

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
MARCH 25, 2021**

Mayor Ness 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 8, 2021; notice was posted on the front door and the bulletin board in the main hallway of the Municipal Building on January 8, 2021; and notice was filed with the Township Clerk on January 8, 2021.

Roll Call

Answering present to the roll call were Committeewoman Felice, Committeewoman Fondaco, Committeeman Hamilton, Deputy Mayor Ewald and Mayor Ness.

Committeeman Hamilton, Committeewoman Felice and Committeewoman Fondaco participated in the meeting via Zoom.

Executive Session

**RESOLUTION 2021-P-07
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 Matter – Police Department
 - b. Litigation –Kronos Holdings, LLC v. Township of Chatham et al Docket No. MRS-L-2024-20
 - c. Potential Litigation – Municipal Real Estate Tax Appeal
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Deputy Mayor Ewald moved to adopt Resolution 2021-P-07 to enter Executive Session at 6:32 PM. Committeewoman Fondaco seconded the motion.

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

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

Mayor Ness led the Flag Salute.

Approval of Agenda

Mayor Ness said that Ordinance 2021-11 and Resolution 2021-114 will be removed from the Agenda due to revisions that are needed before action is taken on the items. She also said that Resolution 2021-111 will be removed because the State Legislature recently took the action that the resolution sought.

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

Reports

Committeewoman Felice reported that JCP&L will be planting 50 saplings at 405 Southern Boulevard on April 30th and the public is welcome to participate. She also reported that New Jersey American Water is replacing the water line on River Road.

Deputy Mayor Ewald asked if a recent water main break in the Sunset/Fairmount area was related to the work on River Road. Committeewoman Felice said she is not aware of any such connection. Mayor Ness asked about fire hydrant replacement on Pine Street. Engineer Ruschke said that NJAW has permits for some hydrant and valve replacements. Mayor Ness asked about tree removal by utility companies. Committeewoman Felice said that she has spoken with Carole Bianchi of JCP&L, and Mrs. Bianchi has said she will inform Committeewoman Felice of any tree removal projects.

Committeeman Hamilton reported that the Library of the Chathams has moved into Phase 4 of the reopening plan. Patrons can now enter the Library by appointment and must follow the COVID protocols. Committeeman Hamilton also reported that COVID vaccination is progressing. He further reported that he had a meeting with the Board of Education liaison for an update on school matters. On April 19th the School District will resume K-12 5-day in school instruction. There will still be a remote option. Mayor Ness noted that the School District adopted their budget on March 22nd. Committeeman Hamilton reported that the School District recently hired a new Assistant Superintendent for Special Education. He further reported that the Business Advisory Committee had an initial organizational meeting.

Committeewoman Fondaco reported that the Senior Advisory Committee is hosting a program about senior housing. She also reported that there is a need for crossing guards, and those interested can contact the Police Department. Committeewoman Fondaco further reported on upcoming Historical Society programs. She further recognized the Town & Country Garden Club for planting flowers and putting up decorations at the Red Brick Schoolhouse. Committeewoman Fondaco further reported on the food drive being conducted at the Chatham United Methodist Church. Committeewoman Fondaco further reported on upcoming events to be conducted by the Environmental Commission, and she said that the information is on the Township website and the Environmental Commission Facebook page. A meeting of the Community Garden will be held for all plot holders. Committeewoman Fondaco further reported that the Chatham Township Art League is hoping to have an updated gallery once the Municipal Building is able to be reopened, and they are considering outdoor events.

Deputy Mayor Ewald reported that Tri-Town Cares met recently, and they are addressing mental health resources that can help people during the pandemic. Tri-Town Cares is also addressing hate crimes against Asians. The Madison-Chatham Coalition also recently met, and they are addressing substance abuse prevention. Deputy Mayor Ewald also said she attended Congresswoman Sherrill's Townhall meeting about the American Recovery Act, and she cited where information is available online.

Mayor Ness reported that the Senior Center will be holding a Community Paper Shred on April 24th at 9:00 AM. The Coffee & Care Program is also continuing, and golf lessons will begin soon. Mayor Ness further reported that the Joint Recreation Committee met, and there are now discussions whether sports should take a break after Spring Break due to COVID concerns. She said that the Recreation Committee has been following the School District's lead on that issue. Mayor Ness further reported that the Diversity Committee held an organizational meeting and selected a chairperson.

Mayor Ness said that cases of COVID are going up despite the increase of vaccinations. She said that there are currently 36 active cases in the Township. She asked residents to continue to keep their guard up and follow COVID protocols. Mayor Ness asked for additional information on the PSE&G Monopole Project.

Engineer Ruschke gave an update on PSE&G's monopole project, and said that the majority of the work will be in the vicinity of the lattice tower.

The Township Clerk reported that the deadline for nomination petitions for the June Primary is April 5th, and the forms are available on the County Clerk's website.

Administrator Hoffmann reported that DPW installed a new ramp at the Recycling Center.

Hearing of Citizens

The Township Clerk indicated that there were not any written comments received prior to the meeting.

Mayor Ness opened the Hearing of Citizens.

1. Dot Stillinger, Noe Avenue, said that the Environmental Commission is hosting a tree seedling giveaway event on April 24th from 9:00 AM to 12:00 PM at the Municipal Building. Mrs. Stillinger also noted the presence of the Rolling Knolls Superfund Site on Britten Road and said that the EPA's cleanup plan is insufficient. Mayor Ness said that public meetings will be held regarding Rolling Knolls at an appropriate time.
2. Joe Basralian, Fairfax Terrace, said he is glad to hear that Mr. Ruschke is meeting with PSE&G about their monopole project. He said that PSE&G has a program in which they will plant pollinator wildflowers following a project. Mr. Basralian said that wildflowers will absorb water better than a lawn, and it will help prevent extinction of pollinator species. Mr. Basralian also spoke in favor of having a cleanup at the Rolling Knolls Site would help increase property values on Britten Road. Mr. Basralian further advocated for leaving the Open Space Tax at \$0.02 per \$100 assessed value. He said that keeping the tax at the voter-approved level would help the Township control its destiny regarding open space preservation.
3. Jude Tarasca, Floral Street, said that a 12:00 PM start time for recreation sports is unheard of except for in the Chatham. He said that the recreation clubs are requesting a 10:30 AM start time.
4. Phil Ankel, Jay Road, advocated for having the Open Space Tax remain at \$0.02 per \$100 assessed value. He noted that there are many grants that require matching funds, and the Open Space Tax would be money well collected and money well spent.

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

Budget Presentation & Capital Budget Review

Administrator Hoffmann presented the 2021 Budget. He said that capital ordinances can be introduced following the budget adoption. Administrator Hoffmann addressed the tax rate for 2021. He noted that keeping the Open Space Tax at \$0.02 per \$100 assessed value will save the Township \$22,000 in interest payments helping pay off the existing debt sooner. Administrator Hoffmann also addressed use of surplus for the 2021 Budget to limit the amount that taxes need to be increased. He also noted that the Township's AAA credit rating from Moody's was affirmed in October 2020. Administrator Hoffmann further discussed In-Cap Expenses, Out-of-Cap Expenses and the Reserve for Uncollected Taxes. Also addressed were the User-Friendly Budget categories which show the categories of the budget and where money is spent. Grant opportunities were also addressed. Administrator Hoffmann addressed the 2021 Tax Rate and discussed the drivers of the tax increase. He also noted that there are no changes in service for 2021. Administrator Hoffmann said that for every tax dollar collected by the Township, 65% represents the School District tax levy and 15% represents the Morris County tax levy. The Township's share of the property taxes collected is 17%. Administrator Hoffmann also

addressed the American Rescue Plan, through which the Township will receive \$993,815 from the Federal Government over the course of 2021 and 2022.

Mayor Ness thanked everyone who participated in the preparation of the 2021 Budget. She also said that the Budget Presentation presents a fuller picture of how money is being spent and what projects are being planned.

Deputy Mayor Ewald commented on grant opportunities and efforts to keep costs down. Mayor Ness said that a lot of costs have been offset by grant opportunities and other cost savings.

Committeewoman Felice said that her biggest concern is the paying down of debt by not lowering the Open Space Tax. Administrator Hoffmann said that there will be a long-term debt sale in April 2022. He said that the Township will save \$22,000 by paying off the debt sooner.

Deputy Mayor Ewald said that the community has made it clear that open space is important, and the Township will need to be able to pay a 5% down payment for any open space acquisitions. She said that building up the Open Space Trust will allow the Township to have the flexibility to take action when open space parcels become available.

Committeeman Hamilton noted that the Township's tax rate is going up for the second year in a row. He also said that the Open Space Tax was lowered every year since 2009. Committeeman Hamilton said that he is in favor of open space. However, he does not want to keep that tax at \$0.02 per \$100 assessed value and would rather seek grants. Committeeman Hamilton also opined that it would not be fiscally prudent to save taxpayers \$22,000 by leaving the Open Space Tax at the \$0.02 rate. He further expressed a concern about the impact of not lowering the tax on seniors.

Public Hearing/Adoption of 2021 Municipal Budget

RESOLUTION 2021-104

(See Attached)

Mayor Ness opened the Public Hearing on the 2021 Municipal Budget.

1. Genevieve Castelino, Ormont Road, asked Administrator Hoffmann to clarify Committeeman Hamilton's comments and to explain the tax increase and the long-term savings to taxpayers. Administrator Hoffmann declined to clarify Committeeman Hamilton's comments. He also explained the interest costs of converting bond anticipation notes to long term debt and said that \$22,000 is the interest savings of paying down the Township's debt sooner. Deputy Mayor Ewald commented on the importance of the Township Committee being able to maintain control over zoning regulations and to be able to act quickly when parcels become available for open space purposes.

Committeeman Hamilton said that there is an open space tax in the Township which has been lowered annually since 2009. He said that not lowering the tax is an increase. Committeeman Hamilton also noted that the AAA Credit Rating is reflective of maintaining debt service rather than paying off debt early. He also said that he does not see the value in paying off debt early.

Township Auditor Valerie Dolan said that the Township is currently paying off debt for existing Open Space purchases, and rebuilding the fund would allow the Township to purchase future open space with funds on hand.

CFO Debbie King said that the last Bond Sale had interest on debt of \$500,000 and the Township is trying to avoid such costs by paying off the current open space debt before it becomes permanent financing.

Committeewoman Felice said that the interest savings to the Township is \$22,000 and asked if the debt is being prepaid. Mrs. Dolan said that it is not a prepayment. The

Township would be paying the debt down faster. She also provided a brief explanation of how government financing works in New Jersey.

- 2. Maureen Kelly, Mountain Avenue, said that Committeeman Hamilton does not appear to be aware that there is a Senior Tax Freeze in New Jersey. Aany seniors who cannot afford the extra \$100 in taxes can apply for the Senior Tax Freeze. She offered to help people fill out their forms.
- 3. Natalie Smith, Scenery Hill Drive, asked how much Committeewoman Felice’s lawsuit against the Township cost taxpayers. She also said she is happy to hear that the Township is receiving grants.

Committeewoman Felice said that she submitted an OPRA Request for Attorney Cruz’s bills pertaining to her lawsuit, which came to \$900. She also claimed to have saved the Township \$20,000,000 by working to prevent the use of 58 Meyersville Road as an Affordable Housing site. Committeewoman Felice also said that there were other residents who were unnamed participants in the lawsuit.

- 4. Phil Ankel, Jay Road, said that there was a lot of discussion about the Open Space Tax, and asked if the Township Committee could comment on the remainder of the budget. He also said that there appears to be unanimous support for the budget apart from the Open Space Tax. Mr. Ankel also asked if there could be comment about Affordable Housing costs.

Administrator Hoffmann said that there are some specifics about Affordable Housing that cannot be discussed at this time.

Committeeman Hamilton said that he is prepared to vote in favor of the budget apart from maintaining the Open Space Tax.

- 5. Stewart Carr, Crestwood Drive, said that he supports maintaining the Open Space Tax at \$0.02 per \$100 assessed value, and reminded the Township Committee that the tax was approved by Township voters. He also clarified that having the tax at \$0.02 per \$100 assessed value is not an increase, but rather keeping the tax at the level that voters approved. Mr. Carr also said that if there was public support for lowering the tax, a referendum could be held to see how voters actually feel on the matter. Mr. Carr also said that the money can be used for an investment moving forward. He also opined that the tax never should have been lowered, and the AAA Credit Rating can be maintained with less debt. Mr. Carr also pointed out that Harding Township has a \$0.04 open space tax. He also said that those who are under financial strain can be assisted.

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

Attorney Cruz asked for clarification that the vote on the Budget is for the whole document rather than for particular line items. Administrator Hoffmann confirmed that the vote will be on the whole Budget.

Deputy Mayor Ewald moved to adopt Resolution 2021-104. Committeewoman Fondaco seconded the motion.

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

Public Hearing/Final Adoption of Ordinances

Ordinance 2021-06

**ORDINANCE 2021-06
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF
NEW JERSEY, ESTABLISHING POOL MEMBERSHIP FEES FOR COLONY RECREATION
CENTER COMMENCING 2021**

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Section 20-1 of the Township Code is hereby amended to read as follows:

- 1. 20-1 Pool Membership Fees at the Colon Recreation Center
 - a. The following schedule of Colony Recreation Center Fees for Pool Membership is hereby established:

Chatham Township Resident Rates	
Patron of the Pool	\$875
Non-Resident Family Membership	\$675
Family Membership	\$575
EMT family membership	\$261
Non-Resident Couple Membership	\$550
Couple Membership	\$405
Non-Resident Individual Membership (14 years or older)	\$315
Individual Membership (14 years or older)	\$250
Non-Resident Babysitter / Parent Helper	\$160
Babysitter / Parent Helper	\$125
Non-Resident Senior Couple Membership	\$120
Senior Couple Membership	\$120
Non-Resident Senior Individual Membership	\$65
Senior Individual Membership	\$65

No refunds will be made after opening day.

- b. Reduced Fees for Emergency Response Organization Volunteers. Active members of the Chatham Emergency Squad, Green Village Volunteer Fire Department, and Chatham Township Volunteer Fire Department, who are eligible for the Length of Service Award Program (LOSAP), shall be entitled to a fifty (50%) percent reduction in the fee for the appropriate pool membership category listed above.
- 2. The Township Administrator, in consultation with the Colony Recreation Center liaison, may authorize special promotional events and offer special discounts to promote Colony Recreation Center membership.
- 3. This ordinance shall take effect on May 1, 2021.

Administrator Hoffmann said that \$38,435 had been collected thus far with the early-bird membership fees for Colony Pool, which is 33.7% of what was collected for membership fees in 2020.

Committeewoman Felice said that the Colony Pool Committee includes finance professionals who prepared a break-even analysis. She said that the Colony Pool Committee wants the pool to be a thriving and self-sustaining operation.

Mayor Ness raised a concern about raising the fee for a senior membership. Committeewoman Felice said that joining Colony Pool is an option. The proposed fees are cheaper than municipal pools in neighboring towns. She stated that an increase of \$75 is comparable to the cost for a dinner for a family of four. Committeewoman Felice also reviewed the proposed fees for 2021 compared with the fees set by ordinance in 2019.

Attorney Cruz said that the ordinance would need to be formally amended to add back the Adult Twilight Fee, the Guest Pass Rate, and to replace the EMT rate with a broader rate for all emergency services.

Deputy Mayor Ewald asked what the Patron of the Pool rate would include. Committeewoman Felice said that individual storage space would be made available for pool toys and chairs. She also said that special events could be held for Patrons of the Pool.

Deputy Mayor Ewald also commented that it is not appropriate to compare Colony Pool too much to neighboring pools that have a concrete bottom.

Committeewoman Felice said that a break-even analysis was performed. Deputy Mayor Ewald said that the analysis assumes a certain level of membership which would be needed to reach that goal. Committeewoman Felice said that the membership rates went down when membership rates were decreased, and she said that the Colony Pool Committee thinks that raising fees will result in a 3% increase in membership. She also said that the basis for the presumed 3% increase in membership is the closure of Noe Pond Club.

Attorney Cruz said that the Public Hearing is based on the ordinance as introduced. He advised opening the Public Hearing, and any potential changes can be discussed once the public has given input.

Mayor Ness opened the Public Hearing on Ordinance 2021-06.

1. Natalie Smith, Scenery Hill Drive, said that people will not pay the Patron of the Pool fee simply for a locker, a lunch and a plaque. She said that there needs to be more involved for people to pay the extra fee.

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

Committeewoman Felice said that she did not draft the rates, and they were unanimously approved by the Colony Pool Committee.

Mayor Ness asked if there is any objection to removing the EMT rate and adding back in the Guest Pass Fee and the Adult Twilight Fee. There was not any objection.

It was proposed that Chatham Borough residents not be charged the non-resident rate. Committeewoman Felice pointed out that Township residents subsidize Colony Pool through property taxes, and opined that Borough residents should pay the non-resident rate unless the Borough decides to help fund Colony Pool. Committeewoman Felice also stated that the Madison and New Providence pools are operated by 501(c)3 organizations that can raise their rates when necessary.

Administrator Hoffmann said that the 2021 Budget anticipates \$140,000 in revenue from Colony Pool. He also said that one of the costs for operating Colony Pool is the amount of time that DPW crews spend at the facility. Committeewoman Felice said that the Colony budget in previous years was roughly \$250,000. Mayor Ness said she thought it was closer to \$80,000. Committeewoman Felice said that Township taxpayers are still subsidizing Colony Pool and should pay a lower fee for memberships.

Committeeman Hamilton moved to amend Ordinance 2021-06. Committeewoman Felice seconded the motion.

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

Mayor Ness said that she would prefer to see lower increases in the fees.

Deputy Mayor Ewald moved to table Ordinance 2021-06. Mayor Ness seconded the motion.

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

Introduction of Ordinances

Ordinance 2021-07

ORDINANCE 2021-07

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER II, ADMINISTRATION, OF THE TOWNSHIP CODE

TO ADD ALTERNATE MEMBERS TO THE OPEN SPACE ADVISORY COMMITTEE

BE IT ORDAINED, by the Township Committee of the Township of Chatham that the Chapter II of the Code of the Township of Chatham at Section 2-28, Open Space Advisory Committee, is amended at Subsection 2-28.2 to read as follows:

Section 1.

- a. The Open Space Advisory Committee shall consist of nine members to be appointed, each for a term of one year, by the Township Committee, with the Chairman to be appointed by the Mayor
- b. The membership of the Open Space Advisory Committee shall include:
 1. A member of the Township Committee;
 2. A member of the Planning Board;
 3. A member of the Environmental Commission;
 4. Six residents of the Township of Chatham.
- c. Two Township of Chatham residents shall be appointed by the Township Committee as alternate members and shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2". The terms of the alternate members shall be for one year. A vacancy occurring in the alternate members shall be for the unexpired term and shall be filled by appointment of the Township Committee. An alternate member may participate in discussions but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No.1 shall vote first.
- d. The following personnel shall serve as advisors to the Open Space Advisory Committee:
 1. Chief of Police or his designee;
 2. Recreation Director;
 3. Public Works Director or his designee;
 4. Township Administrator.

Section 2. This Ordinance shall take effect in accordance with law.

Deputy Mayor Ewald moved to introduce Ordinance 2021-07. Committeewoman Fondaco seconded the motion.

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

Public Hearing for Ordinance 2021-09 will be scheduled for April 7, 2021.

Ordinance 2021-08

ORDINANCE 2021-08

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN THE TOWNSHIP'S GEOGRAPHICAL BOUNDARIES AND REPEALING AND REPLACING SECTION 30-96.9b WHICH IS PART OF SECTION 30-96.9 TITLED "PROHIBITED USES" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Philip Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six (6) marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;

- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in Section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and operation times of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere within the municipality; and

WHEREAS, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five (5) years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five (5) year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Township Committee of the Township of Chatham has determined that, because of the present uncertainties regarding the future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Township of Chatham in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Township of Chatham’s residents and members of the public who visit, travel, or conduct business in Township of Chatham, to amend Township of Chatham’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Township of Chatham; and

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

1. Pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in Township of Chatham, except for the delivery of cannabis items and related supplies by a delivery service.
2. Section 30-96.9b which is part of Section 30-96.9 titled “Prohibited Uses” of the Revised General Ordinances of the Township of Chatham is hereby repealed and replaced by adding to the list of prohibited uses, the following: “All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in Section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service.”
3. The Township Clerk is hereby directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and all

other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerks of adjoining municipalities. The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this Section, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

4. After introduction, the Township Clerk is hereby directed to submit a copy of this Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within thirty-five (35) days after referral, a report including identification of any provisions in this proposed Ordinance which are inconsistent with the Township's Master Plan and recommendations concerning any inconsistencies and any other matters as the Board may deem appropriate.
5. Any article, section, paragraph, subsection, clause, or other provision of the Revised General Ordinances of the Township of Chatham inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.
6. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.
7. This Ordinance shall take immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Township Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Committeeman Hamilton moved to introduce Ordinance 2021-08. Committeewoman Fondaco seconded the motion.

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

Public Hearing for Ordinance 2021-08 will be scheduled for April 22, 2021.

Ordinance 2021-09

ORDINANCE 2021-09
BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,049,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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

Section 1. The Township of Chatham, in the County of Morris, State of New Jersey (the "Township") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new information technology equipment and a new automotive vehicle, including original apparatus and equipment, in, by and for said Township, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Acquisition of new additional or replacement equipment and machinery and a new automotive vehicle, including original apparatus and equipment, for the use of the Department of Public Works ("DPW"), including, but not limited to, (i) a mini-excavator, (ii) plows, (iii) a street sweeper and (iv) a dump truck.

Appropriation and Estimated Cost	\$ 105,000
Down Payment Appropriated	\$ 5,250
Bonds and Notes Authorized	\$ 99,750
Period of Usefulness	5 years

B. Acquisition of new information technology equipment and new additional or replacement equipment and machinery for the use of the Police Department, including, but not limited to, (i) a license plate reader and (ii) body cameras.

Appropriation and Estimated Cost	\$ 61,000
Down Payment Appropriated	\$ 3,050
Bonds and Notes Authorized	\$ 57,950
Period of Usefulness	7 years

C. Undertaking of improvements to various roads and construction of sidewalks, as set forth on a list prepared or to be prepared by the Township Engineer and placed on file with the Township Clerk and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Township Committee, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 300,000
Down Payment Appropriated	\$ 15,000
Bonds and Notes Authorized	\$ 285,000
Period of Usefulness	10 years

D. Undertaking of various recreation improvements, including, but not limited to, funding the Township's portion of the cost of the installation of field lighting at Nash Field, including related drainage improvements.

Appropriation and Estimated Cost	\$ 150,000
Down Payment Appropriated	\$ 7,500
Bonds and Notes Authorized	\$ 142,500
Period of Usefulness	15 years

E. Undertaking of improvements to various public buildings, including, but not limited, to the Municipal Building, Police Headquarters and DPW buildings. It is hereby determined and stated that said public buildings to be improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 63,000
Down Payment Appropriated	\$ 3,150
Bonds and Notes Authorized	\$ 59,850
Period of Usefulness	15 years

F. (i) Undertaking of the Township Records Management Project and (ii) acquisition of new information technology equipment consisting of computer system upgrade equipment for the use of various Township departments, offices and agencies.

Appropriation and Estimated Cost	\$ 95,000
Down Payment Appropriated	\$ 4,750
Bonds and Notes Authorized	\$ 90,250
Period of Usefulness	5 years

G. Acquisition of new additional or replacement equipment and machinery consisting of self-contained breathing apparatus equipment and various items of firefighting, emergency and safety equipment for the use of the Volunteer Fire Departments.

Appropriation and Estimated Cost	\$ 50,000
Down Payment Appropriated	\$ 2,500
Bonds and Notes Authorized	\$ 47,500
Period of Usefulness	5 years

H. Undertaking of various improvements to Colony Pool.

Appropriation and Estimated Cost	\$ 50,000
Down Payment Appropriated	\$ 2,500
Bonds and Notes Authorized	\$ 47,500
Period of Usefulness	15 years

I. Undertaking of building demolition and site improvements at 490 River Road (previously acquired by the Township) for future use for affordable housing purposes.

Appropriation and Estimated Cost	\$ 175,000
Down Payment Appropriated	\$ 8,750
Bonds and Notes Authorized	\$ 166,250
Period of Usefulness	40 years

Aggregate Appropriation and Estimated Cost	\$1,049,000
Aggregate Down Payment Appropriated	\$ 52,450
Aggregate Amount of Bonds and Notes Authorized	\$ 996,550

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$30,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$52,450, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$52,450 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$996,550 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$996,550 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The

power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 14.89 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$996,550 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 15. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mayor Ness said that the bond includes needed equipment and necessary repairs.

Deputy Mayor Ewald moved to introduce Ordinance 2021-09. Committeewoman Fondaco seconded the motion.

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

Public Hearing for Ordinance 2021-09 will be scheduled for April 8, 2021.

Ordinance 2021-10

ORDINANCE 2021-10 CAPITAL ORDINANCE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY AUTHORIZING THE UNDERTAKING OF VARIOUS IMPROVEMENTS IN, BY AND FOR THE SEWER UTILITY OF THE TOWNSHIP, APPROPRIATING THEREFOR THE SUM OF \$200,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE SEWER UTILITY CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP

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

Section 1. The Township of Chatham, in the County of Morris, New Jersey (the "Township") is hereby authorized to undertake various improvements in, by and for the Sewer Utility of the Township, including, but not limited to, (i) replacement of pumps at pump stations and (ii) roof replacement at the Water Pollution Control Plant. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$200,000 is hereby appropriated to the payment of the cost of the improvements authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be raised from the Sewer Utility Capital Improvement Fund of the Township. The

sum of \$200,000 is hereby appropriated from the Sewer Utility Capital Improvement Fund of the Township to the payment of the cost of said purpose.

Section 3. Said improvements are lawful capital improvements of the Township having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefitted.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 5. This ordinance shall take effect at the time and in the manner provided by law.

Committeewoman Fondaco moved to introduce Ordinance 2021-10. Deputy Mayor Ewald seconded the motion.

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

Public Hearing for Ordinance 2021-10 will be scheduled for April 8, 2021.

Consent Agenda

**RESOLUTION 2021-105
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
ACKNOWLEDGING RECEIPT OF REPORTS**

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

CFO – February
Tax Collector – 2020, November, December, January, February

**RESOLUTION 2021-106
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 March 11, 2021.

**RESOLUTION 2021-107
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 11, 2021.

**RESOLUTION 2021-108
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
REFUNDING CONSTRUCTION PERMIT FEE**

WHEREAS, the Township Committee has considered the request submitted by the Construction Official with regard to the fee that was paid for a construction permit that was submitted to the Township; and

WHEREAS, the project for which the permit was issued was cancelled; and

WHEREAS, the fee collected for the permit was \$177.00; and

WHEREAS, the DCA fee of \$12 is non-refundable, and is therefore being deducted from the refund;

WHEREAS, twenty percent (20%) of the total charge was for plan review, and is therefore being deducted from the refund;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following amount be refunded to the depositor of record:

<u>NAME</u>	<u>PERMIT #</u>	<u>AMOUNT</u>
-------------	-----------------	---------------

Ron Jon Heating & Cooling 12A Great Meadow Lane East Hanover, NJ 07936	21-0092	\$132.00
--	---------	----------

RESOLUTION 2020-109

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING FILING OF A MUNICIPAL TAX APPEAL OF A REAL PROPERTY ASSESSMENT

WHEREAS, SL Chatham LLC owns real property identified as Block 48.15, Lot 117.01, in the Township of Chatham, commonly known as 395 Southern Blvd, and formerly the home of the Noe Pond Club (the “Property”); and

WHEREAS, the Township authorized an investigation of the property tax assessment for the Property; and

WHEREAS, the 2021 tax assessment is the result of a 2005 County Tax Board Judgment;

WHEREAS, the subject property recently sold for a price of \$5,250,000, which is considerably higher than the current tax assessment;

WHEREAS, accordingly, the Township finds it to be in the best interest of the Township to authorize the Township Tax Attorney to file an appeal of the 2021 property tax assessment of the Property to seek an increased assessment to reflect the true value of the property.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Chatham, in the County of Morris, and the State of New Jersey that the Township Tax Attorneys, Martin Allen, Esq. and Kevin A. McDonald, Esq., of DiFrancesco, Bateman, Kunzman, Davis & Lehrer, P.C., to file a tax appeal of the 2021 property tax assessment of the Property for an increased assessment to reflect the true value of the property.

BE IT FURTHER RESOLVED that this Resolution shall be without prejudice to the Township of Chatham’s dealings with any other Township taxpayer(s).

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

RESOLUTION 2021-110

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING A REQUEST FOR QUOTES (RFQ) OR REQUEST FOR PROPOSALS (RFP) FOR CONCESSION SERVICES AT THE COLONY POOL

BE IT RESOLVED, by the Township Committee of the Township of Chatham that authorization is given to solicit quotes or prepare an RFP for food and other related concessions at the Colony Pool for up to a three (3) year period commencing in 2021.

Deputy Mayor Ewald moved to adopt the Consent Agenda. Committeeman Hamilton seconded the motion.

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

Non-Consent Agenda

Recreation Sunday Start Times

RESOLUTION 2021-112

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ESTABLISHING THE SUNDAY START TIME FOR ORGANIZED SPORT USE OF RECREATION FIELDS WITHIN THE TOWNSHIP

WHEREAS, on March 11, 2021, the Chair of the Recreation Advisory Committee appeared before the Township Committee of the Township of Chatham to recommend that the Township Committee adopt a policy establishing the Sunday start time for the organized sport use of fields within the Township of Chatham; and

WHEREAS, the recommendation of the Recreation Advisory Committee was a Sunday start time of 9:00 a.m.; and

WHEREAS, the Township Committee weighed the arguments in favor of and in opposition to Sunday start time for organized sport of 9:00 a.m. and concluded that a reasonable Sunday start time for organized sport use of fields within the Township was 10:30 a.m.; and

WHEREAS, this start time does not apply to the use of the fields within the Township by individuals which are not an organized sport; and

WHEREAS, the Township Committee desires that the Sunday start time for organized sport use be enforced through the Joint Recreation Department scheduling the use of fields within the Township after 10:30 a.m. on Sundays; and

WHEREAS, Township Committee desires to thank the Recreation Advisory Committee for its thoughtful recommendation.

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

1. That the Sunday start time for organized sport use of fields within the Township of Chatham shall be 10:30 a.m.
2. That this Resolution shall take effect immediately.

Committeewoman Fondaco moved to adopt Resolution 2021-112. Deputy Mayor Ewald seconded the motion.

Mayor Ness said that the issue of Sunday Start Times has been before the Recreation Committee for over a year and bringing the matter before the Township Committee was delayed due to the COVID pandemic. She also said that youth sports have been played before Noon on Sundays in most other towns for the past several years. Mayor Ness said that other towns start as early as 9:00 AM, and the Recreation Committee is asking that use of fields be allowed as early as 10:30 AM. The Township does not have an ordinance to regulate start times for the Recreation Program, however the Borough does.

Committeeman Hamilton asked if there has been any effort to communicate with residents who live adjacent to the recreation fields regarding the proposal for earlier start times on Sundays. He said he would prefer that the Recreation Committee notify those residents of the proposal before action is taken. Committeeman Hamilton also said that he does not think the Township should have an earlier start time than the Borough. Mayor Ness said that the same proposal will go before the Borough Council.

Mayor Ness asked if there is a requirement that the neighbors of the fields be notified of the proposal. Attorney Cruz said that there is not a requirement and that Committeeman Hamilton was suggesting the notification as a courtesy. Attorney Cruz also said that there should be clarification if the notification would be to adjacent property owners or those within 200 feet. He also said that sending notification would create a disparity when notice is given for some situations but not others when not required by law.

Committeeman Hamilton said that there is precedent for sending notice when there were projects involving lighting at recreation fields. Mayor Ness said that she thought that public attention for Shunpike Field was more from word of mouth due to the size of the project.

Mayor Ness asked if the consensus of the Township Committee was to defer action on the resolution to the next meeting.

Committeewoman Fondaco withdrew her motion.

Supporting S-3522 Creating Local PERS

RESOLUTION 2021-113 RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, SUPPORTING S-3522 CREATING LOCAL PART OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS)

WHEREAS, county, municipal, and other local governments have met their pension obligations as employers for more than a decade while the State of New Jersey has continued to underfund the pension systems in varying degrees since 1996 and thus created one of the worst publicly funded retirement systems in the entire nation; and,

WHEREAS, despite fulfilling their fiduciary duties in meeting their pension obligations, local governments across the State will experience double digit percentage increases in total employer pension contributions in 2021 as determined in figures recently published by the Division of Pension and Benefits in the State Department of Treasury; and,

WHEREAS, even more alarming for local government employers is the fact that the unfunded accrued liability once again increased in 2021 to a staggering \$26.6 billion for the Public Employee's Retirement System ("PERS") alone, causing in part, a decrease in the funded ratio for the Local Part of PERS to 65.4%, the State Part to 31.2%, and the combined rate to a disconcerting 52.2% far below the target funded ratio of 75.0%; and,

WHEREAS, S-3522 would divide PERS into two parts; a State Part for state employees, and a Local Part for all other employees; and

WHEREAS, the legislation creates a seven member board consisting of; three labor employee representatives, three management representatives, and one determined by the Board, tasked with operating the retirement system and directing policies and investments to achieve and maintain full funding; and

WHEREAS, S-3522 would protect local governing bodies from the State of New Jersey further directing property taxpayer dollars to subsidize its long mismanagement and underfunding of the pension systems as it would provide the new balanced board of trustees of PERS with the ability to determine or modify member benefits, direct policies and investments to achieve full funding, and serve as fiduciary of the system.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham does in fact hereby support S-3522, which would establish a new board of trustees for the Local Part of PERS to preserve the structure and integrity of the more solvent Local Part.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to Governor Phil Murphy, Senate President Stephen M. Sweeney, Speaker of the General Assembly Craig Coughlin, State Senator Richard J. Codey, Assembly Representative John McKeon, and Assembly Representative Mila Jasey, and the New Jersey League of Municipalities.

Administrator Hoffmann said that at one time the State had several different pension systems and only the two municipal pension systems were solvent. He also said that municipalities have been consistent with making pension payments over the past several decades, and there is pending legislation to have a separate PERS system for municipalities. There would be a separate board for the new system and government accounting standards would apply. The separation process would take three years. Administrator Hoffmann also said that local pensions are currently funded at 65.4% while State pensions are only funded at 31%. Administrator Hoffmann said that the pending legislation is supported by the Government Finance Officers Association and the NJ Municipal Managers Association.

Deputy Mayor Ewald moved to adopt Resolution 2021-113. Committeewoman Fondaco seconded the motion.

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

Discussion

Colony Pool Fees

Mayor Ness asked the Township Committee members to send any suggestions for Colony Pool Fees to Administrator Hoffmann so that the Colony Pool Committee can review the amendments.

Deputy Mayor Ewald asked if Committeewoman Felice could send to the Township Committee the breakdown of the assumptions upon which the Colony Pool Committee based their proposal. Committeewoman Felice said that she has not seen that spreadsheet, and she will ask the Colony Pool Committee for the information.

Goals and Objectives

Mayor Ness said that the Township Committee received the 2020 Goals & Objectives for review so that any additions for 2021 could be added. She said that Administrator Hoffmann compiled the proposals for the Township Committee's review. Mayor Ness read the proposed additions aloud and asked if there is any discussion.

Committeeman Hamilton asked about the process for the Goals & Objectives and if the Township Committee will take a vote to set a policy statement.

Committeewoman Felice asked if the Goals & Objectives could be posted online rather than discussing them at a meeting. She also noted the lateness of the hour.

Mayor Ness said that the discussion will set the macro goals for the Township. Further discussion of the Goals & Objectives was deferred to the next meeting.

Environmental Commission

Committeewoman Fondaco announced that on April 21-22 there will be a native pollinator plant sale hosted by the Great Swamp Watershed Association and sponsored by the Environmental Commission. She said the plants can be ordered online.

Hearing of Citizens

Mayor Ness opened the Hearing of Citizens.

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

Deputy Mayor Ewald moved to adjourn at 11:12 PM. Committeewoman Felice seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk

Resolution 2021-104
SECTION 2 - UPON ADOPTION FOR YEAR 2021

Be it Resolved by the **COMMITTEEPERSONS** of the **TOWNSHIP**
of **CHATHAM**, County of **MORRIS** that the budget hereinbefore set forth is hereby
adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$10,603,999.00

(Item 2 below) for municipal purposes, and
- (b) \$-

(Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) \$-

(Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in
Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of
the following summary of general revenues and appropriations.
- (d) \$659,711.93

(Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$-

(Sheet 44) Arts and Culture Trust Fund Levy
- (f) \$1,121,284.00

(Item 5 Below) Minimum Library Tax

RECORDED VOTE
(Insert last name)

Ayes

Ness
Ewald
Fondaco

Nays

Hamilton
Felice

Abstained

Absent

SUMMARY OF REVENUES

1. General Revenues			
Surplus Anticipated	08-100	\$	3,000,000.00
Miscellaneous Revenues Anticipated	13-099	\$	1,988,254.76
Receipts from Delinquent Taxes	15-499	\$	260,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSED (Item 6(a), Sheet 11)	07-190	\$	10,603,999.00
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 42	07-195	\$	-
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$	-
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY		\$	-
4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191		
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX	07-192	\$	1,121,284.00
Total Revenues	13-299	\$	16,973,537.76

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:	XXXXXX	XXXXXXXXXXXXXX
Within "CAPS"	XXXXXX	XXXXXXXXXXXXXX
(a & b) Operations Including Contingent	34-201	\$ 11,122,500.00
(e) Deferred Charges and Statutory Expenditures - Municipal	34-209	\$ 1,356,163.00
(g) Cash Deficit	46-885	\$ -
Excluded from "CAPS"	XXXXXX	XXXXXXXXXXXXXX
(a) Operations - Total Operations Excluded from "CAPS"	34-305	\$ 1,472,171.76
(c) Capital Improvements	44-999	\$ 167,450.00
(d) Municipal Debt Service	45-999	\$ 1,578,720.00
(e) Deferred Charges - Municipal	46-999	\$ -
(f) Judgments	37-480	\$ -
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)	29-405	\$ -
(g) Cash Deficit	46-885	\$ -
(k) For Local District School Purposes	29-410	\$ -
(m) Reserve for Uncollected Taxes	50-899	\$ 1,276,533.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13)	07-195	
Total Appropriations	34-499	\$ 16,973,537.76

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 25th day of March, 2021. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2021 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 25th day of March, 2021, glaconte@chathamtownship.org, Clerk

Signature