

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
JULY 15, 2021**

Deputy Mayor Ewald 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 and June 11, 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 June 11, 2021; and notice was filed with the Township Clerk on January 8, 2021 and June 11, 2021.

Roll Call

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

Executive Session

RESOLUTION 2021-P-14

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. Personnel – Police Department
 - c. Potential Acquisition of Property
 - d. Potential Litigation
 - e. Litigation – Township of Chatham v. Kronos Holdings LLC and SL Chatham II, LLC-Condemnation Action Docket No. MRS-L-789-21
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 Fondaco moved to adopt Resolution 2021-P-14 to enter Executive Session at 6:32 PM. Committeewoman Felice seconded the motion.

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

The Township Committee returned to Public Session at 7:33 PM.

Deputy Mayor Ewald led the Flag Salute.

Approval of Agenda

Deputy Mayor Ewald stated that Resolution 2021-207 to approve a Memorandum of Understanding regarding Rolling Knolls remediation will be added to the Non-Consent Agenda.

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

Ceremonial Oath of Office

Deputy Mayor Ewald congratulated Committeewoman Abbott on having been unanimously selected by the Chatham Township Democratic Committee to fill the vacancy on the Township Committee following Mayor Ness's resignation.

Mrs. Katherine R. Abbott was ceremoniously sworn in as a Township Committee Member, filling the vacancy created from Mayor Ness's resignation. The oath was administered by the Township Clerk.

Proclamation – Mary Davis Day

In recognition of the retirement of Rev. Mary Davis of St. Paul's Episcopal Church in Chatham Borough, Deputy Mayor Ewald read aloud the attached proclamation declaring July 11, 2021 as Mary Davis Day in Chatham Township.

Rev. Davis thanked Deputy Mayor Ewald for the proclamation and commented on her years of service to the Chatham community.

Eric Leininger, a member of the St. Paul's congregation, spoke in recognition of and thanks for Rev. Davis's service.

Selection of Mayor

The Township Clerk opened the floor to nominations for Mayor.

RESOLUTION 2021-177 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM SELECTING MAYOR FOR 2021

BE IT RESOLVED by the Township Committee of the Township of Chatham that Stacey Ewald is hereby selected as Mayor of the Township of Chatham for the remainder of the year 2021.

Committeewoman Fondaco nominated Stacey Ewald to serve as Mayor for the remainder of 2021. Committeewoman Felice seconded the nomination.

Deputy Mayor Ewald accepted the nomination and stated that she would serve as Mayor if selected.

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

The Oath of Office was administered by the Township Clerk.

Selection of Deputy Mayor

RESOLUTION 2021-178 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM SELECTING DEPUTY MAYOR FOR 2021

BE IT RESOLVED by the Township Committee of the Township of Chatham that Kathy Abbott is hereby selected as Deputy Mayor of the Township of Chatham for the remainder of the year 2021.

Committeewoman Fondaco nominated Kathy Abbott to serve as Deputy Mayor for the remainder of 2021. Mayor Ewald seconded the motion.

Committeewoman Abbott accepted the nomination and stated that she would serve as Deputy Mayor if selected.

Committeeman Hamilton opined that it is not appropriate for a candidate for office to be selected as Deputy Mayor. Mayor Ewald stated that Committeewoman Abbott has more experience on

the Township Committee than any other sitting member, and also has an extensive experience serving in various volunteer roles.

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

The Oath of Office was administered by the Township Clerk.

Police Promotion

RESOLUTION 2021-203 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE PROMOTION OF SERGEANT STEPHEN “BRAD” HAYWORTH TO LIEUTENANT IN THE TOWNSHIP OF CHATHAM POLICE DEPARTMENT

WHEREAS, in March the Township of Chatham initiated a succession plan to ensure the smooth operation of the Police Department; and,

WHEREAS, as part of this succession plan a second Lieutenant’s position will be filled; and,

WHEREAS, the announcement of this position was posted and four (4) eligible candidates submitted their resumes and other credentials for consideration; and,

WHEREAS, all four (4) candidates were interviewed by the Chief of Police and Township Administrator; and

WHEREAS, the results and ranking of the candidate’s responses was reviewed with the Township Committee’s Public Safety Committee who agreed with the recommendation of the Chief of Police and Township Administrator.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham hereby authorizes the promotion of Stephen “Brad” Hayworth to the position of Lieutenant of the Township of Chatham Police Department with an effective date of July 16, 2021.

BE IT FURTHER RESOLVED that the Township Committee wishes Lieutenant Hayworth continued success in his career and service to our residents.

BE IT FURTHER RESOLVED that the Township Committee thanks the eligible members of the Township of Chatham Police Department who interviewed for the position and wishes them continued success in their careers and service to our residents.

Mayor Ewald a brief history of Lt. Hayworth’s service in the Chatham Township Police Department. She also read aloud Resolution 2021-203.

Committeeman Hamilton moved to adopt Resolution 2021-203. Committeewoman Felice seconded the motion.

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

The Oath of Office was administered by Mayor Ewald.

Mayor’s Statement

Mayor Ewald read the attached Mayor’s Statement.

Reports

Committeewoman Felice reported that the Colony Swim Team won its first meet of 2021 against West Essex. She stated that there are 75 children participating on the Swim Team, and 59 children are participating in swim lessons. The Colony Tennis Program has over 60 participants thus far. Committeewoman Felice reported that Colony Pool has over 1,950 registered members in 2021, which is an increase of approximately 80% over the last regular season. She also stated that membership numbers are continuing to increase.

Committeeman Hamilton reported that the Public Safety Committee was involved in the promotion process for the Police Department, and he is pleased there was an exceptional candidate. Committeeman Hamilton stated that there will be a need to recruit and hire new junior members of the Police Department. Committeeman Hamilton further reported that the

Library of the Chathams is now open full time. The Business Advisory Committee is seeking participants for the Business Directory.

Committeewoman Fondaco reported on the importance of wearing helmets when bicycling. She further stated that the Chatham Township Police Department has three bike helmets available for free. Committeewoman Fondaco further reported that the Art League of the Chathams will be holding an art reception at the Municipal Building on Sunday, September 26th from 2:00 PM to 4:00 PM.

Deputy Mayor Abbott reported that the Planning Board has been busy this summer, and the Board recently began hearing an application for preliminary site plan approval for 522 Southern Boulevard as well as a minor subdivision application on Gates Avenue. She noted that Sunset Lake residents have raised a concern about the proposed rear buffer for 522 Southern Boulevard, and neighbors of the Gates Avenue application have expressed concern regarding water runoff. Hearings on both applications will continue on July 19th.

Mayor Ewald reported that Congresswoman Sherril's office held a Town Hall Meeting recently, and the Federal Recovery Money going to Morris County will be used to support small businesses. She also reported that she received an update on regional efforts to address traffic on Rt 24. Over the past few years, the Township Mayors have met with Mayors of several surrounding towns plus representatives of Morris County and the NJDOT regarding traffic concerns pertaining to Route 24. She stated that the County's priority is the intersection of Columbia Turnpike and Park Avenue at the border of Morris Township and Hanover Township. She stated that a funding opportunity was missed for a planned project to address those traffic issues. Mayor Ewald further reported that the Affordable Housing Committee is continuing to meet to perform research and develop recommendations. The Diversity Committee participated in an event with Chatham Borough and Madison. The Diversity Committee is also looking to participate in the Fishawack Festival.

Engineer Ruschke noted that in the Consent Agenda there is a resolution for a change order for the 2021 Road Paving Project. The change order is in response to an increase in the cost of asphalt and fuel. Engineer Ruschke stated that the paving was performed through the Morris County Co-op, and the bid specifications follow the NJDOT standards which involves monthly monitoring of fuel and asphalt prices so that adjustments can be made.

Administrator Hoffmann reported that the Construction Office is returning copies of blueprints to owners who qualify. He also reported that Resolution 2021-201 on the Consent Agenda authorizes and RFP for Master Plan updates. Administrator Hoffmann thanked Planning Board Chairman Tom Franko and Township Planner Frank Banisch for their assistance in the development of the RFP document. Administrator Hoffmann also commented on Resolution 2021-195 which is an amendment to the 2021 Budget for the receipt of American Rescue Plan Act Local Fiscal Recovery Funds Grant funds. The Township received \$529,465.88 in June, and an identical amount will be received again in 2022. Administrator Hoffmann commented on the areas in which the funds can be used.

Hearing of Citizens

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

Mayor Ewald opened the Hearing of Citizens.

1. Christina Mott, Nicholson Drive, congratulated Mayor Ewald and Deputy Mayor Abbott on being selected to their respective roles. She also spoke in favor of having continued Zoom access to Township Committee meetings.
2. Jessica Romeo, Pine Street, congratulated Mayor Ewald and Deputy Mayor Abbott. She also stated that the Wi-Fi at Colony Pool has been of poor quality and asked if it could be addressed. Mrs. Romeo also commented on bicycle helmets and asked if a bike helmet fitting could be included as a part of the National Night Out events.

Administrator Hoffmann commented on the Wi-Fi issue at Colony Pool and stated that it is tied in to a systemic problem with the phone system. Committeewoman Felice asked if some of the Federal funds recently received could be used to improve the Wi-Fi. Administrator Hoffmann said that he thinks those funds can be used for such improvements.

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

Public Hearing/Final Adoption of Ordinances

Ordinance 2021-17

ORDINANCE 2021-17

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 3 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP TITLED “POLICE REGULATIONS” TO A NEW SECTION 3-14 TITLED “OPERATION AND LICENSING OF CANNABIS BUSINESSES PROHIBITED” WITHIN THE TOWNSHIP’S GEOGRAPHICAL BOUNDARIES

WHEREAS, on April 22, 2021, the Township Committee of the Township of Chatham adopted Ordinance 2021-08 titled “An Ordinance of the Township of Chatham, County of Morris, New Jersey Prohibiting the Operation of Any Class of Cannabis Businesses within the Township’s Geographical Boundaries and Replacing Section 30-96.9(b) which is Part of Section 30-96.9 Titled ‘Prohibited Uses’ of the Revised General Ordinance of the Township of Chatham”; and

WHEREAS, the Township Committee also desires to amend Chapter 3 of the Revised General Ordinances of the Township titled “Police Regulations” to add a new Section 3-14 titled “Operation and Licensing of Cannabis Businesses Prohibited” within the geographical boundaries of the Township; and

WHEREAS, Ordinance 2021-08 expresses the desire of the Township Committee to prohibit the operation of cannabis businesses within the geographical boundaries of the Township pursuant to P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement, Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Township Committee also desires to prohibit the operation and licensing of cannabis businesses as defined in the Act within the geographic boundaries pursuant N.J.S.A. 40:48-1 et seq., the municipal police power to regulated the public health, safety and welfare of its residents; and

WHEREAS, this Ordinance is not intended to repeal Section 30-96.9(b) (Ordinance 2021-08) but is intended to supplement Section 30-96.9(b) (Ordinance 2021-08) to make clear that the Township is prohibiting the operation and licensing of all cannabis businesses as defined in the Act under both the municipal authority to regulate land use within a municipality and the municipal police power to protect the public health, safety and welfare of its residents;

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

Section 1. Chapter 3 of the Revised General Ordinances of the Township titled “Police Regulations” is hereby amended to add a new Section 3-14 titled “Operation and Licensing of Cannabis Businesses Prohibited”.

Section 2. Section 3-14.1 titled “Purpose” is added as follows:

§3-14.1 Purpose. The purpose of this Section 3-14 is not to repeal Section 30-96.9(b) (Ordinance 2021-08) but is intended to supplement Section 30-96.9(b) (Ordinance 2021-08) to make clear that the intent of the Township is to prohibit the operation and licensing of all cannabis businesses as defined in Section 3 of P.L. 2021, c.161, the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Moderinzation Act”, within the georgraphic boundaries of the Township pursuant to N.J.S.A. 40:48-1 et seq., the Township’s authority to protect the public health, safety and welfare of its residents.

Section 3. Section 3-14.2 titled “Operation and Licensing of Cannabis Businesses Prohibited” is added as follows:

§3-14.2 Operation and Licensing of Cannabis Businesses Prohibited. All classes of cannabis operations or establishments or cannabis distributors or cannabis delivery services as said terms are defined in Section 3 of P.L. 2021, c.161, but not the delivery of cannabis items and related supplies by a delivery service, are prohibited from operating and being licensed within the geographic boundaries of the Township of Chatham.

Section 4. Section 3-14.3 titled “Repeal by Implication” is added as follows:

§3-14.2 Repeal by Implication. This Section 3-14 is not inconsistent with and is not intended to repeal by implication or otherwise any section, paragraph, subsection, clause, or other provision of Section 30-96.9(b) of the Revised General Ordinances of the Township of Chatham.

Section 5. Section 3-14.4 titled “Effective Date” is added as follows:

§3-14.4 Effective Date. This Ordinance shall take effect immediately as provided by law.

Attorney Cruz explained that Ordinance 2021-17 accomplishes the same goal as a zoning ordinance adopted earlier in 2021 to prohibit certain types of cannabis businesses. This ordinance prohibits the Township from granting licenses or permission to operate to any sort of cannabis business under the Township’s police powers.

Mayor Ewald opened the Public Hearing on Ordinance 2021-17.

- 1. Larry Fechtner, Rolling Hill Drive, asked if cannabis is legal in New Jersey and if municipalities can decide whether cannabis businesses can operate within city limits. Mr. Fechtner also asked if medical marijuana is allowed.

Mayor Ewald stated that medical marijuana is handled under separate legislation, and this ordinance only pertains to recreational cannabis. She also stated that municipalities are permitted to opt out of having cannabis businesses, and Chatham Township is one of many municipalities whose governing bodies decided to exercise the opt-out option. Attorney Cruz added that the Regulatory Commission has not yet adopt regulations about the manufacture and sale of recreational cannabis, and those regulations are required to be developed by August 21, 2021.

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

Committeewoman Felice moved to adopt Ordinance 2021-17. Committeeman Hamilton seconded the motion.

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

Ordinance 2021-18

ORDINANCE 2021-18
ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING AND ESTABLISHING TRANSPORTATION FOR THE AFFORDABLE HOUSING DEVELOPMENT TO BE KNOWN AS CHATHAM FAMILY APARTMENTS LOCATED AT 522 SOUTHERN BOULEVARD IN THE TOWNSHIP OF CHATHAM

WHEREAS, Walters-Cornerstone Development LLC has been named as the affordable housing developer of the site located at 522 Southern Boulevard in the Township of Chatham upon which a 63-unit affordable housing development to be known as Chatham Family Apartments shall be constructed (the “Development”); and

WHEREAS, upon occupancy of the Development, the Township Committee desires to provide public transportation to residents of the Development by establishing a regularly scheduled public bus service (the “Bus Service”), which Bus Service will include a bus stop to be located directly in front of the Development (the “Bus Stop”), with service to Madison New Jersey Transit public railway station, which is an established railway station in the nearby municipality of Madison, New Jersey; and

WHEREAS, the Bus Service shall be provided daily at least once between the hours of 6:30 a.m. and 9:30 a.m. and at least once between the hours of 3:00 p.m. and 6:00 p.m. Monday through Friday.

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 Township hereby authorizes and establishes at its sole cost and expense the Bus Service with a minimum of two stops per day during both the morning rush hours and during the evening rush hours (defined as daily service at least once between 6:30 A.M. to 9:30 A.M. and at least once between 3:00 P.M. to 6:00 P.M.), Monday through Friday, year-round on an on-going basis, from the Bus Stop to the Madison New Jersey Transit railway station, which provides daily public transportation operating Monday through Friday with regularly scheduled service during commuter hours.
- 2. The Bus Service shall commence on or before the first occupancy of the Development and shall be available to the general public.
- 3. The Township may designate any other public stops along the Bus Service route as it deems necessary to serve the residents of the Township.
- 4. The Township may charge a reasonable fixed fee to riders for the Bus Service.
- 5. This Ordinance shall take effect as provided by law.

Administrator Hoffmann stated that this ordinance creates the framework for shuttle service from 522 Southern Boulevard to the Madison Train Station, and is being enacted so that the Township can achieve a perfect score on the application for 9% tax credits. He noted that the shuttle service will be open to all residents, not just those living in the affordable units at 522 Southern Boulevard.

Mayor Ewald opened the Public Hearing on Ordinance 2021-18.
Seeing no public comment, Mayor Ewald closed the Public Hearing.

Committeewoman Felice asked if the costs of the shuttle service have been analyzed. Administrator Hoffmann stated that an in-depth analysis has not yet been performed, however the anticipated cost is \$78,000 per year. Attorney Cruz added that if the 9% tax credits are not received, the shuttle service is not required to apply for the 4% tax credits.

Committeeman Hamilton asked if the Township would still be committed to operate the shuttle if the 9% tax credits are not received. Attorney Cruz stated that it is his understanding that the Township Committee would be able to repeal the ordinance and the shuttle is not required for the 4% tax credits. Administrator Hoffmann said that the funding for the shuttle would not be needed until 2023, and he reiterated that the ordinance is needed for the 9% tax credit application and the service will cost \$78,000 per year. A ridership fee will also be assessed. Committeeman Hamilton asked about insurance for the service. Administrator Hoffmann stated that the vendor would supply insurance.

Committeewoman Fondaco moved to adopt Ordinance 2021-18. Deputy Mayor Abbott seconded the motion.

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

Consent Agenda

RESOLUTION 2021-192

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 \$1,706,855.52 and the prior month's payroll of \$477,209.34 Current Fund, \$51,715.53 Sewer No. 1, \$12,161.01 Sewer No. 2, and \$52,837.11 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of July 2021, in the amount of \$4,316,176.00 be paid.

RESOLUTION 2021-193

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 June 24, 2021 and July 8, 2021.

RESOLUTION 2021-194

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 June 24, 2021.

RESOLUTION 2021-195

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2021 BUDGET

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham will received \$529,465.88 from the American Rescue Plan Act Local Fiscal Recovery Funds and wishes to amend its 2021 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$529,465.88 which is now available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:

American Rescue Plan Act Local Fiscal Recovery Funds Grant, and

BE IT FURTHER RESOLVED, that a like sum of \$529,465.88 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

American Rescue Plan Act Local Fiscal Recovery Funds Grant.

BE IT FURTHER RESOLVED, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

RESOLUTION 2021-196

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF TAXES

WHEREAS, an overpayment of property taxes has been made for the following properties; and

WHEREAS, the Tax Collector has recommended the refund of such overpayment,

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

<u>BLOCK</u>	<u>LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
48.21	170	Depirro, Nicholas,& Jessica Lakin 485 Green Village Rd Green Village, NJ 07935	\$1,767.59 2 nd Quarter 2021

RESOLUTION 2021-197

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>
48.10	34	Lienholder: LSG TL Holdings LLC 1985 Cedar Bridge Ave Suite 1 Lakewood, NJ 08701 Certificate #19-00001 Hay, Ryan H. & Stacie H. 51 Runnymede Rd.	\$1,084.01 – Certificate <u>1,100.00 – Premium</u> \$ 2,184.01-Total
12	10.01	Lienholder: MMU Defined Benefit Plan 6971 N. Federal Hwy Suite 100 Boca Raton, FL 33487-1648 Certificate #17-00007 Smith, Gary S. 160 Meyersville Rd.	\$68,828.68 – Certificate <u>44,100.00 – Premium</u> \$ 112,928.68-Total

BE IT FURTHER RESOLVED that the Tax Collector is authorized to prepare and sign a Discharge of Certificate 19-00001 and 17-00007.

RESOLUTION 2021-198
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING A CHANGE ORDER NO. 1 TO THE CONTRACT WITH SCHIFANO
CONSTRUCTION CORP. FOR THE 2021 ROAD RESURFACING PROJECT

WHEREAS, the Township Committee of the Township of Chatham adopted Resolution 2021-150 on May 13, 2021 to award a contract through the Morris County Co-op to Schifano Construction Corp., with address at 1 Smalley Avenue, Middlesex, NJ 08846 for the 2021 Road Resurfacing Project in the amount of \$284,389.43;

WHEREAS, costs were increased due to a fuel price adjustment in the amount of \$9,549.97, asphalt price adjustment in the amount of \$14,838.72 and increases in final as-built quantities in the amount of \$1,429.20; and

WHEREAS, the Township wishes to amend the Contract with Schifano Construction Corp. to cover the unanticipated extra costs; and

WHEREAS, the total cost of the 2021 Road Resurfacing Project was \$310,207.32.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that it hereby approves Change Order No. 1 amending the final Contract amount to \$310,207.32.

RESOLUTION 2021-199
RESOLUTION OF THE TOWNSHIP OF CHATHAM APPOINTING WILLIAM T. SMITH,
ESQ. TO THE POSITION OF JOINT MUNICIPAL COURT ARBITRATION ATTORNEY FOR
THE TOWNSHIP OF CHATHAM

WHEREAS, Harding Township has formally requested the appointment of an arbitrator to determine their appropriate 2021 budget allocation to fund the Joint Court; and

WHEREAS, the Joint Court Operating Committee appointed the Hon. Peter F. Bariso, Jr. A.J.S.C (ret) as arbitrator for this purpose; and

WHEREAS, Madison Borough, Chatham Borough, Chatham Township and Morris Township wish to also independently hire William T. Smith, Esq. to represent them in this matter; and

WHEREAS, Madison Borough, Chatham Borough, Chatham Township and Morris Township will equally share the costs associated with hiring William T. Smith, Esq.; and

WHEREAS, to simplify billing from William T. Smith, Esq. and payments to William T. Smith, Esq., Chatham Borough, Chatham Township and Morris Township will pay their share of the costs to Madison Borough, and Madison Borough in turn will make payments to William T. Smith, Esq.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Chatham that William T. Smith, Esq. is hereby appointed as arbitration attorney for the Borough of Madison, for Joint Municipal Court matters, at the hourly rate of \$150.00/hr. with costs to be equally shared with Madison Borough, Chatham Borough, Chatham Township and Morris Township.

RESOLUTION 2021-200
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	<u>Project</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
Giuseppe Peluso GNP RE LLC 8 Lyons Place East Hanover, NJ 07936	PerBd 21-60-18.01	7765173031	\$10,001.81
Mitul Patel 11 Loantaka Lane South Morristown, NJ 07960	BOH 16-130-16	7763180179	\$585.00

RESOLUTION 2021-201

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING THE PREPARATION AND ADVERTISING FOR RESPONSES TO A
REQUEST FOR PROPOSAL (RFP) FOR PROFESSIONAL PLANNING SERVICES FOR
MASTER PLAN UPDATE**

WHEREAS, the Township of Chatham Planning Board in calendar year 2020 and 2021 recommended that a forward-looking Master Plan update be considered; and,

WHEREAS, the 2021 Township Committee agreed that a Master Plan update should be completed with an RFP issued during the second half of 2021; and

WHEREAS, the Township Administrator has prepared an RFP for the Master Plan Update; and

WHEREAS, the 2021 Planning Board Chairman and the current Planner have proofed the document and offered edits that have improved its content which will ensure a more complete response or deliverable; and

WHEREAS, the current Planner advised on the RFP and will not respond to this RFP but will offer assistance when requested to the successful respondent during the Master Plan update process.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham hereby authorizes the advertisement for an RFP for Professional Planning Services – Master Plan.

RESOLUTION 2021-202

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING THE ADVERTISING AND HIRING PROCESS FOR THE SELECTION OF
POLICE OFFICERS**

WHEREAS, the Township of Chatham anticipates that it will have the need to hire Police Officers due to anticipated retirements; and,

WHEREAS, lead time is required to advertise for and obtain applications from interested individuals who must then pass physical fitness and other tests as well as background checks; and

WHEREAS, when qualified candidates are identified and vetted, they may be selected for a position that is vacant after receiving a consensus from the Township Committee.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham hereby authorizes the Township Administrator and Chief of Police to advertise for candidates for future employment with the Township of Chatham Police Department.

RESOLUTION 2021-204

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING THE PURCHASE OF SECURITY CAMERAS AND OTHER EQUIPMENT
FOR THE TOWNSHIP OF CHATHAM POLICE DEPARTMENT**

WHEREAS, the Township of Chatham was scheduled to update security cameras and related equipment during calendar year 2022; and,

WHEREAS, one of the pieces of equipment scheduled to be replaced requires repairs; and,

WHEREAS, due to the age of the equipment, the parts required will be difficult to obtain and costly; and,

WHEREAS, it is more cost effective in the long term to replace and update the equipment in 2021 instead of waiting until 2022.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham hereby authorizes the purchase of security cameras and other equipment as outlined in a June 3, 2021 proposal from EXTEL under State Contract Number 88737 for an amount not to exceed \$24,325.00

BE IT FURTHER RESOLVED, that funds are available for this purchase in the following Capital Accounts:

- Ordinance 2017-07-4 \$13,397.08
- Ordinance 2018-10-4 \$10,927.92

RESOLUTION 2021-205

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPOINTING MEMBER TO THE DIVERSITY COMMITTEE**

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following appointments be made effective immediately:

Diversity Committee

Term Expires

Jingyi Liu

December 31, 2021

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

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

Non-Consent Agenda

**RESOLUTION 2021-206
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
DESIGNATING COMMITTEE ASSIGNMENTS AND LIAISONS**

BE IT RESOLVED by the Township Committee of the Township of Chatham that Township Committee assignments be made as follows:

<u>Name of Standing Committee</u>	<u>Committee members</u>
Public Safety/Emergency Management	Celeste Fondaco & Mark Hamilton
Administration/ Finance	Stacey Ewald & Ashley Felice
Public Works/Sewer Utilities	Mark Hamilton & Ashley Felice
Communication (Television/Website)	Kathy Abbott & Stacey Ewald

<u>Name of Advisory Committee/Board</u>	<u>Committee members</u>
Joint Recreation Advisory Committee	Kathy Abbott
Joint Library Board of Trustees	Mark Hamilton
Board of Health	Mark Hamilton
Open Space Committee	Celeste Fondaco
Joint Municipal Court	Mark Hamilton & Ashley Felice
Community Garden	Celeste Fondaco
The Colony Pool Club	Ashley Felice

Planning Board

Class I Member	Stacey Ewald
Class III Member	Kathy Abbott

Liaisons

Wellness Committee	Celeste Fondaco
Environmental Commission	Celeste Fondaco
Senior Services	Kathy Abbott
Board of Education	Mark Hamilton
Municipal Alliance	Stacey Ewald
Historical Society	Celeste Fondaco
Public Utilities Liaison	Ashley Felice
Business Advisory Committee	Mark Hamilton
Affordable Housing Advisory Committee	Stacey Ewald
Diversity Committee of the Chathams	Celeste Fondaco

Deputy Mayor Abbott moved to adopt Resolution 2021-206. Committeewoman Felice seconded the motion.

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

**RESOLUTION 2021-207
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING WITH
THE MIELE TRUST, GREAT SWAMP NATIONAL WILDLIFE REFUGE, AND GREAT
SWAMP WATERSHED ASSOCIATION REGARDING THE ROLLING KNOLLS LANDFILL
SITE**

WHEREAS, the Township of Chatham, Miele Trust, Great Swamp National Wildlife Refuge (United States Fish and Wildlife Service) and the Great Swamp Watershed Association have engaged over the past three (3) months in fruitful discussions about the future use of the former Rolling Knolls Landfill site; and,

WHEREAS, the four (4) entities noted in this resolution have agreed to the contents of a Memorandum of Understanding (MOU) that provides the shared vision of how the site can be remediated and returned to useful purposes that will enhance the environment and quality of life for the surrounding communities

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham hereby authorizes the Mayor to sign the Memorandum of Understanding in a form acceptable to the Township's Special Counsel for this matter.

Committeewoman Felice moved to adopt Resolution 2021-207. Committeeman Hamilton seconded the motion.

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

Discussion

Open Space Grant Application – Trust for Public Land

Greg Socha of the Trust for Public Land was present to provide an overview on the grant application and timeline.

Mr. Socha provided background on the Trust for Public Land (TPL). He said that TPL is a private non-profit, and they will partner with public entities when seeking grants and purchasing land for open space. TPL will act as the principal when acquiring land, and the land is subsequently transferred to public or non-profit ownership.

Mr. Socha said that the application to the Morris County Open Space Trust is for a 17-acre parcel on Southern Boulevard. The plan would be for the parcel to be transferred to the Township to be incorporated into Nash Field. The grant application is for \$350,000 and the remaining funding for the purchase would be sought from the Green Acres program through a grant to the Trust for Public Land.

Mayor Ewald commented on the environmental sensitivity of the property and stated that it has been considered for open space acquisition for the past several years.

Committeeman Hamilton asked about next steps. Mr. Socha said that most of the next steps are to be taken by the Trust for Public Land, and immediate next steps will involve gathering information for the County. Once funding is in place, he will reach out to Administrator Hoffmann regarding transfer of the property.

Deputy Mayor Abbott asked if there are uplands as well as wetlands on the property. Mr. Socha confirmed that there are uplands and wetlands, and stated that of the 17 acres there are likely less than 3 that are uplands.

Mr. Socha said that at some point he will request a copy of this meeting's minutes.

Mayor Ewald opened the floor to public comment.

1. Jessica Romeo, Pine Street, stated that the subject property is an important piece of land and it is exciting that the land will be preserved.

Seeing no further public comment, Mayor Ewald closed the floor to the public.

Administrator Hoffmann thanked Mr. Socha for the work he has performed on the application. He also stated that there is a potential linkage of the property to Nash Field.

Zoom Meeting Policy

The Township Clerk indicated that the Township Committee is no longer required to have Zoom broadcasts as part of the meeting, and this topic is on the Agenda so that the Township Committee can decide whether or not to offer the option.

Committeewoman Fondaco opined that it is a good idea to continue to use Zoom as it allows greater participation by the public.

Mayor Ewald said that there is concern about non-residents participating via Zoom, and said that those non-residents would participate in person if Zoom was not an option.

Committeeman Hamilton asked if anything had changes since this topic was last discussed. Attorney Cruz said that the discussion is rooted in questions previously raised by Committeeman Hamilton whether or not Zoom should continue during in-person meetings. He also stated that having continued use of Zoom is a policy decision for the Township Committee.

Committeewoman Felice asked if it would be possible to prioritize those residents in attendance and letting them speak prior to those who are participating via Zoom. Attorney Cruz stated that the current bylaws have a similar provision which prioritizes residents over non-residents. He also stated that the Mayor made an announcement at the last meeting what would happen if power went out or Zoom access was lost, and it would be appropriate to have a formal clarification on how to proceed moving forward. Committeewoman Felice also asked about the policy regarding allowing a speaker to only speak once. Attorney Cruz stated that rule would still apply. He also stated that speakers need to be treated equally.

Committeeman Hamilton asked if the Zoom or TV broadcast went down if the meeting would be able to continue. Attorney Cruz stated that the public is not on notice that a meeting would continue in the absence of a Zoom or TV broadcast.

Committeeman Hamilton asked if it would be possible to allow a dialogue with speakers rather than waiting until after a speaker is done to answer questions. Attorney Cruz stated that is a policy question rather than a legal issue, however it is also a function of maintaining order during a meeting.

Mayor Ewald stated that there seems to be consensus for maintaining use of Zoom as a convenience rather than an obligation and that residents should have priority over non-residents. She also said she has a preference for giving speakers their five minutes and giving a response later. The Township Clerk suggested possibly offering a brief period for follow-up questions after the Township Committee responds to a speaker. He also stated that prior to enforcement of the 5-minute rule, residents were technically limited to 3 minutes which was not enforced. The Township Clerk stated that it became problematic when speakers would be at the microphone for up to 20 minutes per person and would get back on line after they had already spoken.

Committeeman Hamilton suggested maintaining the status quo for now. Committeewoman Felice suggested that the bylaws be updated to clarify that a meeting can continue if power goes out if the Zoom or TV broadcast are lost.

The consensus was to have an amendment to the bylaws and the Annual Notice at the next meeting.

Hearing of Citizens

Mayor Ewald opened the Hearing of Citizens.

1. Kellie Doucette, Rolling Hill Drive, said that she is present in her capacity as a District Representative for Congresswoman Sherril, and she passed along Congresswoman Sherril's congratulations to Mayor Ewald and Deputy Mayor Abbott. Mrs. Doucette also said that Congresswoman Sherril thanks Mayor Ewald and Deputy Mayor Abbott for their continued public service.

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

Executive Session II

RESOLUTION 2021-P-15

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. Potential Litigation
 - b. Litigation – Township of Chatham v. Kronos Holdings LLC and SL Chatham II, LLC-Condemnation Action Docket No. MRS-L-789-21
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 Felice moved to adopt Resolution 2021-P-15 to enter Executive Session at 9:21 PM. Committeewoman Fondaco seconded the motion.

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

The Township Committee returned to Public Session at 10:29 PM.

Committeewoman Fondaco moved to adjourn at 10:29 PM. Deputy Mayor Abbott seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk

Mayor's Statement 7-15-2021

I would like to thank the Committee for their vote of confidence in selecting me as Mayor. I am truly honored to serve as Mayor of Chatham Township. When my husband and I arrived in Chatham 24 years ago, I remember sitting in our backyard after we closed on our house and thinking how fortunate we were to live in such a beautiful and historic town. Our love for the town grew as we met the people. In my work with the PTO, the Education Foundation, and other local initiatives, I was reminded time and again that Chatham Township residents are talented, hardworking, generous, and compassionate. It is the people who make the town a best place to live. And it is my great honor to serve the people of Chatham Township as their Mayor.

On a personal note, I'd like to thank my friends and the community for their support over the years. I'd like to thank my family, my husband Bob, daughter Jane and son Will for their support and encouragement.

We have five officials on the Committee. Each brings a wealth of experience, expertise, and a history of community contribution. We will not agree on everything and that's okay. This Committee represents our town, and we shouldn't fear disagreement in our discussions. But I expect that all discussions will be respectful. I expect this Committee to set the example of how to have successful bi-partisan problem solving. We won't all get what we want but an open, respectful dialogue will allow for the best decisions for our residents and our Township. I look forward to working with all members of this Committee to ensure Chatham Township remains a best place to live.

I am pleased to announce that the Committee unanimously supports a Memorandum of Understanding between the Township, The Great Swamp Watershed Association, the Miele Trust and US Fish and Wildlife Services regarding the Rolling Knolls Landfill Superfund Site. The Memorandum outlines support of year-round public use of the private portion of the Rolling Knolls site, following remediation, for open space including for wildlife conservation and passive public recreation, such as hiking, fishing, nature study and similar activities. The parties intend to fully evaluate and further negotiate the best means to provide for wildlife conservation and passive public recreation including issues related to appropriate future Site ownership, conservation and /or access easements, wildlife habitat management and recreational facility maintenance as well as possible sources of funds to support wildlife conservation and consistent public recreational use. I want to thank the Great Swamp Watershed Association, the Miele Trust and the US Fish and Wildlife Services for their efforts over the past couple of months, working with the Township, toward a solution consistent with CERCLA; that is, to create a cost-effective model, under the guidance and direction of the USEPA, that returns damaged land and habitat to useful purpose.

On tonight's agenda, there are a few things I wanted to mention upfront. Later in the evening, we will hear a presentation by The Trust for Public Land, a private non-profit organization, who is attempting to purchase the 17.74-acre Fenske property on Southern Blvd. and turn over the property to either the Township or Morris County. We will finish the evening with a discussion about our Zoom meeting policy going forward.