

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
JULY 8, 2021**

Deputy Mayor Ewald called the Special Meeting of the Township Committee of the Township of Chatham to order at 7:30 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 June 28, 2021; notice was posted on the front door and the bulletin board in the main hallway of the Municipal Building on June 28, 2021; and notice was filed with the Township Clerk on June 28, 2021.

Deputy Mayor Ewald led the Flag Salute.

Approval of Agenda

Committeewoman Fondaco moved to approve the Agenda. Committeeman Hamilton seconded the motion, which carried unanimously.

Committeewoman Felice asked how the Township Committee questions will be posed to the nominees. The Township Clerk indicated that he will read the questions, and confirmed that there will be an opportunity for follow-up questions.

Roll Call

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

In reference to inclement weather, Deputy Mayor Ewald stated that if the Township Municipal Building suffers a loss of power and cable and Zoom access are lost, the Township Committee will be in recess until the Municipal Building generator restores power. Deputy Mayor Ewald stated that once power is restored, a determination will be made whether or not to continue the meeting if Zoom access and cable-transmission capabilities are not restored. She also stated that if cable and Zoom access are not resumed by 11:00PM tonight, the meeting will be adjourned.

Deputy Mayor Ewald further stated that the purpose of this meeting is to address filling the vacancy on the Township Committee, and she noted several important pieces of business to address in upcoming months. Deputy Mayor Ewald also noted that case law regarding filling of vacancies is vague and conflicting, and the Township Committee wants to be sure that the process followed is above reproach. Deputy Mayor Ewald thanked the three nominees for their willingness to participate in more transparent process.

Deputy Mayor Ewald stated that following candidate statements, the Township Committee's questions for the candidates will be read by the Township Clerk. Follow-up questions will then be asked. Following the questions, the nomination process will begin. Deputy Mayor Ewald stated that if a candidate receives a majority vote from the Township Committee members, that nominee will be sworn in. The Township Committee would then move forward with selecting a Mayor and Deputy Mayor and address the appointment of a Township Committee member to the Planning Board. If a single candidate does not receive a majority vote, the statutory process indicates that the selection will be then made by the Chatham Township Democratic Committee. The selection of a Mayor and Deputy Mayor would also be addressed at a future meeting.

Candidate Statements

The Township Clerk read aloud the candidate statement submitted by Paul Payton.

Phil Ankel presented his candidate statement. Mr. Ankel advocated for the appointment of Kathy Abbott to fill the vacancy.

Kathy Abbott presented her candidate statement.

Township Committee Questions

The Township Clerk read aloud Mr. Payton's responses to the Township Committee questions that had been submitted by the 3:00 PM deadline.

The Township Clerk posed to Mr. Ankel the questions submitted by the Township Committee members.

Deputy Mayor Ewald noted that the candidates do not have to answer any questions that they feel are intended to embarrass them.

The Township Clerk posed to Mrs. Abbott the questions submitted by the Township Committee members.

Committeewoman Felice asked Mrs. Abbott about her stance on transparency. Committeewoman Felice also asked how Mrs. Abbott believes she will be able to work with Township Committee members who she has labeled as extremists. Mrs. Abbott described the process used to fill vacancies in the past, and said that it was not transparent for the process to be changed at the last minute. Mrs. Abbott also stated that it is transparent to have the nominees be interviewed in public, and she said that fair notice should be provided.

Committeewoman Felice said that Mrs. Abbott was part of the Planning Board when the Affordable Housing Plan was approved, and asked Mrs. Abbott where she would like to see additional Affordable Housing built in the Township. Mrs. Abbott said that she was not on the Planning Board when the Affordable Housing Plan was approved, and her only involvement was with the application for the subdivision of a property on Hillside Avenue which will include a lot for a Group Home. Mrs. Abbott also said that the best spot for new Affordable Housing would be the area where there is currently an overlay zone. She also said that Affordable Housing should be built in areas where residents can walk to jobs and stores.

Committeeman Hamilton asked Mrs. Abbott for an example of what would justify a tax increase. Mrs. Abbott cited debt repayment as a reason why costs to the Township went up recently. She also stated that the municipal tax rate was flat when she was on the Township Committee. Mrs. Abbott also said that the Municipal Budget should not be manipulated to support a political campaign. Committeeman Hamilton said that the Township's tax rate has gone up 20% in recent years, and asked Mrs. Abbott if she feels that increase is reasonable and appropriate. Mrs. Abbott said that the increase was necessary, and cited the deferred maintenance of the Municipal Building as a reason why costs went up. She also advocated for frugal management of the Township's finances.

Nominations

Committeeman Hamilton moved to select Mr. Payton to fill the vacancy on the Township Committee. Committeewoman Felice seconded the motion.

Committeeman Hamilton said he opposes having a candidate in the upcoming General Election be appointed to fill the vacancy on the Township Committee. He also said that Mr. Ankel had indicated that he does not want to be on the Township Committee. Committeeman Hamilton opined that Mr. Payton would be an appropriate "placeholder" on the Township Committee.

Deputy Mayor Ewald said that Mrs. Abbott has more experience on the Township Committee than any of the current members. She also stated that there is no better way for the electorate to evaluate Mrs. Abbott than to have her serve on the Township Committee for the remainder of the year.

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

Committeewoman Fondaco moved to select Mrs. Abbott to fill the vacancy on the Township Committee. Deputy Mayor Ewald seconded the motion.

Committeeman Hamilton said it would be inappropriate to appoint Mrs. Abbott to serve on the Township Committee.

Committeewoman Felice stated that she does not think that Mrs. Abbott will be able to work with the Republican members of the Township Committee.

Deputy Mayor Ewald stated that Mrs. Abbott has a history of working successfully with the Township Committee and the Planning Board. She also stated that the Township Committee should consider if a candidate is qualified to serve rather than if the individual is currently running for office.

Committeeman Hamilton said that his support for Mr. Payton was an effort to compromise, and stated that all three candidates are qualified. Committeeman Hamilton opined that Mr. Payton is the least controversial of the candidates.

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

There being no further nominations, and a consensus having not been reached, Deputy Mayor Ewald announced that the selection of a new Mayor, Deputy Mayor and Class III Planning Board member will be deferred to a future meeting. She also said that the selection of a new Township Committee member will be made by the Chatham Township Democratic Committee.

Hearing of Citizens

The Township Clerk read aloud written comments from the following residents:

1. Natalia Lacy, Tanglewood Lane, expressed her support for Kathy Abbott to fill the vacancy on the Township Committee.
2. Melissa Cavallone, Fairmount Avenue, expressed her support for Kathy Abbott to fill the vacancy on the Township Committee.
3. Diane DuBrule, Pine Street, expressed her support for Kathy Abbott to fill the vacancy on the Township Committee.

Deputy Mayor Ewald opened the Hearing of Citizens.

1. Sarah Fechtner, Rolling Hill Drive, spoke in favor of having Kathy Abbott fill the vacancy on the Township Committee. She also asked how former Mayor Selen was appointed to fill a vacancy on the Township Committee.

Deputy Mayor Ewald said that in the past, deliberation on filling vacancies was held in Executive Session. She also said that she did not want to have any of the Township Committee's decisions to be overturned.

The Township Clerk clarified that when Mayor Selen was appointed, the interviews and deliberations were in Executive Session with the formal action having been taken in Public Session.

2. Christina Mott, Nicholson Drive, said that some of the questions posed to the candidates were designed to embarrass them. She also spoke in favor of having Kathy Abbott be appointed to fill the vacancy. Mrs. Mott said that Mr. Payton and Mr. Ankel presented themselves honestly, and chose to express their opinion that Mrs. Abbott is the logical choice to fill the vacancy.

Mr. Hamilton asked why there are references to three candidates, and opined that there was only one candidate being considered.

3. Mike Kelly, Mountain Avenue, said that his comments are based on his 6 years of experience on the Township Committee. Mr. Kelly said he thinks the Township Committee should reopen the nominations process and reconsider appointing a candidate

to fill the vacancy. Mr. Kelly said that the candidate statements are new information, and the Township Committee did not have a lot of time to digest the information before proceeding with a vote. He also said that the comments from the public came after the vote, and were therefore unable to be taken into consideration. Mr. Kelly also said it is now clear which candidate that the Chatham Township Democratic Committee will pick to fill the vacancy. He further stated that in the interest of transparency, the Township Committee had rejected the advice of the Township Attorney. Mr. Kelly also said that the Township Committee should accept the responsibility to make an appointment, and noted that any decision make by the Chatham Township Democratic Committee will be made behind closed doors.

Committeeman Hamilton offered his opinion that it is new information that the three candidates were a sham. Deputy Mayor Ewald pointed out that Committeeman Hamilton is new to the political process, and said that it is insulting to allege that the candidates are a sham.

- 4. Stewart Carr, Crestwood Drive, said that it is a good thing to have the candidates be publicly vetted, and said that he expects Committeeman Hamilton and Committeewoman Felice support the same transparency when a Republican vacancy needs to be filled.

Committeewoman Felice said that she agrees that the same process should be used when a Republican vacancy needs to be filled. Committeeman Hamilton also said that he enthusiastically supports the open process, and said that he does not think that any of the questions asked of the candidates were embarrassing.

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

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Committeeman Hamilton moved to adjourn at 8:49 PM. Committeewoman Felice seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk