

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
MARCH 26, 2024**

Mayor Ewald called the Regular Meeting of the Township Committee of the Township of Chatham to order at 6:31 P.M.

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both *The Chatham Courier* and the *Morris County Daily Record* on January 3, 2024; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 3, 2024; and notice was filed with the Township Clerk on January 3, 2024.

Roll Call

Answering present to the roll call were Committeewoman McHugh, Committeeman Rowland, Deputy Mayor Choi and Mayor Ewald. Committeeman Lois arrived during Executive Session.

Executive Session

**RESOLUTION 2024-P-05
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING
CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED**

WHEREAS, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Litigation
 - b. Contract Negotiations
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 Rowland moved to adopt Resolution 2024-P-05 to enter Executive Session at 6:32 PM. Committeeman McHugh seconded the motion.

Roll call: Committeeman Lois, Absent; Committeeman McHugh, Aye; Committeewoman Rowland, Aye; Deputy Mayor Choi, Aye; Mayor Ewald, Aye.

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

Mayor Ewald led the Flag Salute.

Citizen Award

Mayor Ewald read the attached proclamation and presented a Citizen Award to Tom Salvas. She thanked Committeeman Lois for making the nomination.

Mr. Salvas thanked the Township Committee for the recognition award, and commented on the history of the televising of Township Committee meetings.

Former Mayor Kevin Sullivan spoke on behalf of Mr. Salvas, noting the artistry of his tv production work. Mayor Sullivan also noted the work that Mr. Salvas is doing on the Veterans Project of the Chathams.

Former Deputy Mayor Kathy Abbott also spoke on behalf of Mr. Salvas, and noted that he always works for the best interests of Chatham Township.

Andy Hollander, the President of the Library Board of Trustees, spoke on behalf of Mr. Salvas and noted that his accomplishments are many. Mr. Hollander said that Mr. Salvas has made many contributions to the Library of the Chathams.

Mayor's Message

Mayor Ewald stated that there is a resolution on the agenda to increase LOSAP payments. She also said that the Township is ready to move forward with the acquisition of the Fenske Property. The 2024 Budget will be introduced at this meeting, and Mayor Ewald provided some capital highlights. Mayor Ewald further highlighted the retirement of Ray Clarke at the end of March.

Township Committee Reports

Committeeman Lois reported that the Early-Bird Period for Colony Pool memberships is ending soon. He further reported that the Colony Pool Committee is seeking input. Regarding utilities, Committeeman Lois reported that a major storm led to a widespread power outage on March 11th. JCP&L has planned improvements to the system, and they are seeking a rate increase. JCP&L would also like to make a presentation to the Township Committee. Committeeman Lois further reported that the Chatham Emergency Squad recently installed new officers. He also reported on some statistics of their activity over the past year. Committeeman Lois further noted that the Dick Richards Award was given to Jim Martin.

Committeeman McHugh reported that the Environmental Commission and Open Space Committee worked together to put up trail markers on the Green Village Trail. He further reported that the Adopt-a-Drain program is underway. The Native Plant Sale will be on April 1st. There will be a tri-town yard sale on May 4th. Committeeman McHugh reported that the grand opening of the Teen Center at the Library of the Chathams will be held on April 12th from 3:30 PM to 6:00 PM. The back entrance of the Library will be reopened soon. Committeeman McHugh noted that when calls are placed by the Library, it will now properly show as being a call from the Library.

Committeewoman Rowland reported that the exterior restoration project at the Red Brick Schoolhouse is continuing. She further reported that the Chamber of Commerce celebrated their centennial.

Deputy Mayor Choi reported on the successful Ski & Snowboard program. The Joint Recreation Program received a concept proposal by a vendor about lights at Lum Field in Chatham Borough. Deputy Mayor Choi reported on the proposed budget for the School District of the Chathams which was recently presented by Superintendent of Schools Dr. Michael LaSusa.

Mrs. Cofoni provided an overview of recently proposed amendments to the Open Public Records Act. She said that the amendments prohibit use of OPRA for discovery, safeguards personal expectations of privacy, no longer requires format conversion, limits immediate access to documents less than 12 months old, allows use of an agency's website to fill OPRA requests, prohibits anonymous requestors from filling denial of service requests, and establishes a mechanism for agencies to go to court over harassing requests. The amendments also disallow commercial use of OPRA requests.

Committeeman Lois expressed concern about the subjectivity of some of the OPRA amendments.

Hearing of Citizens

Mayor Ewald opened the Hearing of Citizens.

1. Kathy Abbott, Wynwood Road, said that the League of Women Voters has concerns about pending OPRA amendments.

Mr. LaConte recommended that anyone concerned about the OPRA amendments should take the time to read the amendments to see how the amendments are in line with the description from the Township Attorney.

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

Public Hearing/Final Adoption of Ordinances

Ordinance 2024-02

ORDINANCE 2024-02

ORDINANCE BY THE COMMITTEE AMENDING THE TOWNSHIP OF CHATHAM TO REPEAL CHAPTER 30, ARTICLE X: FLOOD DAMAGE PREVENTION AND FLOOD HAZARD AREA REGULATIONS TO ADOPT A NEW CHAPTER 20 ARTICLE X: FLOOD DAMAGE, PREVENTION AND FLOOD HAZARD AREA REGULATIONS TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Mr. LaConte reported that due to cancellation of both March meetings, the Planning Board has not yet conducted the Master Plan Consistency Review on Ordinance 2024-02. As it is still within the 35 day period, the Township Committee can proceed with the Public Hearing but should defer action to the next regular meeting.

Mayor Ewald opened the Public Hearing on Ordinance 2024-02.
Seeing none, Mayor Ewald closed the Public Hearing.

Mr. Shehady provided an overview of the ordinance.

This ordinance will be revisited at the April 23, 2024 meeting.

Ordinance 2024-03

ORDINANCE 2024-03

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER IV, SECTION 3.7 REGARDING MOVIE THEATRE LICENSE INSPECTIONS

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

Section 1. Section 4-3.7 of Chapter IV of the Revised General Ordinances of the Township of Chatham entitled MOVIE THEATERS shall be amended to read as follows:

§ 4-3.7 Inspection Required

Prior to the issuance of a license pursuant to this section the Fire Prevention Official shall make an inspection of the premises for assurance that the movie theater complies with the Uniform Fire Code of the State of New Jersey or any other applicable regulation.

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect according to law.

Mayor Ewald opened the Public Hearing on Ordinance 2024-03.
Seeing none, Mayor Ewald closed the Public Hearing.

Mr. LaConte provided an overview of this ordinance.

Committeewoman Rowland moved to adopt Ordinance 2024-03. Deputy Mayor Choi seconded the motion.

Roll call: Committeeman Lois, Aye; Committeeman McHugh, Aye; Committeewoman Rowland, Aye; Deputy Mayor Choi, Aye; Mayor Ewald, Aye.

Introduction of Ordinances

Ordinance 2024-04

ORDINANCE 2024-04

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 2024 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 \$134,481.66 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 2024 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 \$470,685.81, and that the CY 2024 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.

Mr. Shehady explained the purpose and function of a Cap Bank ordinance. He also explained that it is a paper appropriation.

Committeeman Lois expressed his opposition to the Cap Bank ordinance. He said that caps were enacted for a good reason, and he does not believe that having a Cap Bank is necessary.

Deputy Mayor Choi noted that unused bank expires after three years, which is a control mechanism.

Committeewoman Rowland spoke in favor of having the Cap Bank available or any unforeseen circumstances.

Mr. Shehady said that while the Legislature thought that a 2.5% cap was a good idea, they also thought it was a good idea to allow a Cap Bank ordinance. He also said that adding extra debt can cost more money in the long run. Mr. Shehady further noted that cap bank funds have not been used recently. Mr. Shehady further noted that the 2024 Budget is approximately \$433,000 under the appropriations cap.

Committeeman McHugh moved to introduce Ordinance 2024-04. Committeewoman Rowland seconded the motion.

Roll call: Committeeman Lois, Nay; Committeeman McHugh, Aye; Committeewoman Rowland, Aye; Deputy Mayor Choi, Aye; Mayor Ewald, Aye.

Public Hearing on Ordinance 2024-04 will be scheduled for April 23, 2024.

Ordinance 2024-05

ORDINANCE 2024-05

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, REPEALING THE EMERGENCY DISPATCH SERVICES ORDINANCE

WHEREAS, on June 20, 1978, the Township Committee adopted Ordinance 7-78 to enter into a shared service agreement with the Township of Harding pursuant to the Interlocal Services Act, N.J.S. 40A:8A-1 and following to provide Emergency Dispatching Services to the Township of Harding, which was amended by Ordinance 18-84; and

WHEREAS, in 2010 the Township Committee adopted Resolution 2020-202 to enter into an Interlocal Services Agreement with the County of Morris for radio dispatch services which took effect on January 1, 2011; and

WHEREAS, since that time the Township has no longer provided Emergency Dispatch Services to the Township of Harding.

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the Revised General Ordinances of the Township of Chatham, 1995, are amended as follows:

1. Chapter 2, Article 67, Emergency Dispatch Services, is hereby repealed in its entirety.
3. This ordinance shall take effect as provided by law.

Committeeman Lois moved to introduce Ordinance 2024-05. Committeewoman Rowland seconded the motion.

Roll call: Committeeman Lois, Aye; Committeeman McHugh, Aye; Committeewoman Rowland, Aye; Deputy Mayor Choi, Aye; Mayor Ewald, Aye.

Public Hearing on Ordinance 2024-05 will be scheduled for April 23, 2024.

Ordinance 2024-06

ORDINANCE 2024-06

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE CHAPTER 7, TRAFFIC, PART I, ON-STREET TRAFFIC REGULATIONS, SECTION 7-30, MID-BLOCK CROSSWALKS

WHEREAS, the Township of Chatham, in the County of Morris, New Jersey (the “**Township**”) desires to amend and supplement the Township Code Chapter 7, Traffic, Part I, On-Street Traffic Regulations, Section 7-30, Mid-block Crosswalks, to accurately include all existing mid-block crosswalks within the Township; and

WHEREAS, the Township Engineer, in consultation with the Township Police Department, evaluated all the existing mid-block crosswalks in the Township and issued a report dated August 25, 2022 (the “**Assessment**”); and

WHEREAS, pursuant to the Assessment, there are three existing mid-block crosswalks in the Township; and

WHEREAS, the Township desires to amend and supplement Section 7-30 of the Township Code to include only the three existing mid-block crosswalks in the Township.

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Township Code Chapter 7, Traffic, Part I, On-Street Traffic Regulations, Section 7-30, Mid-block Crosswalks, is hereby deleted in its entirety and replaced with the following:

§7-30 MID-BLOCK CROSSWALKS.

Mid-block crosswalks are hereby established at the following locations within the Township:

<u>Street</u>	<u>Location</u>
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School Avenue	At the Colony Pool parking lot entrance between Spring Street and Floral Street.
Southern Boulevard	At the Fairmount Country Club golf cart/golfer crossing between Woodmont Drive and Fairmount Country Club entrance.
Woodland Road	At the Morris County Trail crossing between Dodge Drive and Treadwell Avenue.

Section 3. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereof shall not affect the remaining parts of this resolution.

Section 4. This ordinance shall take effect in accordance with law.

Committeeman McHugh moved to introduce Ordinance 2024-06. Committeeman Lois seconded the motion.

Mrs. Cofoni said that this ordinance serves to codify some existing crosswalks.

Roll call: Committeeman Lois, Aye; Committeeman McHugh, Aye; Committeewoman Rowland, Aye; Deputy Mayor Choi, Aye; Mayor Ewald, Aye.

Public Hearing on Ordinance 2024-06 will be scheduled for April 23, 2024.

Ordinance 2024-07

ORDINANCE 2024-07

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY LOCATED AT 441 SOUTHERN BOULEVARD IN AND BY THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$790,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$419,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED by the Township Committee of The Township of Chatham, in the County of Morris, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Chatham, in the County of Morris, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$790,000, including a \$350,000 Morris County Open Space, Recreation, Farmland and Historic Preservation Trust Fund grant expected to be received (the "Grant") and further including the sum of \$21,000 as the down payment required by the Local Bond Law. The down payment is now available from the Township's Open Space Trust Fund.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of (i) the down payment, (ii) the Grant, and (iii) amounts on deposit in the Open Space Trust Fund and made available for such improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$419,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of property for open space purposes, located at 441 Southern Boulevard, also known as Block 48.16, Lots 121 and 122, on the official tax maps of the Township, including all due diligence, closing, legal and other costs incurred in connection with such acquisition.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor, and such cost, net of the Grant, shall be paid from the Township's Open Space Trust Fund.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later

than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$419,000, but are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(h), and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) An aggregate amount not exceeding \$40,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such grant moneys received, other than the Grant, are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. 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 bond ordinance. Principal of and interest due on the obligations authorized by this bond ordinance shall be paid from the Township's Open Space Trust Fund. Pursuant to the Local Bond Law, such obligations shall further be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem*

taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Committeewoman Rowland moved to introduce Ordinance 2024-07. Deputy Mayor Choi seconded the motion.

Mrs. Cofoni provided an overview of the bond ordinance. It funds the purchase of a property through debt, open space funds and an open space grant.

Roll call: Committeeman Lois, Aye; Committeeman McHugh, Aye; Committeewoman Rowland, Aye; Deputy Mayor Choi, Aye; Mayor Ewald, Aye.

Public Hearing on Ordinance 2024-07 will be scheduled for April 9, 2024.

Ordinance 2024-08

ORDINANCE 2024-08

ORDINANCE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY IDENTIFIED AS BLOCK 48.16, LOTS 121 AND 122 ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP, AND MORE COMMONLY REFERRED TO AS 441 SOUTHERN BOULEVARD

WHEREAS, *N.J.S.A. 40A:12-1 et seq.* (the “**Local Lands and Buildings Law**”), permits a municipality to acquire by purchase, gift, devise, lease, exchange, condemnation or installment purchase agreement any real property; and

WHEREAS, Mc Donfen Group, L.L.C., or such other similar entity (the “**Seller**”), is the owner of certain property identified as Block 48.16, Lots 121 and 122 (the “**Property**”), on the official tax maps of the Township of Chatham, in the County of Morris, New Jersey (the “**Township**”); and

WHEREAS, the Township wishes to acquire, and the Seller wishes to convey, fee simple title interest in and to the Property, for a purchase price of \$750,000.00 (the “**Purchase Price**”); and

WHEREAS, pursuant to *N.J.S.A. 40A:12-5(a)(1)*, the Township is authorized to acquire the Property from the Seller; and

WHEREAS, the County of Morris, New Jersey (the “**County**”) and The Trust for Public Land d/b/a TPL-New Jersey, a California nonprofit public benefit corporation authorized to conduct business in the State of New Jersey (“**TPL**”), entered into a Grant Agreement (as amended and supplemented from time to time, the “**Grant Agreement**”), pursuant to which the County shall make a grant in the amount of \$350,000 from the Morris County Open Space, Recreation, Farmland and Historic Preservation Trust Fund (the “**Trust Fund**”) to TPL for the purposes described in the Grant Agreement (the “**Trust Fund Grant**”); and

WHEREAS, TPL has agreed to assign its right, title and interest, legal and equitable, in or to the Grant Agreement and the Trust Fund Grant to the Township pursuant to an Assignment and Assumption of Grant Agreement (in the form on file in the office of the Township Clerk, the “**Assignment Agreement**”), and the County has consented to such assignment; and

WHEREAS, the Township wishes to utilize the Trust Fund Grant to provide for a portion of the Purchase Price; and

WHEREAS, pursuant to the terms of the Grant Agreement, the Township must utilize the Trust Fund Grant to acquire the Property by June 14, 2024; and

WHEREAS, the Township Committee has determined to authorize the acquisition of the Property and the execution of a purchase and sale agreement containing, among others, the terms set forth in an offer to purchase dated November 7, 2023 (the “**Purchase and Sale Agreement**”).

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Township hereby authorizes the acquisition of the Property. The Mayor and Business Administrator of the Township (each, an “**Authorized Officer**” and together, the “**Authorized Officers**”) are hereby authorized and directed to take, or cause to be taken, all actions necessary to acquire the Property, including but not limited to the execution, by the Mayor, of a Purchase and Sale Agreement in a form approved by the Mayor upon consultation with counsel to the Township, and the Township Clerk is hereby authorized to attest such execution and to deliver same to the other party thereto.

Section 3. All actions previously taken by the Authorized Officers, or by any employee, contractor or consultant employed by or engaged by the Township, in connection with the acquisition of

the Property or the assignment of the Grant Agreement and the Trust Fund Grant are hereby ratified, confirmed and approved.

Section 4. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 5. This ordinance shall take effect in accordance with applicable law.

Committeewoman Rowland moved to introduce Ordinance 2024-08. Committeeman McHugh seconded the motion.

Mr. Shehady said that the timing of the public hearing for this ordinance and the bond ordinance is due to the deadline for the grant to fund the purchase.

Roll call: Committeeman Lois, Aye; Committeeman McHugh, Aye; Committeewoman Rowland, Aye; Deputy Mayor Choi, Aye; Mayor Ewald, Aye.

Public Hearing on Ordinance 2024-08 will be scheduled for April 9, 2024.

Introduction of the 2024 Municipal Budget

RESOLUTION 2024-079

See Attached

Committeewoman Rowland moved to adopt Resolution 2024-079. Deputy Mayor Choi seconded the motion.

Mr. Shehady presented the 2024 Municipal Budget.

Mr. McHugh asked Mr. Shehady to explain for the public about surplus. Mr. Shehady said that the better term is “fund balance.” He said that unspent appropriations first go into a reserve budget, and eventually become surplus. Mr. Shehady further described potential sources of fund balance and noted that it is not a slush fund.

Committeeman Lois expressed concern about capital funding. He also commented on savings on utilities. Committeeman Lois further noted that the reserve for uncollected taxes is being adjusted this year, which is something he had recommended. He also said that the Township can have a better cash management plan. Committeeman Lois further addressed the amount of money budgeted for legal fees.

Mr. Shehady explained the change in the reserve for uncollected taxes this year, and it was changed due to the increase in fund balance. He also noted that the change in the reserve for uncollected taxes could potentially decrease surplus in a later year, and he recommended not adjusting the reserve beyond 98%.

Mayor Ewald addressed the need to replenish surplus when possible. Mr. Shehady noted that surplus can be used to make up for shortfalls in revenue.

Roll call: Committeeman Lois, Aye; Committeeman McHugh, Aye; Committeewoman Rowland, Aye; Deputy Mayor Choi, Aye; Mayor Ewald, Aye.

Public Hearing and Final Adoption of the 2024 Municipal Budget will be scheduled for April 23, 2024.

RESOLUTION 2024-080

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REGARDING SELF-EXAMINATION OF 2024 MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Chatham has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2024 budget year.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Chatham that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Committeewoman Rowland moved to adopt Resolution 2024-080. Deputy Mayor Choi seconded the motion.

Mr. Shehady said that there is a three-year cycle in which municipalities have to send their budget for review by the State prior to adoption every third year. Mr. LaConte noted that this year is the second year in a row of self-examination.

Roll call: Committeeman Lois, Aye; Committeeman McHugh, Aye; Committeewoman Rowland, Aye; Deputy Mayor Choi, Aye; Mayor Ewald, Aye.

Consent Agenda

RESOLUTION 2024-081

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING PAYMENT OF BILLS, PAYROLLS, SCHOOL TAXES AND COUNTY TAXES

BE IT RESOLVED that bills in the total amount of \$847,169.81 and the prior month's payroll of \$515,897.20 Current Fund, \$67,084.69 Sewer Utility, \$1,778.09 Open Space and \$39,365.20 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of March 2024, in the amount of \$3,588,478.00 be paid.

RESOLUTION 2024-084

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

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

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

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

<u>IBNAME</u>	<u>Project</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
New Cingular Wireless AT&T Mobility Attn: Joseph D'Alto 400 Hamilton Ave. White Plains, NY 10601	BOA-21-005 Re: 200 Shunpike Road	E7765834344	\$73.00
Scott Lechner 6 Crestwood Drive Chatham, NJ 07928	BOA-21-001	E7765173049	\$266.09
Scott Lechner 6 Crestwood Drive Chatham, NJ 07928	BOA-23-008	E7766323213	\$370.75

RESOLUTION 2024-085

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

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

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

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

<u>BLOCK</u>	<u>LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
39	54	Lienholder: Christiana T. c/f C&E1/First PO Box 5021 Philadelphia, PA 19111-5021 Certificate #22-00003 Property Owner: Matthew & Kristen Gilfillan 43 Johnson Drive Chatham, NJ 07928	\$ 241.85 Certificate <u>1,100.00 Premium</u> \$ 1,341.85 Total

BE IT FURTHER RESOLVED that the Tax Collector is authorized to prepare and sign a Discharge of Certificate 22-00003.

RESOLUTION 2024-086

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING A BUILDING INSPECTOR (HHS)

WHEREAS, the Township of Chatham desires to fill a vacancy in the position of Building Inspector (HHS); and

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

WHEREAS, the Construction Official has recommended that it would be in the best interests of the Township to appoint Robert Lubczenko as Building Inspector (HHS); and

WHEREAS, Robert Lubczenko is certified by the State of New Jersey, Department of Community Affairs as a Building Inspector (HHS).

BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, New Jersey that Robert Lubczenko is hereby appointed part-time Building Inspector (HHS) at an hourly rate of \$50.00 not to exceed 15 hours per week, effective March 16, 2024, pending satisfactory completion of a criminal background investigation, and subject to satisfactory completion of a probationary period of 180 days.

RESOLUTION 2024-087

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, ESTABLISHING EMERGENCY TEMPORARY BUDGET APPROPRIATION FOR 2024

WHEREAS, an emergent condition has arisen in that the Township is expected to enter in contracts, commitments or payments prior to the 2024 budget and no adequate provision has been made in the 2024 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 2024 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$4,057,229.00,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey , (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20: Emergency temporary appropriations be and the same are hereby made in the amount of \$4,057,229.00 as follows:

General Administration	
Salaries and Wages	26,000.00
Other Expenses	8,000.00
Mayor and Twp. Committee	
Other Expenses	500.00
Municipal Clerk	
Salaries and Wages	7,000.00
Other Expenses	4,000.00
Financial Administration	
Salaries and Wages	21,000.00
Other Expenses	2,000.00
Computerized Data Processing	
Other Expenses	18,000.00
Collection of Taxes	
Salaries and Wages	10,000.00
Other Expenses	2,000.00
Assessment of Taxes	
Salaries and Wages	8,000.00
Other Expenses	6,000.00
Legal Services and Costs	
Other Expenses	25,000.00
Engineering Services and Costs	
Other Expenses	21,000.00
Planning Board	
Salaries and Wages	3,000.00
Other Expenses	2,000.00
Board of Adjustment	

Salaries and Wages	3,000.00
Other Expenses	1,000.00
Affordable Housing	
Other Expenses	1,000.00
Code Enforcement and Administration	
Salaries and Wages	38,000.00
Other Expenses	2,000.00
Fire Prevention	
Salaries and Wages	2,000.00
Other Expenses	500.00
Insurance	
Liability	75,000.00
Worker's Compensation	40,000.00
Group Insurance Plan	200,000.00
Public Safety	
Police	
Salaries and Wages	296,000.00
Other Expenses	12,000.00
Emergency Management Services	
Salaries and Wages	1,000.00
Fire	
Other Expenses	55,000.00
LOSAP	85,000.00
Road Repairs and Maintenance	
Salaries and Wages	72,000.00
Other Expenses	30,000.00
Solid Waste Collection	
Salaries and Wages	4,000.00
Other Expenses	24,000.00
Public Building and Grounds	
Salaries and Wages	93,000.00
Other Expenses	12,000.00
Vehicle Maintenance	
Other Expenses	15,000.00
Board of Health	
Salaries and Wages	2,000.00
Other Expenses	16,000.00
Animal Control Services	
Other Expenses	3,000.00
Recreation Services and Program	
Other Expenses	5,000.00
Maintenance of Joint Free Public Library	138,000.00

Utilities:	
Electricity	6,000.00
Street Lighting	6,000.00
Water	4,000.00
Natural Gas	6,000.00
Gasoline	16,000.00

PERS	431,210.00
PFRS	957,019.00
Social Security System	31,000.00

Municipal Court	
Other Expenses	25,000.00

Sub-Total \$2,871,229.00

Debt Service - *Includes Open Space	
Payment of Bond Principal	225,080.00
Payment of Bond Interest	259,300.00
Payment of Note Interest	55,040.00
TOTAL	<u>\$3,410,649.00</u>

Water Pollution Control - Sewer Utility

Salaries and Wages	80,000.00
Other Expenses	148,000.00
PERS	107,810.00
Social Security	7,000.00

Sub-Total \$342,810.00

Capital Outlay	5,000.00
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Payment of Wastewater Bond Interest	11,650.00
Payment of Wastewater Loan Principal	271,470.00
Payment of Wastewater Loan Interest	15,650.00

TOTAL \$646,580.00

GRAND TOTAL \$4,057,229.00

BE IT FURTHER RESOLVED that said emergency temporary appropriations will be provided for in the 2024 budget.

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

RESOLUTION 2024-088

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE TAX AND SEWER COLLECTOR TO CANCEL SEWER ASSESSMENT OVERPAYMENTS

WHEREAS, there exist overpayment items on the balance sheet of the Sewer Assessment Fund; and

WHEREAS, the funds creating these overpayment items have been investigated and it has been determined that these overpayment items should be cancelled; and

WHEREAS, these cancelled funds will be credited to the Water Pollution Control fund balance;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the following overpayment items are hereby cancelled:

<u>Block</u>	<u>Lot</u>	<u>Amount</u>
8	10	5.96
31	12	0.59
36	4	0.02
38	42.06	10.69

39	13	41.29
39	59	676.89
39	62	22.36
39	65	3.56

RESOLUTION 2024-090
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING THE PURCHASE OF ALUMINUM CHLORIDE FROM USALCO, LLC,
PURSUANT TO MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACT #17,
WATER TREATMENT CHEMICALS, ITEM 19

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a cooperative pricing system and to enter into cooperative pricing agreements with other contracting units as defined under N.J.S.A. 40A:11-2(1) for its procurement of goods and services; and

WHEREAS, the Township of Chatham (the “**Township**”), as a local government contracting unit, is a member of the Morris County Cooperative Pricing Council (the “**MCCPC**”); and

WHEREAS, the Township may, without advertising for bids, purchase any materials, supplies, services, or equipment under an approved cooperative contract, whereby the contracting unit, MCCPC, serving as the lead agent, has complied with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) (the “**LPCL**”); and

WHEREAS, the Township needs to purchase aluminum chloride, DeIPAC 1525 (the “**Aluminum Chloride**”), as listed on the MCCPC Contract #17, Water Treatment Chemicals, Item #19 (the “**Contract**”); and

WHEREAS, the MCCPC awarded a contract to USALCO, LLC, 2601 Cannery Avenue, Baltimore, Maryland 21226 (“**USALCO**”), for the purchase of Aluminum Chloride under the Contract for a period from January 1, 2024 through December 31, 2024; and

WHEREAS, the Chief Financial Officer of the Township has certified that adequate funds for such a purchase are available.

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

1. The forgoing Recitals are hereby incorporated herein by reference as if set forth at length.
2. The Township hereby authorizes the purchase of Aluminum Chloride from USALCO for a period commencing on January 1, 2024 and terminating on December 31, 2024, pursuant to MCCPC Contract #17, Item 19.
3. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:
 - i. Township Purchasing Agent
 - ii. Township Chief Financial Officer
 - iii. Township Director of Public Works
 - iv. USALCO
4. This Resolution shall take effect immediately.

RESOLUTION 2024-091
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING THE PURCHASE OF SODIUM HYDROXIDE LIQUID FROM PVS
MINIBULK, INC., PURSUANT TO MORRIS COUNTY COOPERATIVE PRICING COUNCIL
CONTRACT #17, WATER TREATMENT CHEMICALS, ITEM 10

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a cooperative pricing system and to enter into cooperative pricing agreements with other contracting units as defined under N.J.S.A. 40A:11-2(1) for its procurement of goods and services; and

WHEREAS, the Township of Chatham (the “**Township**”), as a local government contracting unit, is a member of the Morris County Cooperative Pricing Council (the “**MCCPC**”); and

WHEREAS, the Township may, without advertising for bids, purchase any materials, supplies, services, or equipment under an approved cooperative contract, whereby the contracting unit, MCCPC, serving as the lead agent, has complied with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) (the “**LPCL**”); and

WHEREAS, the Township needs to purchase caustic soda, 50% technical grade (the “**Sodium Hydroxide Liquid**”), as listed on the MCCPC Contract #17, Water Treatment Chemicals, Item #10 (the “**Contract**”); and

WHEREAS, the MCCPC awarded a contract to PVS Minibulk, Inc., 10900 Harper Avenue, Detroit, Michigan 48213 (“**PVS**”), for the purchase of Sodium Hydroxide Liquid under the Contract for a period from January 1, 2024 through December 31, 2024; and

WHEREAS, the Chief Financial Officer of the Township has certified that adequate funds for such a purchase are available.

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

1. The forgoing Recitals are hereby incorporated herein by reference as if set forth at length.
2. The Township hereby authorizes the purchase of Sodium Hydroxide Liquid from PVS for a period commencing on January 1, 2024 and terminating on December 31, 2024, pursuant to MCCPC Contract #17, Item 10.
3. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:
 - i. Township Purchasing Agent
 - ii. Township Chief Financial Officer
 - iii. Township Director of Public Works
 - iv. PVS
4. This Resolution shall take effect immediately.

RESOLUTION 2024-092
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING CHANGE ORDER NO. 1
TO CONTRACT WITH CCM CONTRACTING INC FOR THE PINE STREET
IMPROVEMENTS PROJECT

WHEREAS, the Township of Chatham (the “**Township**”) previously awarded a contract to CCM Contracting Inc (“**CCM**”) for the 2023 Pine Street Improvements Project (the “**Contract**”); and

WHEREAS, a change order is required to address an unanticipated condition requiring the installation of approximately 205 linear feet of additional piping along the northeasterly side of Pine Street to relocate the existing discharge of stormwater to a drainage easement as set forth in detail in the Township Engineer’s March 20, 2024 correspondence (the “**Change Order No. 1**”); and

WHEREAS, Change Order No. 1 results in an increase to the Contract of \$31,044.90 resulting in the total Contract amount increasing from \$173,986.54 to \$205,031.44; and

WHEREAS, the Township Engineer has reviewed Change Order No. 1 and has recommended the Township’s execution of Change Order No. 1.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Mayor of the Township, the Township Administrator, Township Engineer, and other necessary Township employees and consultants are hereby authorized and directed to execute Change Order No. 1 to the Contract and take any and all actions necessary to effectuate Change Order No. 1.
3. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.
4. A copy of this Resolution shall be available for public inspection at the offices of the Township Clerk.
5. This Resolution shall take effect as provided by law.

RESOLUTION 2024-093
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 2024-094

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
RATIFYING AND CONFIRMING THE APPOINTMENT OF A PUBLIC WORKS
SERVICEMAN**

WHEREAS, the Township of Chatham desires to fill a vacancy in the position of Public Works Serviceman; and

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

WHEREAS, the Superintendent of Works has recommended that it would be in the best interests of the Township to appoint Michael Gorman as Public Works Serviceman; and

WHEREAS, the Township Administrator appoints Michael Gorman as full-time Public Works Serviceman, Step 14.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that they do hereby ratify and confirm the Township Administrator's appointment of Michael Gorman as full-time Public Works Serviceman effective April 1, 2024 at a starting annual salary of \$45,451.00 (Step 14), pending satisfactory completion of a criminal background investigation, physical examination and drug screen, and subject to satisfactory completion of a probationary period of 180 days.

RESOLUTION 2024-095

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
REGARDING THE PROCESS FOR UPDATING THE NATURAL RESOURCES INVENTORY**

WHEREAS, in 2013 the Chatham Township Environmental Commission prepared a Natural Resources Inventory for the Township; and

WHEREAS, on May 19, 2014 the Planning Board of the Township of Chatham adopted a Natural Resources Inventory as part of the Master Plan as a technical appendix; and

WHEREAS, the Sustainable Jersey Recertification Process requires that a Natural Resources Inventory be reviewed and updated within 10 years of the certification submission deadline; and

WHEREAS, it has been 10 years since the Natural Resources Inventory was initially developed and adopted; and

WHEREAS, the Township Committee desires to specify the process by which the Natural Resources Inventory will be updated; and

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

1. The Environmental Commission is directed to review the Natural Resources Inventory for any necessary updates.
2. The Administrator and Chief Financial Officer shall appropriate sufficient funds and professional resources, including the services of the Township Engineer, to carry out the purpose of this Resolution.
3. The Planning Board is directed to review the recommendations of the Environmental Commission for updates to the Natural Resources Inventory, and consider making any necessary updates to the Master Plan.

RESOLUTION 2024-096

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPOINTING MEMBERS OF LOCAL EMERGENCY MANAGEMENT COUNCIL**

BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the following individual be appointed to the Local Emergency Management Council for a term ending December 31, 2024:

1. Meghan Tavormina, The Learning Path Private Sector Representative

RESOLUTION 2024-097

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
REAFFIRMING SUPPORT OF THE SOUTHERN BOULEVARD TO GREEN VILLAGE
CONNECTOR TRAIL 2023 TA SET ASIDE PROJECT AND ADOPTING FEDERAL AID
PROCEDURES MANUAL**

WHEREAS, on June 24, 2021 the Township Committee adopted Resolution 2021-189 to authorize the Township Administrator, Township Engineer and other appropriate staff as directed by the Township Administrator to complete and submit a grant application for the Southern Boulevard to Green Village Connector Trail 2023 TA Set Aside Project; and

WHEREAS, the receipt of Federal Aid funds for the Project requires that the Township meet all Federal requirements set forth in:

- Title 23 United States Code (U.S.C.) – Federal Aid Highways
- 40 USC- Brooks Act – Selection of Architects and Engineers
- Title 40 U.S.C. - Public Buildings, Property and Works
- Title 23 Code of Federal Regulations (CFR) – Highways

- Title 48 CFR – Federal Acquisition Regulations System
- Title 49 CFR – Transportation
- Title 49 CFR-Part 18 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- Uniform Act – Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 USC 4601 and 49 CFR part 24, P.L. 91-646

WHEREAS, a Federal Aid Procedures manual, titled Procedures for the Administration and Inspection of Federal Aid Projects and dated December 2023 has been prepared so that the Township may be able to meet the requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham hereby reaffirms its support of the Southern Boulevard to Green Village Connector Trail 2023 TA Set Aside Project and adopts the Procedures for the Administration and Inspection of Federal Aid Projects.

RESOLUTION 2024-098

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY SUPPORTING THE FY25 COMMUNITY PROJECT FUNDING GRANT APPLICATION OF THE LIBRARY OF THE CHATHAMS

WHEREAS, the Library of the Chathams is applying for a FY25 Community Project Funding Grant in the amount of \$5,500,000.00 for the *A Space for Everyone* Project; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that it supports the application of the Library of the Chathams for a FY25 Community Project Funding Grant in the amount of \$5,500,000 for the Bridging Space to Place Project.

RESOLUTION 2024-099

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE SOLICITATION OF BIDS TO PROVIDE PUBLIC TRANSPORTATION SERVICES BETWEEN 522 SOUTHERN BOULEVARD AND THE MADISON TRAIN STATION

WHEREAS, the Township of Chatham (the “**Township**”) desires to provide public transportation services between 522 Southern Boulevard in the Township and the Madison Train Station located on Kings Road in Madison (the “**Transportation Services**”); and

WHEREAS, it is anticipated that the cost of providing the Transportation Services will exceed the bid threshold, which requires the Township to conduct public bidding in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. (the “**LPCL**”)

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Chatham that authorization is given as follows:

1. The Township Committee hereby authorizes the Township’s Qualified Purchasing Agent, under the direction of the Township Administrator, to prepare bid specifications in accordance with the LPCL for the provision of Transportation Services.
2. The Township Committee hereby further authorizes the Municipal Clerk, once the bid specifications have been prepared, to solicit bids pursuant to the LPCL for the provision of Transportation Services.

RESOLUTION 2024-100

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE SOLICITATION OF BIDS FOR CHATHAM WASTEWATER TREATMENT PLANT AND SOUTH SIDE PUMP STATION AUTOMATIC TRANSFER SWITCH REPLACEMENT

WHEREAS, the Township of Chatham (the “**Township**”) desires to replace the automatic transfer switch at the Chatham Wastewater Treatment Plan located at 27 Tanglewood Lane and at the South Side Pump Station located on Wilson Avenue (the “**ATS Replacement Project**”); and

WHEREAS, it is anticipated that the cost of the ATS Replacement Project will exceed the bid threshold, which requires the Township to conduct public bidding in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. (the “**LPCL**”).

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Chatham that authorization is given as follows:

1. The Township Committee hereby authorizes the Township’s Qualified Purchasing Agent, under the direction of the Township Administrator, to prepare bid specifications in accordance with the LPCL for the ATS Replacement Project.
2. The Township Committee hereby further authorizes the Municipal Clerk, once the bid specifications have been prepared, to solicit bids pursuant to the LPCL for the ATS Replacement Project.

RESOLUTION 2024-101
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
ACCEPTING THE RETIREMENT OF RAY CLARKE

NOW, THEREFORE, BE IT RESOLVED, by the Township of Chatham Committee, in the County of Morris, that the Committee does hereby formally accepts the retirement of Ray Clarke effective May 1, 2024.

RESOLUTION 2024-102
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
ACCEPTING THE RETIREMENT OF AARON ROTH

NOW, THEREFORE, BE IT RESOLVED, by the Township of Chatham Committee, in the County of Morris, that the Committee does hereby formally accepts the retirement of Aaron Roth effective August 30, 2024.

RESOLUTION 2024-103
RESOLUTION OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE
OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN ASSIGNMENT AND
ASSUMPTION OF GRANT AGREEMENT WITH THE TRUST FOR PUBLIC LAND D/B/A
TPL-NEW JERSEY, IN CONNECTION WITH THE ACQUISITION OF CERTAIN PROPERTY
IDENTIFIED AS BLOCK 48.16, LOTS 121 AND 122 ON THE OFFICIAL TAX MAPS OF THE
TOWNSHIP, AND MORE COMMONLY REFERRED TO AS 441 SOUTHERN BOULEVARD

WHEREAS, *N.J.S.A. 40A:12-1 et seq.* (the “**Local Lands and Buildings Law**”), permits a municipality to acquire by purchase, gift, devise, lease, exchange, condemnation or installment purchase agreement any real property; and

WHEREAS, Mc Donfen Group, L.L.C., or such other similar entity (the “**Seller**”), is the owner of certain property identified as Block 48.16, Lots 121 and 122 (the “**Property**”), on the official tax maps of the Township of Chatham, in the County of Morris, New Jersey (the “**Township**”); and

WHEREAS, the Township wishes to acquire, and the Seller wishes to convey, fee simple title interest in and to the Property, for a purchase price of \$750,000.00 (the “**Purchase Price**”); and

WHEREAS, pursuant to *N.J.S.A. 40A:12-5(a)(1)*, the Township is authorized to acquire the Property from the Seller; and

WHEREAS, the County of Morris, New Jersey (the “**County**”) and The Trust for Public Land d/b/a TPL-New Jersey, a California nonprofit public benefit corporation authorized to conduct business in the State of New Jersey (“**TPL**”), entered into a Grant Agreement (as amended and supplemented from time to time, the “**Grant Agreement**”), pursuant to which the County shall make a grant in the amount of \$350,000 from the Morris County Open Space, Recreation, Farmland and Historic Preservation Trust Fund (the “**Trust Fund**”) to TPL for the purposes described in the Grant Agreement (the “**Trust Fund Grant**”); and

WHEREAS, TPL has agreed to assign its right, title and interest, legal and equitable, in or to the Grant Agreement and the Trust Fund Grant to the Township pursuant to an Assignment and Assumption of Grant Agreement (in the form on file in the office of the Township Clerk, the “**Assignment Agreement**”), and the County has consented to such assignment; and

WHEREAS, the Township wishes to utilize the Trust Fund Grant to provide for a portion of the Purchase Price; and

WHEREAS, pursuant to the terms of the Grant Agreement, the Township must utilize the Trust Fund Grant to acquire the Property by June 14, 2024; and

WHEREAS, the Township Committee has determined to authorize the execution of the Assignment Agreement.

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

- Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.
- Section 2. The Assignment Agreement is hereby approved with such changes as may be approved by the Mayor upon consultation with counsel to the Township. The Mayor and Business Administrator of the Township (each, an “**Authorized Officer**” and together, the “**Authorized Officers**”) are hereby authorized and directed to execute the Assignment Agreement, with such changes as may be approved by the Mayor upon consultation with counsel to the Township, and the Township Clerk is hereby authorized to attest such execution and to deliver same to the other party thereto.
- Section 3. All actions previously taken by the Authorized Officers, or by any employee, contractor or consultant employed by or engaged by the Township, in connection with the assignment of the Grant Agreement and the Trust Fund Grant are hereby ratified, confirmed and approved.

Section 4. If any part(s) of this resolution shall be deemed invalid, such part(s) shall be severed and the invalidity thereof shall not affect the remaining parts of this resolution.

Section 5. This resolution shall take effect immediately.

RESOLUTION 2024-104
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY INCREASING LOSAP CONTRIBUTIONS**

WHEREAS, the Length of Service Awards Program (the “**LOSAP**”), N.J.S.A. 40A:14-185f, permits periodic increases in the amount of the contribution provided for each active volunteer member; and

WHEREAS, pursuant to Section 2-12.6 and Section 2-53 of the Township Code, a LOSAP was authorized for active volunteer members of the Chatham Township Volunteer Fire Department, Green Village Volunteer Fire Department, and Chatham Emergency Squad; and

WHEREAS, on November 12, 2015, the Township Committee adopted Resolution 2015-198 authorizing an increase to the contribution amounts for the Chatham Township Volunteer Fire Department to \$1,200.00, Green Village Volunteer Fire Department to \$1,200.00, and the Chatham Emergency Squad to \$600.00 (subject to the Borough of Chatham also providing \$600.00); and

WHEREAS, in accordance with N.J.S.A. 40A:14-185f and Local Finance Notice 2024-01, the Township Committee desires to increase the contribution amounts for the Chatham Township Volunteer Fire Department, Green Village Volunteer Fire Department, and the Chatham Emergency Squad effective January 1, 2024 as set forth below.

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 recitals set forth above are hereby incorporated in full herein.
2. Effective January 1, 2024, the contribution amounts under LOSAP are hereby increased to the following amounts:

<u>Agency</u>	<u>Amount</u>
Chatham Township Volunteer Fire Department	\$1,500.00
Green Village Volunteer Fire Department	\$1,500.00
Chatham Emergency Squad	\$750.00*

*Subject to Borough of Chatham also providing \$750.00

Committeeman Lois moved to approve the Consent Agenda. Committeeman McHugh seconded the motion.

Roll call: Committeeman Lois, Aye; Committeeman McHugh, Aye; Committeewoman Rowland, Aye; Deputy Mayor Choi, Aye; Mayor Ewald, Aye.

Mayor Ewald noted that the CES President was present, and she noted the adoption of a resolution to increase the LOSAP contribution.

Non-Consent Agenda

RESOLUTION 2024-082
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meetings held on February 27, 2024 and March 12, 2024.

RESOLUTION 2024-083
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING EXECUTIVE SESSION MINUTES**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meetings held on February 27, 2024 and March 12, 2024.

Deputy Mayor Choi moved to adopt Resolutions 2024-082 and 2024-083. Committeewoman Rowland seconded the motion.

Roll call: Committeeman Lois, Abstain; Committeeman McHugh, Aye; Committeewoman Rowland, Aye; Deputy Mayor Choi, Aye; Mayor Ewald, Aye.

RESOLUTION 2024-089
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY AFFIRMING THE ADOPTION OF IDLE
FREE ZONES

WHEREAS, on October 11, 2007 the Township Committee adopted Resolution 2007-195 supporting the adoption of “Idle Free Zones, by government agencies, schools, businesses and other organizations; and

WHEREAS, the Township Committee has reaffirmed that support through the adoption of Resolutions 2012-114 and 2021-066; and

WHEREAS, emissions from gasoline and diesel-powered vehicles contribute significantly to air pollution, including greenhouse gases, ozone formation, fine particulates, and a multitude of potentially harmful pollutants that can trigger asthma attacks and other ailments; and

WHEREAS, asthma is a significant public health concern in New Jersey, especially among children (up to 25% of New Jersey's school age children are asthmatic) and the elderly; and

WHEREAS, for every gallon of gasoline used, the average car produces about 20 pounds of carbon dioxide (CO₂), the largest greenhouse gas contributor to climate change, with one-third of greenhouse gas emissions coming from the transportation sector; and

WHEREAS, the U.S. Argonne National Laboratory estimates that about 20 million barrels of diesel fuel are consumed each year by idling long-haul trucks (estimated truck emissions total about 10 million tons of CO₂, 50,000 tons nitrogen oxides, and 2000 tons of particulates); and

WHEREAS, we can avoid producing unnecessary greenhouse emissions and exposure to air toxins by reducing or eliminating wasteful vehicle idling; and

WHEREAS, petroleum-based gasoline and diesel fuel are nonrenewable fuels and should be used wisely and not wasted; and

WHEREAS, idling is not generally beneficial to a vehicle's engine because it wears engine parts; and

WHEREAS, idling more than 10 seconds uses more fuel and emits more pollutants than turning a warm engine off and on again; and

WHEREAS, idling for 10 minutes uses as much fuel as it takes to travel 5 miles; and

WHEREAS, vehicle idling occurs in locations (e.g. school grounds, parking lots, drive-through windows, business centers, etc.) where New Jerseyans can be exposed to air pollutant emissions; and

WHEREAS, moving beyond New Jersey's no-idling code of 3 minutes would significantly improve public health, air quality, reduce costs and greenhouse emissions;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham reaffirms its continuing support of Resolution 2007-195 adopted on October 11, 2007, which resolution supports the adoption of “Idle Free Zones, by government agencies, schools, businesses and other organizations.

Committeeman McHugh moved to adopt Resolution 2024-089. Committeewoman Rowland seconded the motion.

Committeeman Lois said that if this resolution is going to be adopted, the data in it should be updated. He said he does not object to the concept, however he would prefer the Whereas clauses not be out of date.

Roll call: Committeeman Lois, Nay; Committeeman McHugh, Aye; Committeewoman Rowland, Aye; Deputy Mayor Choi, Aye; Mayor Ewald, Aye.

Hearing of Citizens

Mayor Ewald opened the Hearing of Citizens.

1. Stewart Carr, Crestwood Drive, offered his congratulations to Mr. Salvias on the Citizen Award. Mr. Carr asked about the status of 441 Southern Boulevard. Mr. Carr also said that he is opposed to a Cap Bank ordinance. He also expressed his concern about the proposed amendments to OPRA.

Mrs. Cofoni said that ordinances have been introduced for the acquisition of 441 Southern Boulevard, however nothing else has changed since the signing of a letter of intent for the purchase. Mr. Shehady said that due diligence has been performed, and the process has been picked up where it left off in 2023. Mayor Ewald noted that the delays were due to matters that needed to be worked out on the seller's side.

2. Tyler Barth, Randolph, thanked the Township Committee for the increase in LOSAP funding. He noted that LOSAP awards people who put aside their own time and safety. Mr. Barth also said that the LOSAP program helped out his uncle tremendously.

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

Committeewoman Rowland moved to adjourn at 9:28 PM. Deputy Mayor Choi seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk