

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
JUNE 10, 2021**

Mayor Ness called the Regular Meeting of the Township Committee of the Township of Chatham to order at 6:30 P.M.

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both *The Chatham Courier* and the *Morris County Daily Record* on January 8, 2021; notice was posted on the front door and the bulletin board in the main hallway of the Municipal Building on January 8, 2021; and notice was filed with the Township Clerk on January 8, 2021.

Roll Call

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

Executive Session

**RESOLUTION 2021-P-12
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. Attorney – Client Privilege
 - b. Litigation – Township of Chatham v. Kronos Holdings LLC and SL Chatham II, LLC-Condemnation Action Docket No. MRS-L-789-21
 - c. Personnel
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Deputy Mayor Ewald moved to adopt Resolution 2021-P-12 to enter Executive Session at 6:31 PM. Committeewoman Felice seconded the motion.

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

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

Mayor Ness led the Flag Salute.

Approval of Agenda

Deputy Mayor Ewald asked that the resolutions to approve minutes be removed from the Consent Agenda for a separate vote. Committeeman Hamilton asked that Resolution 2021-171 be voted upon separately. Committeewoman Felice asked that Resolution 2021-172 be voted upon separately.

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

Proclamation - Pride Day

Mayor Ness read aloud the attached proclamation for Pride Day.

In Memorium

Mayor Ness reported the recent passing of former Mayor Abbie Fair. Mayor Ness also cited Mayor Fair's many public service accomplishments.

Committeewoman Fondaco commented on former Mayor Fair's successful efforts to reduce Shunpike Road from four lanes to two lanes.

Reports

Mayor Ness announced that she has submitted her resignation from the Township Committee effective at 12:00 PM on June 11, 2021. She noted that she is resigning because she will be moving to Basking Ridge in July. Mayor Ness reflected on her years as a Chatham Township resident. She also thanked the Township Staff and Professionals for all of their work during her time as a Township Committee member and when she was a reporter for the Independent Press. Mayor Ness also thanked the members of the Township Committee. She also thanked Township residents and volunteers, noting that there are many more volunteer opportunities than there used to be. Mayor Ness also thanked her family for their support.

The Township Clerk provided an outline of the process for filling a vacancy. He stated that the Chatham Democrats will have 15 days to provide 3 names in nomination to fill the vacancy. The Township Committee will have until 30 days following the vacancy to select one of the three names to fill the vacancy. If the Township Committee fails to select a nominee, then the Chatham Democrats will have an additional 15 days to select one of the three candidates. The Township Clerk noted that the Township Committee will meet with the three nominees individually in Executive Session to interview the candidates before making a selection.

Deputy Mayor Ewald thanked Mayor Ness for her contributions to the Township of Chatham and her service on the Township Committee. Deputy Mayor Ewald noted that Mayor Ness was a target for political attacks. She also commented on Mayor Ness's accomplishments as a member of the Township Committee.

Committeewoman Felice reported that the Joint Court Committee met, and she said that Harding Township is withdrawing from the Joint Court. She said that the Township Committee will discuss the Joint Court at a future meeting. Committeewoman Felice said that Colony Pool is thriving, with 585 members and 1660 registered users, and revenue is currently over \$220,000.

Committeeman Hamilton wished Mayor Ness good luck in her future endeavors. He also reported that he and Committeewoman Fondaco met with Administrator Hoffmann and Chief Miller at the Police Headquarters regarding some maintenance issues. Committeeman Hamilton further reported that the Library of the Chathams is open and thriving, and no appointment is necessary. He stated that an indoor book sale was also held. Committeeman Hamilton further noted that the School District has had in-person learning. He also reported that Cougars Lacrosse won the State Championship.

Committeewoman Fondaco reported that the Township's application was submitted to Sustainable Jersey. She stated that Environmental Commission member Maureen Kelly work hard to gather documentation to support Silver Certification in the Sustainable Jersey program. Committeewoman Fondaco further reported that the Historical Society will be holding a Bert Abbazia Appreciation Day at Colony Pool on June 13th. The event will also address the history of Colony Pool, and a plaque honoring Mr. Abbazia will be placed on the back of the lifeguard chair, as he was the first certified lifeguard at Colony Pool.

Deputy Mayor Ewald reported that the Affordable Housing Advisory Committee has continued to meet to gather information and to develop goals and objectives. The Municipal Alliance met, and the Parents Who Host Lose The Most Campaign will be held again this year. Deputy Mayor Ewald also reported that the Fishawack Festival will be held from September 17th to September

19th. MACC is welcoming new members, and Deputy Mayor Ewald described the work performed by MACC.

Committeeman Hamilton reported that the Business Advisory Committee is working on creating a business directory for the Chathams.

Mayor Ness reported that the Diversity Committee met and is planning an event for Fishawack. The Diversity is also working on a program to help ESL residents to engage with the community and stay informed. Mayor Ness further reported that the Senior Center held a successful Garden Tour. She also stated that the Joint Court Committee approved Harding's withdrawal from the Joint Court. The Joint Court Agreement is up for renewal at the end of the year, and a fifth member municipality will be sought. Mayor Ness reported that a meeting was held with the Miele Trust, the Wildlife Refuge and the Great Swamp Watershed Association to begin discussion of who will own the land and the potential future litigation. Mayor Ness further reported that she recently spoke at a Girl Scouts Gold Award Program, and Blanche Blumenfeld was honored. Mayor Ness said that Mrs. Blumenfeld is the oldest member of the first Girl Scouts Troop in the Township. Mayor Ness further reported that there is a resolution on the Non-Consent Agenda regarding the application for 9% tax credits for the development of Affordable Housing at 522 Southern Boulevard. The resolution reaffirms the Township's need for Affordable Housing. Mayor Ness discussed the PILOT Program for the Affordable Housing.

The Township Clerk thanked Committeewoman Felice for use of an area microphone that is helping transmit audio from the Township Committee meeting over Zoom. He also reported that the Primary Election was held on June 8th, and he thanked the poll workers, polling station venues, and Department of Public Works for their assistance in the running of the election. The Township Clerk further recognized Richard Gentles of the Chatham Township Fire Department and Chief Zalis and Joe Sodano of the Green Village Fire Department for their assistance on Primary Election Day.

Engineer Ruschke reported that the first phase of the 2021 Paving Program has been completed, and the paving went well. He also reported that he anticipates Noe Avenue will be repaved in early July.

Attorney Cruz wished Mayor Ness well in the coming years.

Administrator Hoffmann thanked the Township Committee for the early adoption of the 2021 Budget so that the Township could get on the County Co-op's paving spring list this year. Administrator Hoffmann also noted that this is the first Township Committee meeting in over 14 months with all Committee Members present and the public able to attend in person. Administrator Hoffmann further reported that the Township will be accepting a donation of 300 gallons of hand sanitizer. He also stated that in April the Township completed an Inflow & Infiltration Study of the sanitary sewer system. There are 6 areas that need a second review, as there is stormwater getting into the sanitary sewer system. Administrator Hoffmann said that during the storm on June 8th, the flow at the Main Sewer Plant increased by 200,000 gallons resulting from stormwater. Administrator Hoffmann wished Mayor Ness success in the next chapter of her life, and thanked her for her service to the Township.

Hearing of Citizens

The Township Clerk indicated that there were not any written comments received.

Mayor Ness opened the Hearing of Citizens.

1. Kathy Abbott, Wynwood Road, thanked Mayor Ness for her service to the Township while serving on the Township Committee. Mrs. Abbott commented on Mayor Ness's accomplishments during her time on the Township Committee.
2. Susan Hoag, Canterbury Road, thanked Mayor Ness for her service on the Township Committee. Mrs. Hoag also spoke in memory of Abbie Fair, with whom she served on the Township Committee. Mrs. Hoag suggested the Township Committee consider dedicating a park bench in honor of Mrs. Fair.

Mayor Ness noted that former Mayor Fair and former Mayor Hoag worked together for the preservation of the Kirby Property.

Mrs. Hoag stated that Mrs. Fair was a true public servant rather than a politician.

3. Judy Carlsson, Morris Township, spoke on behalf of Abbie Fair’s public service and environmental advocacy.
4. Maureen Kelly, Mountain Avenue, commented on the application process for Silver Certification from Sustainable Jersey. She also thanked Township Clerk Greg LaConte, DPW Secretary Christie Tragno and Administrative Assistant Ashley Osieja for their assistance with the process.
5. Dan Miller, Green Village Road, thanked Mayor Ness for her service on the Township Committee and wished her well. Mr. Miller commented on air traffic noise and asked if there is a liaison to the Morristown Airport. He thanked those who attended the Green Village Memorial Day Service. Mr. Miller also offered to help the Municipal Alliance to address substance abuse issues.
6. Christina Mott, Nicholson Drive, expressed her support for the Pesticide Ordinance and the Needs Resolution. Mrs. Mott also recognized Mayor Ness’s dedicated service to the Township.
7. Jen McNally, Noe Avenue, spoke in recognition of Abbie Fair. She also thanked Mayor Ness for her service to the Township. Mrs. McNally also asked why the construction of Affordable Housing at the Skate Park site appears to be halted.

Administrator Hoffmann stated that site work has been delayed due to weather and installation of utilities.

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

Deputy Mayor Ewald said that she will follow up on the air traffic noise issue raised by Mr. Miller. She also said she will look into doing something to honor Abbie Fair. Deputy Mayor Ewald also said she will reach out to Mr. Miller regarding his offer to assist the Municipal Alliance.

Public Hearing/Final Adoption of Ordinances

Ordinance 2021-15

**ORDINANCE 2021-15
ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY, ELIMINATING USE OF PESTICIDES ON ALL MUNICIPAL RECREATIONAL
AREAS**

WHEREAS, scientific studies associate exposure to pesticides with asthma, cancer, developmental and learning disabilities, nerve and immune system damage, liver or kidney damage, reproductive impairment, birth defects, and disruption of the endocrine system;

WHEREAS, infants, children, pregnant women, the elderly, people with compromised immune systems and chemical sensitivities are especially vulnerable to pesticide effects and exposure;

WHEREAS, pesticides are harmful to pets, wildlife including threatened and endangered species, soil microbiology, plants, and natural ecosystems;

WHEREAS, toxic runoff from chemical fertilizers and pesticides pollute streams and lakes and drinking water sources;

WHEREAS, the use of hazardous pesticides is not necessary to create and maintain green lawns, recreational areas, and landscapes given the availability of viable alternatives practices and products;

WHEREAS, people have a right not to be involuntarily exposed to pesticides in the air, water or soil that inevitably result from chemical drift and contaminated runoff;

WHEREAS, sustainable land use practices that emphasize non- chemical methods of weed and pest prevention and management and least-toxic pesticide use as a last resort will eliminate the use of and exposure to pesticides on recreational areas;

WHEREAS, sustainable land use practices complements other important goals of Chatham Township and administration, such as energy conservation and security;

WHEREAS, recognizing that if an emergency public health situation warrants the use of pesticides, which would otherwise not be permitted under this policy, the Township shall have the authority to grant a temporary waiver on a case-by-case basis after an evaluation of all alternative methods and materials;

WHEREAS, recognizing this policy excludes any pesticide applications performed by Morris County (e.g. mosquito spraying); and

WHEREAS, Chatham Township embraces a precautionary approach to the use of toxic pesticides to adequately protect people and the environment from pesticides' harmful effects.

NOW, THEREFORE, BE IT ORDAINED as follows:

Section 1. Purpose.

The Chatham Township Committee hereby finds and declares that it shall be the policy of Chatham Township to eliminate toxic pesticide use on all municipal recreational areas to promote a healthy environment, protect the public from the hazards of pesticides, and for implementation of sustainable land use.

Section 2. Definitions.

Allowed Materials List. The Township must include in the regulations adopted under this section a list of acceptable pesticides, known as the Allowed Materials List. The list is limited to: (A) All nonsynthetic (natural) materials, with the exception of prohibited nonsynthetic materials under 7 CFR 205.602; (B) Any synthetic material listed at 7 CFR 205.601 that is labeled for turf uses, subject to discretionary authority to require disclosure of inert ingredients; and (C) 25b listed pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Emergency – means an urgent need to mitigate or eliminate a pest that threatens public health or safety.

Inert ingredient – Any substance (or group of substances with similar chemical structures if designated by the Environmental Protection Agency) (EPA) other than an active ingredient which is intentionally included in any pesticide product (40 CFR 152.3(m)) [7 CFR 205.2 Terms defined.] and are not classified by the Administrator of EPA as inert of toxicological concern. [7 U.S.C. 6502(21) Definitions]

Lawn – means an area of land, except agricultural land, that is: (i) mostly covered by grass, grass, other similar herbaceous plants, shrubs, or trees; and (ii) kept trim by mowing or cutting.

Nonsynthetic (natural) materials – A substance that is derived from mineral, plant, or animal matter and does not undergo a synthetic process as defined in section 6502(21) of the Organic Foods Production Act (7 U.S.C. 6502(21)). For the purposes of this part, nonsynthetic is used as a synonym for natural as the term is used in the ordinance. [7 CFR 205.2 Terms defined.]

Pesticide – any substance or mixture of substances intended for—(i) preventing, destroying, repelling, or mitigating any pest; (ii) use as a plant regulator, defoliant, or desiccant; or (iii) use as a spray adjuvant such as a wetting agent or adhesive. The term ‘pesticide’ does not include cleaning products, other than those that contain pesticidal agents.

Recreational areas – means municipal land that is designated for recreational activities including lawns, playgrounds, sports fields, pool areas and any other land where recreational activities occur and are controlled, managed, leased or owned by Chatham Township.

Sustainable Land Use– means a program that:

- (A) uses— effective mowing, watering and fertilizing practices that provide a healthy soil, other nonchemical methods, and if nontoxic options are unreasonable or have been exhausted, a pesticide on the allowed materials list; and
- (B) minimizes— (i) the use of toxic pesticides; and (ii) the hazards to human health and the environment associated with pesticide applications.

Synthetic materials – The term “synthetic” means a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes. [7 U.S.C. 6502(21) Definitions]

Use of Pesticides. — The Township shall only use pesticides on the allowed materials list as part of sustainable land use practices. A pesticide not on the allowed materials list may only be used as a last resort in a quantity and in a timeframe approved by the Township which may grant a temporary waiver on a case-by-case basis after an evaluation of all alternative methods and materials (e.g. poison ivy). Pesticides are only to be applied by certified commercial applicators that are NOFA certified.

NOFA -- NOFA Organic Land Care is an extension of NOFA (Northeast Organic Farming Association) that sets policy, provides outreach and education on organic agricultural practices. NOFA Land Care extends the vision and principals of organic agriculture to the care of landscapes. A NOFA Organic Land Care Certified Landscaper must comply with the NOFA Standards for Organic Land Care.

Posting of Signs — If applying a pesticide under this paragraph, the certified commercial applicator shall post a sign warning of the application of the pesticide—in a prominent place that is in or adjacent to the location to be treated; and at each entrance to the ground to be treated. A sign required for the application

of a pesticide shall remain posted for at least 72 hours after the end of the treatment; be at least 8 1/2 inches by 11 inches.

Section 3. Grounds Management Implementation Guidelines.

It is the policy of the Township to take the following preventive measures to maintain optimal turf conditions on municipal recreational areas:

- (A) To maintain healthy soil, soil sampling and analysis will be conducted to evaluate and assess the level of care needed for the facility's turf and landscape.
- (B) Well-adapted, pest-resistant grass varieties that are more suitable for Chatham Township's climate will be planted.
- (C) Lawn aeration will be scheduled at least once a year.
- (D) A proper pH for the soils will be maintained.
- (E) The soil should be tested to adjust the pH if needed.
- (F) Annual fall fertilizer applications will be scheduled and carried out. Only slow-release fertilizer formulations will be used.
- (G) Approved soil amendments will be applied as necessitated by soil test results. Following, but not limited to, the recommendations of the Northeast Organic Farmers' Association and/or the Organic Material Review Institute.
- (H) Outdoor management practices will be modified to comply with organic horticultural science, including scouting, monitoring, watering, pruning,
- (I) proper spacing and mulching.
- (J) Practices will include the use of physical controls, including over-seeding.

This Ordinance shall take effect as provided by law.

Mayor Ness opened the Public Hearing on Ordinance 2021-15.
Seeing no public comment, Mayor Ness closed the Public Hearing.

Committeeman Hamilton moved to adopt Ordinance 2021-15. Deputy Mayor Ewald seconded the motion.

Committeeman Hamilton said that he has questions and concerns regarding the ordinance. He said he does not understand the need for the ordinance, and has not seen any analysis warranting the ordinance. Committeeman Hamilton also noted that it is already the policy of the Township to use organic lawncare methods for recreational fields. He also asked who determines when an exception is warranted. Committeeman Hamilton also asked about the costs of organic lawncare.

Mayor Ness said that the full complement of organic lawncare is costly. She also commented on the additional aspects of lawncare such as drainage. Mayor Ness also said that the pesticide-free program has been successful.

Administrator Hoffmann addressed the history of the Township's organic lawncare program and the analysis that was performed.

Committeeman Hamilton asked why an ordinance is necessary when the program has been successful. Committeewoman Fondaco said that the ordinance will help the Township be eligible for grants as part of the Sustainable Jersey program.

Committeewoman Felice said she wants to be sure that the emergency clause includes termites or to be sure who has the authority to determine if a problem is considered an emergency. Mayor Ness said that Administrator Hoffmann would have the authority to determine what is an emergency.

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

Consent Agenda

RESOLUTION 2021-164

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 \$969,401.39 and the prior month's payroll of \$449,634.16 Current Fund, \$49,800.87 Sewer No. 1, \$11,446.03 Sewer No. 2, and \$68,845.23 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of June 2021, in the amount of \$3,270,037.00 be paid.

RESOLUTION 2021-167

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING THE PURCHASE AND INSTALLATION OF SECURITY CAMERAS AT THE
MUNICIPAL BUILDING AND OTHER LOCATIONS**

WHEREAS, the Township of Chatham has solicited quotes and demonstrations from vendors who sell and install security cameras and related equipment; and

WHEREAS, the Township Administrator, Chief of Police, Director of Public Works, Water Plant Operator and others have participated in the evaluation process; and

WHEREAS, there is a need to install security cameras and related equipment at the Municipal Building prior to the end of October in preparation for the November election and at other locations to help secure the Township's investment in its infrastructure; and,

WHEREAS, the best overall value price and other factors combined is the proposal received from EXTEL COMMUNICATIONS, INC., under State Contract 88737 for Cable and Camera installation that will tie into the Police Department and can be added on to in future years; and

WHEREAS, the Township has a total of \$54,100.00 available for the installation of cabling and cameras; and,

WHEREAS, the cost for cabling and cameras at the Municipal Building is \$20,925.00, Department of Public Works is \$13,275.00 and Water Pollution Control Pump Stations and Main Plant is \$19,900.00; and,

WHEREAS, the Chief Financial Officer has certified that funds are available for the project as outlined in this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham hereby authorizes the purchase and installation of cabling and cameras to protect the investment in infrastructure as well as provide deterrence for potential acts of vandalism; and,

BE IT FURTHER RESOLVED that the Township Committee authorizes the purchase and installation of the equipment from EXTEL COMMUNICATIONS INC., under State Contract Number 88737 for an amount not to exceed \$54,100.00.

RESOLUTION 2021-168

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING AN AGREEMENT WITH ANIMAL CONTROL SOLUTIONS FOR THE
REMAINDER OF 2021**

WHEREAS, the Township of Chatham had entered into a two (2) year agreement with the Township of Millburn for Animal Control Services through December 31, 2021; and

WHEREAS, on April 15, 2021 the Township of Chatham received a letter from the Township of Millburn providing sixty (60) days' notice that the Township of Millburn would stop providing Animal Control Services to its neighboring communities; and

WHEREAS, the contract for this statutorily required service will expire on Saturday night June 12th at 11:59 p.m.; and,

WHEREAS, upon receipt of this notice from the Township of Millburn the Township of Chatham begin to solicit and seek proposals from other municipalities, organizations and businesses that provide animal control services; and

WHEREAS, the Animal Control Solutions provides the best overall value to the Township with its option for a Per-Diem contract for a monthly fee of \$350 plus a call out fee for each Animal Control incident; and,

WHEREAS, the projected cost of this service for the remainder of calendar year 2021 is \$2,900; and,

WHEREAS, the Chief Financial Officer certifies that sufficient funds will be available in the Dog License Trust Account to cover the cost of this statutorily required obligation.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham hereby authorizes the implementation of an agreement for Animal Control Services with Animal Control Solutions 2 Marshall Drive, Flemington, New Jersey 08822 for the period June 13, 2021 through December 31, 2021.

RESOLUTION 2021-169

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM TO
PURCHASE THREE (3) AND INSTALL PUMPS AND OVERHAUL PUMP MOTOR AT THE
WATER POLLUTION CONTROL LOCATIONS**

WHEREAS, the Township of Chatham Water Pollution Control Plant as well as the Southside and Northside Pump Stations require new pumps, as well as the rebuilding of specialty motors; and

WHEREAS, the Township of Chatham adopted Ordinance 2021-10 for this purpose as well as other required improvements and upgrades to the Water Pollution Control infrastructure; and

WHEREAS, the quotes for this specialty equipment have been obtained from vendors who are part of regional and national purchasing cooperatives of which the Township is a member; and,

WHEREAS, the lead time for the shipment of the equipment is eighteen (18) to twenty (20) weeks; and,

WHEREAS, the best overall value for the purchase of these specialty items is through the North Jersey Wastewater Cooperative Pricing System Contract Number B195-9, Quote #20-407 R2 from Pump and Process, Inc. (PCS) 41 Plymouth Street, Fairfield, New Jersey 07004 for a cost of \$124,540.56; and,

WHEREAS, funds for this purchase are available in Ordinance 2021-10 and the Chief Financial Officer has certified that funds are available.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham hereby authorizes the purchase and installation of 3 new pumps and rebuilding or overhaul of a motor at the Main Plant from Pump and Process, Inc, (PCS) 41 Plymouth Street, Fairfield, New Jersey 07004 as provided in their quote dated October 30, 2020 which is valid through June 15, 2021.

RESOLUTION 2021-170
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT AND/OR PERFORMANCE BOND BALANCES

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

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

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

NAME	Project	A/C NUMBER	AMOUNT
David Ragins 14 Overlook Road Chatham, NJ 07928	Performance Bond for RO 18-029	7764943229	\$12,811.51
S. DeMarzo & Sons LLC 10 Westerly Avenue Madison, NJ 07940	Performance Bond for 21-102.08-21	7765173057	\$10,001.75

RESOLUTION 2021-173
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING MACC SUPPLEMENTAL GRANT APPLICATION

WHEREAS, the Municipal Alliance Committee of the Chathams will be submitting an application to the County of Morris for a supplemental grant; and

WHEREAS, the grant is in the amount of \$3,000 with the following breakdown:

\$1,500 requested for the Township of Chatham

\$1,500 requested for the Borough of Chatham

WHEREAS, the term of the grant is from January 1, 2021 to December 31, 2021; and

WHEREAS, the application required the signature of the Mayor; and

WHEREAS, the Township intends to make a 50% match in the amount of \$750.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the Municipal Alliance is authorized to submit an application for a supplemental grant, and the Mayor is authorized to sign the application on behalf of the Township.

RESOLUTION 2021-174
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, REGARDING THE RENEWAL OF ALCOHOLIC BEVERAGE LICENSES IN THE TOWNSHIP OF CHATHAM FOR THE FISCAL YEAR BEGINNING JULY 1, 2021

WHEREAS, an application for the renewal of an Alcoholic Beverage License in the Township of Chatham for the fiscal year beginning July 1, 2021 has been made by CB Chatham LLC; and

WHEREAS, the license held by CB Chatham LLC is an inactive license, otherwise known as a “pocket license;” and

WHEREAS, pocket licenses are eligible for two renewal periods, and this is the second renewal since the license went inactive on March 17, 2020; and

WHEREAS, the applicants have complied with all the requirements of “An Act for the Manufacture, Distribution and Sale of Alcoholic Beverages”, known as the “Alcoholic Beverage Act and Amendments and Supplements thereto”, as well as the Ordinance of the Township of Chatham entitled

“An Ordinance to Regulate the Sale and Distribution of Alcoholic Beverages”, as amended, including the submission of the appropriate license fees, and no objections to the renewal of said licenses have been received.

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk be and hereby is authorized to renew the plenary retail consumption license as issued by the New Jersey Division of Alcoholic Beverage Control for the fiscal year beginning July 1, 2021, as follows:

To CB Chatham LLC, for a pocket plenary retail consumption license (Lic. No. 1405-33-002-009).

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk be forwarded to the Division of Alcoholic Beverage Control and the State Department of Taxation and Finance, Newark, New Jersey, for their information and guidance.

Committeewoman Fondaco moved to adopt the Consent Agenda. Committeewoman Felice seconded the motion.

Committeeman Hamilton asked about the award of a contract for Animal Control Services. Administrator Hoffmann said that Millburn sent a notice that they are discontinuing providing animal control services to other municipalities. After reviewing several options, Animal Control Services was found to be the best value. Administrator Hoffmann noted that Animal Control Services is a veteran-run business.

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

**RESOLUTION 2021-165
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 May 27, 2021.

**RESOLUTION 2021-166
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on May 27, 2021.

Committeeman Hamilton moved to adopt Resolution 2021-165 and Resolution 2021-166. Committeewoman Felice seconded the motion.

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

**RESOLUTION 2021-172
RESOLUTION OF THE TOWNSHIP OF CHATHAM APPROVING SUBMISSION OF A
GRANT APPLICATION BY JULY 1, 2021, AND EXECUTION OF A GRANT CONTRACT
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FAIRMOUNT
AVENUE NEIGHBORHOOD ROAD RESURFACING PROJECT**

NOW, THEREFORE, BE IT RESOLVED that the Committee of the Township of Chatham formally approves the grant application for the above stated project. The Fairmount Avenue Neighborhood Road Resurfacing Project is for the resurfacing of:

- Fairmount Avenue from Meyersville Road to River Road
- Candace Lane (Full Length)
- Ormont Avenue from Mountainside Drive to Marian Lane
- Mountainside Avenue (Full Length)
- Marian Lane (Full Length)

with an estimated cost of approximately \$260,000.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2022-Fairmount Avenue Neighborhood Road R-00147 to the New Jersey Department of Transportation on behalf of the Township of Chatham.

BE IT ALSO RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Chatham and that their signature constitutes the acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

BE IT ADDITIONALLY RESOLVED that if the grant application is approved, the Township will place its 20% share, approximately \$75,000 in its 2022 Capital Budget, or, Capital Improvement Fund

Committeeman Hamilton moved to adopt Resolution 2021-172. Deputy Mayor Ewald seconded the motion.

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

RESOLUTION 2021-171

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AMENDING ANNUAL NOTICE FOR REGULAR MEETING SCHEDULE FOR THE TOWNSHIP COMMITTEE DURING 2021

WHEREAS, the "Open Public Meetings Act," N.J.S.A. 10:4-6 et seq. requires that public bodies provide adequate notice of meetings.

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

1. For the remainder of the calendar year 2021, meetings will be held by the Township Committee to discuss or act upon public business at 7:30 p.m. (unless otherwise noted), prevailing time, at the Municipal Building, 58 Meyersville Road, Chatham Township on the following dates:

June 24
July 15
August 12
September 9
September 23
October 14
October 28
November 18
December 16

January 6, 2022 (2022 Reorganization Meeting)

2. If an Executive Session is necessary, it will be held one (1) hour prior to the Regular Session starting at 6:30 PM. The posted Agenda will state whether an Executive Session is necessary.
3. Zoom access information for each meeting will be included on the meeting Agenda, which will be posted on the Township website at least 48 hours in advance of each meeting. Agendas will also be posted on the front door and the bulletin board in the main hallway of the Municipal Building.
4. In the case of a special meeting, Zoom access information will also be included in the Open Public Meetings Act notice.
5. During public hearings, members of the public will be able to participate via Zoom by using the Raise Hand feature to signify their desire to make public comment. The Zoom platform also provides the ability for the public to listen to the meeting by telephone without video and to also comment by telephone by pressing *9 to raise their hand during public comment sessions.
6. During a state of emergency when Township Committee meetings are made available remotely, written comments to be read during the public hearings or public comment periods may be submitted to the Township Clerk electronically by email or letter no later than 3:00 PM on the date of the meeting. Only one public comment, whether oral or written, from each person at each public comment period will, as with all public comments, be heard or read. The reading of the written comments will, as with all public comments, be limited to five minutes and the reading will end after five minutes.
7. Certified copies of this Resolution shall be:
 - a) Mailed to the Chatham Courier;
 - b) Mailed to the Morris County Daily Record;
 - c) Filed with the Clerk of the Township of Chatham;
 - d) Posted on the bulletin board in the main hallway and on the front door of the Municipal Building; and

- e) Mailed to any person requesting notice of meetings to N.J.S.A. 10:4-19 who has paid the required fee thereof.
- 8. All of the foregoing shall be accomplished within seven (7) days of adoption of this Resolution pursuant to N.J.S.A. 10:4-18.

Deputy Mayor Ewald moved to adopt Resolution 2021-171. Committeewoman Fondaco seconded the motion.

Committeeman Hamilton questioned the need for continuing to allow Zoom participation in Township Committee meetings. The Township Clerk said that Zoom participation needs to be allowed at least until the Public Health Emergency ends. He also said that there could be backlash from the public if Zoom access is taken away. Committeeman Hamilton said that he does not oppose streaming meetings over Zoom, but is not in favor of allowing public comment over Zoom by those unwilling to make the commitment to attend a meeting in person. The Township Clerk said that residents who are out of town may want to address issues on a Township Committee agenda, which Zoom would allow.

Mayor Ness said that there has been an increase in public participation since Zoom became an option, and said she does not know why participation should be limited.

Committeewoman Felice said that there could be an issue with Zoom-bombing.

The Township Clerk said that the Township Committee could decide as a policy matter whether or not to continue allowing Zoom participation once it is no longer required. He also said that the webinar mode has an option to only allow authenticated users to participate.

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

Non-Consent Agenda

RESOLUTION 2021-175

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, CONFIRMING THE NEED FOR THE CONSTRUCTION OF A 62 UNIT RESIDENTIAL MULTI-FAMILY RENTAL AFFORDABLE HOUSING DEVELOPMENT AND APPROVING A FINANCIAL AGREEMENT.

WHEREAS, Chatham Family Apartments LLC (hereinafter referred to as the "Sponsor") proposes to construct a 62 unit (plus one non-income restricted superintendent's unit) multi-family rental affordable housing development (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.) and the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq. (the foregoing hereinafter referred to as the "HMFA Law") within the Township of Chatham (hereinafter referred to as the "Municipality") on an approximately 3.35 acre site known as 522 Southern Boulevard and identified as Lot 2, Block 128 on the Official Tax Map of the Township of Chatham; and

WHEREAS, the Sponsor shall finance, develop, construct, operate and manage the Project in accordance with the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, N.J.S.A. 55:14K-1 et seq., and the regulations promulgated thereunder, N.J.A.C. 5:80-1.1 et seq., (the "HMFA Law"); and

WHEREAS, the Project will be subject to the HMFA Law and financing documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, pursuant to the provisions of the HMFA Law, the governing body of the Municipality hereby determines that there is a need for the Project in the Municipality.

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

1. The Township Committee finds and determines that the proposed Project currently meets or will meet in the future an existing housing need in the Township.
2. The Township Committee does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor's application for Agency funding to finance the Project.

3. The Township Committee does hereby adopt this Resolution with the further intent and purpose that from the date of the execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provide in the HMFA Law, provided that the payments in lieu of taxes for municipal services are made to the Township in such amounts and manner set forth in the Financial Agreement attached hereto. The Mayor and Township Clerk are hereby authorized to execute the Financial Agreement on behalf of the Township. The Township Committee understands and acknowledges that the revenue projections set forth are estimates and the actual payments in lieu of taxes to be paid by the Sponsor to the Township shall be determined pursuant to the Financial Agreement executed between the Sponsor and the Township.

Deputy Mayor Ewald moved to adopt Resolution 2021-175. Committeewoman Felice seconded the motion.

Attorney Cruz said that the agreement is necessary for the Township to submit a competitive application for the 9% tax credits. He also said that if the Township fails to get a 9% tax credit, an application for a 4% tax credit would be submitted, which would lead to a significant cost to the taxpayers.

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

Discussion

Morris County Grant Applications for Trails

Administrator Hoffmann said that the due date for Morris County Grant Applications is in July, and a Letter of Intent needs to be submitted by the end of June. He said that he and Engineer Ruschke met with Committeewoman Fondaco and Open Space Chairman Joe Basralian to discuss options for trail grants applications, and the option chosen would connect Nash Field to Green Village Road.

Committeewoman Fondaco asked if the grant application will note that the area is environmentally sensitive. Administrator Hoffmann said that will be addressed in a meeting with Morris County officials.

Engineer Ruschke said that municipalities can submit for grants that would fund either design and engineering or construction. He also addressed some of the challenges that may be faced with the selected location.

Committeeman Hamilton asked if the Township will later submit for a construction grant if there is success in receiving a design grant. Engineer Ruschke and Administrator Hoffmann said that a construction grant application would be submitted in the next grant cycle.

The consensus of the Township Committee was to support the grant application.

Hearing of Citizens

Mayor Ness opened the Hearing of Citizens.

1. Maureen Kelly, Mountain Avenue, thanked the Township Committee for adopting Ordinance 2021-15. She said that the ordinance resulted from the research performed by Cara Feaser on how harmful pesticide exposure is to children. Mrs. Kelly also said that there are many people choosing to plant native species and pollinators in their yards.
2. Susan Hoag, Canterbury Road, thanked the Township Committee for pursuing a trail link between Nash Field and the Green Village Post Office. She said that the Open Space Committee considered such an option about 15 years ago.
3. Kathy Abbott, Wynwood Road, said that she worked on the Pesticide Ordinance with Cara Feaser. She said that pesticides were a concern when her children were young.
4. Ed Barmakian, TAPinto Chatham, said he heard that Mayor Ness resigned, and asked how the vacancy will be filled. Mayor Ness said that the Chatham Democrats will

have 15 days to nominate three candidates who will be interviewed by the Township Committee in Executive Session at the June 24th meeting. If the Township Committee is unable to reach a consensus at that meeting, a special meeting will be called for further deliberation. If the Township Committee fails to make an appointment by July 11th, then the Chatham Democrats would have a further 15 days to select one of the three nominees. Mr. Barmakian asked if Deputy Mayor Ewald is becoming the Mayor. Mayor Ness said that once the vacancy is filled, the Township Committee will select a new Mayor and Deputy Mayor. Mr. Barmakian asked why Mayor Ness is resigning. Mayor Ness said that she is moving to Basking Ridge in July and she did not want to wait until the last moment to submit her resignation.

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

Mayor Ness thanked all those who attended the meeting, and said that it has been an honor to serve the Township as both Mayor and a Township Committee Member. Mayor Ness also noted her years as a reporter for the Independent Press covering Township Committee meetings. She thanked all those with whom she worked over the years.

Deputy Mayor Ewald moved to adjourn at 9:33 PM. Committeewoman Fondaco seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk