

**MINUTES
TOWNSHIP COMMITTEE
WORKSHOP MEETING
APRIL 9, 2024**

Mayor Ewald called the Workshop Meeting of the Township Committee of the Township of Chatham to order at 7:00 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 Committeeman Lois, Committeeman McHugh, Committeewoman Rowland, Deputy Mayor Choi and Mayor Ewald.

Executive Session

**RESOLUTION 2024-P-06
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING CONFERENCE OF
THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED**

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

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

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

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Contract Negotiations
 - b. Litigation
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-06 to enter Executive Session at 7:01 PM. Committeeman McHugh seconded the motion.

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

The Township Committee returned to Public Session at 7:41 PM.

Mayor Ewald led the Flag Salute.

Hearing of Citizens

The Clerk indicated that no written comments were received.

Mayor Ewald opened the Hearing of Citizens.

1. Stewart Carr, Crestwood Drive, asked for the Township Attorney to critique the statements made during a NJ State Senate hearing about proposed OPRA amendments. Mr. Carr said that there are few proponents of the OPRA amendments. He also said that

Mayor Conley from Madison is the incoming President of the NJ Conference of Mayors, and he has strong opinions in favor of the legislation.

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

Public Hearing/Final Adoption of Ordinances

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.

Mayor Ewald opened the Public Hearing on Ordinance 2024-07.

1. Stewart Carr, Crestwood Drive, asked if there is any update regarding the sale agreement or the general negotiations for the Township's purchase of the Fenske Property. Mr.

Shehady said that the only update is that the ordinances for the purchase of the property are on the agenda for adoption. Mayor Ewald said that the Township is working quickly to finalize the purchase.

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

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

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

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.

Mayor Ewald opened the Public Hearing on Ordinance 2024-08. Seeing no public comment, Mayor Ewald closed the Public Hearing.

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

Committeeman Lois said that the Township Committee is authorizing the acquisition of the Fenske Property, which is next to Nash Field and can be added to the stock of open space. He noted that the prior ordinance was a bond ordinance to fund the purchase. Committeeman Lois noted the benefits of bonding for the purchase.

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

Resolutions

Resolution 2024-105

RESOLUTION 2024-105 RESOLUTION AUTHORIZING THE SUBMISSION OF A FY2024 LOCAL RECREATION IMPROVEMENT GRANT (LRIG) APPLICATION TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR THE MOUNTAINVIEW PLAYGROUND IMPROVEMENT PROJECT

WHEREAS, the Township of Chatham desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$80,000 to carry out a project to reconstruct and replace deteriorating equipment at Mountainview Playground.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Council of the Township of Chatham does hereby authorize the application for such a grant; and,
2. Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Chatham and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the Mayor, Administrator, and Clerk are hereby authorized to sign the application and that they are authorized to sign the agreement, and any other documents necessary in connection therewith.

Mr. Shehady said that this resolution is on a workshop agenda due to the deadline for the grant application. Mr. Shehady explained that a prior resolution was adopted for a LRIG grant application, and he said that the deadline was shifted and a project to improve Mountainview Playground is deemed to be more likely to receive a grant than the Colony Pool improvements. He noted that both projects will be funded.

Committeewoman Rowland moved to adopt Resolution 2024-105. Committeeman Lois seconded the motion.

Committeeman Lois said that the Colony Pool Advisory Committee (CPAC) had not discussed playground improvements, and repairs had been made there. He recommended that resolutions

for improvements at Colony Pool should be referred to the CPAC for review. Committeeman Lois further expressed his support for an application to improve the Mountainview Playground.

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

Reports

Engineering

Mr. Shehady said that at the next meeting there will be a resolution to authorize development of bid specs for improvements to the pool wall at Colony Pool.

Mr. Shehady said that the bids for the fiber loop will be rejected because the bids received came in too high. Mr. Ruschke said that the Township has gone out to bid twice for this project, and have sought input from a vendor why the bids came in so high. He noted that taking the water pollution control facilities out of the project will help reduce the cost. There are also costs involved in the permitting to get utility companies to offer space on their poles, and Mr. Ruschke discussed how that aspect is being addressed. Committeeman Lois asked about the number of fibers in the cables. Mayor Ewald asked about avoidance of County roads. Mr. Ruschke explained that the original route relied heavily on County roads, and a new route uses less County roads and is cheaper. Mr. Shehady said a resolution will be on the next agenda to reject the bid.

Mr. Shehady reported that the DPW Roof Replacement Bid came in lower than anticipated. Mr. Ruschke explained the project. Mr. McHugh asked about the cost gap between the lowest bid and the other two bids. Mr. Ruschke said that it is lower but not enough to be concerned. Deputy Mayor Choi asked about the prior attempt to do the work. Mr. Ruschke said that an estimate was received from a co-op, but the co-op was too expensive. He also noted that the co-op would have done a wooden roof which would have been too heavy and would have required additional work.

Mr. Shehady said that the bids for tree removal and stump grinding services came in more costly than the co-op.

Mr. Ruschke addressed the 2014 SRTS Sidewalk Project, and said that based on the NJDOT review the bids need to be rejected. He also said that the State is still reviewing the 2016 SRTS project.

Committeeman Lois asked about the Colony Pool Wall Replacement project. Mr. Ruschke commented on the anticipated budget, and said it is to replace the whole wall. Committeeman Lois asked about having a clear water section of the pool. Mr. Ruschke discussed the difficulty of having a clear section and noted that a filtration system would be needed. Committeeman Lois recommended that CPAC be afforded the opportunity to provide comments. He also said that the clear water section could help increase membership. Mr. Shehady said that the pool off-season begins in September, and any work will need to be able to fit within the off-season period.

Mr. Ruschke commented on the Colony Tennis Courts, and said that the contractor began making repairs without notifying the Township. He commented on the need for repairs at the Tennis Courts.

Mayor Ewald asked about the sidewalk at The Enclave. Mr. Ruschke said that the Planning Board approved it as an asphalt, rural path rather than as a concrete sidewalk, however there are some punch list items that need to be finished.

Mr. Ruschke addressed the 2024 Road Resurfacing Project. He presented the list of roads that are in need of repair and explained how certain roads were selected for 2024. The roads slated for 2024 are: Stafford Road, Woodmont Drive, Oak Hill Road, Southward Court, Ferndale Avenue and Wexford Road. Also to be paved through an NJDOT Municipal Aid Grant are Mt. Vernon Avenue and a portion of River Road.

Committeeman Lois commented on Club Road and Valley View Road, and said that he would like more feedback before finalizing the road selections. Mr. Shehady commented on the rating system that is used to evaluate roads. Mr. Ruschke noted that he seeks independent verification of the lists that his office develops. Committeeman Lois commented on funds that can be freed up to increase the number of roads that are repaved this year.

Committeeman McHugh asked about utility work after roads are paved. Mr. Ruschke said that the Township tries to find out about major utility projects before roads are paved so that schedules can take that into effect. He also noted the moratorium on road opening for five years after a road is repaved.

Recreation

Committeeman Lois asked how Recreation reports will be handled moving forward. Mr. Shehady said they will be covered under Administration.

Administration

The Township Committee discussed the proposed amendments to the Open Public Records Act and whether or not a resolution should be adopted to formally comment on the amendments.

Mayor Ewald said that she supports OPRA reform, and noted that the amendments can be improved.

Committeeman Lois said that he does not think that text messages should be exempted from OPRA. He also said that there should be a clear definition of harassment in the legislation. He also said that there needs to be a risk of abuse for the system in order for there to be openness.

Mrs. Cofoni commented on the language in the amendments.

Mr. LaConte agreed that there should be an objective definition of what constitutes harassment. He also said that he has not received any OPRA requests for text messages, however he does not think they should be exempt. Mr. LaConte further stated that his support for the legislation has more to do with the protection of people's reasonable expectation of privacy. He also opined that transparency should be centered on citizen access to what government is doing rather than providing personal information about private citizens.

Mayor Ewald suggested that Committee members could submit their own personal letters of support or objection to the legislation.

Deputy Mayor Choi said he favors transparency, however he is unsure how an OPRA response for text messages would be administered. Mrs. Cofoni said that the administration of such requests is part of the concern. She said that answering OPRA requests takes up municipal resources, and she noted the volume of OPRA requests in the first quarter of 2024. Mr. Shehady said that compliance with an OPRA request for something like text messages is dependent on elected officials being honest and turning over screenshots of the responsive messages, and failure to do so could result in litigation. He also noted the cost of taxpayer dollars and time spent on answering the requests. Mr. Shehady further noted the bias of those attorneys who make their living off of OPRA lawsuits.

Regarding Affordable Housing legislation, Mayor Ewald asked if the Affordable Housing Attorney would be providing more information. Mrs. Cofoni said that the Affordable Housing Attorney Leslie London will be at the next meeting, and she is working with the Township Planner on a memorandum. Committeeman Lois said that he sent articles to the Mayor about other municipalities that addressed the Affordable Housing legislation.

Goals and Priorities

Mayor Ewald provided an overview of the purpose of this discussion. Mr. Shehady said that there was a lot of overlap in the items submitted to him by the Township Committee members.

Mayor Ewald said that the capital budget will be more fully discussed at the next meeting. She also said that there was a lot of discussion about a more strategic planning process for facilities.

Mayor Ewald suggested that the lists of proposed goals and prioritized be broken down and categorized. Mr. Shehady recommended that the goals and priorities be reviewed by the Administration Subcommittee.

Mayor Ewald said that she would like to have input from the community on the goals and priorities. Committeewoman Rowland suggested that volunteer opportunities also be considered in the goals and objectives.

Regarding public events, Mr. Shehady recommended that input be sought from the community so that events can be run for which there is interest.

Committeeman Lois proposed that the Township promote events run by local organizations.

Hearing of Citizens

Mayor Ewald opened the Hearing of Citizens.

1. Stewart Carr, Crestwood Drive, expressed his disappointment that the Township Committee and Township Attorney for not discussing the opposition to the proposed OPRA amendments. He asked that the Township bring in someone to explain the opposition to the proposed amendments.

Committeeman Lois said that he would support a resolution opposing the OPRA amendments.

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

Other Business – BAN Sale

Mr. Shehady reported that the summary of the BAN Sale was distributed to the Township Committee. He noticed that the interest has been reduced. Committeeman Lois asked if this note sale relates to the 2023 budget year. Mr. Shehady confirmed that it relates to past debt.

Committeeman McHugh moved to adjourn at 9:37 PM. Committeewoman Roland seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk