asked for clarification about the funding for improvements at the Mountain View ball field. Administrator Hoffmann verified that they will come from the Joint Recreation Trust Fund.

Deputy Mayor Hamilton noted the resolution for the Library's capital campaign.

Committeeman Lois moved to approve the Consent Agenda. Committeewoman Fondaco seconded the motion.

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

Non-Consent Agenda

RESOLUTION 2022-117
A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY PREQUALIFYING PUBLIC ENTITY DISPUTES AND PILOT NEGOTIATIONS ATTORNEYS

WHEREAS, an RFQ for Public Entity Disputes and PILOT Negotiations Attorney Services was issued on January 27, 2022; and

WHEREAS, proposals were received and publicly opened on Thursday, February 17, 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 Public Entity Disputes and PILOT Negotiations Attorney Services:

1. DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.
2. Dorsey & Semrau
3. Maraziti Falcon, LLP

Committeeman Lois moved to adopt Resolution 2022-117. Deputy Mayor Hamilton seconded the motion.

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

Discussion

Film Permits

Administrator Hoffmann stated that there has been an increase in requests to film in Chatham Township. As the Township does not require film permits, there are not any regulations specific to filming. An ordinance for film permits would require a fee structure, and would also allow the Township to adopt reasonable regulations.

The Township Clerk noted that when inquiries are received about filming, the film companies are advised to conform to the Noise Ordinance and to coordinate with the Police Department for any traffic control. He noted that fees for film permits would help offset the cost of traffic control.

Deputy Mayor Hamilton said he is surprised the Township does not already have a requirement for film permits. He asked if the Police Department has needed to be involved in any traffic control for filming.

Committeeman Lois discussed a circumstance in which filming in his neighborhood made use of a drone, and he noted that there is a difference between a small production and a feature film. Committeeman Lois advised that any regulations should take into account different levels of film production, and noted that modern technology can reduce the impact of filming on neighbors.

The Township Clerk noted that requiring film permits allows for the adoption of reasonable regulations to support the filming industry while protecting neighbors from detrimental impacts.

Committeewoman Fondaco moved to adjourn at 9:50 PM. Deputy Mayor Hamilton seconded the motion, which carried unanimously.

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Gregory J. LaConte
Municipal Clerk

Proclamation

Week of the Young Child

WHEREAS, the National Association for the Education of Young Children in partnership with other state and local organizations, early childhood professionals, families and children, are celebrating the Week of the Young Child, April 2 through April 8, 2022; and

WHEREAS, by calling attention to the need for high-quality early learning experiences for all children and families within our city, these groups hope to improve the quality and availability of such services; and

WHEREAS, the future of our city depends on the quality of the early childhood experiences provided to young children today, preparing them for school success and brighter outcomes; and

WHEREAS, creating experiences that schools to partner with their communities fosters a relationship with agencies and programs in those communities. Those relationships can help support achieving goals in transitions, inclusion and diversity. The Week of the Young Child creates awareness in our communities and establishes these relationships; and

WHEREAS, high-quality early childhood services represent a worthy commitment to our children's future; and

WHEREAS, a mixed-delivery early childhood education system that allows our families to choose between “quality” and “quality” when selecting the setting that best meets their needs; and

WHEREAS, sufficient high-quality child care spaces beginning at birth to be need to be available in the Community.

NOW, THERFORE, I, Ashley Felice, Mayor of the Township of Chatham, New Jersey, do hereby proclaim, April 2 through April 8, 2022, as **Week of the Young Child** in the Township of Chatham, New Jersey and urge all citizens to recognize and support the needs of young children in our city in order to build a brighter future for Township of Chatham by giving every child an opportunity to succeed in life.

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Ashley Felice, Mayor