

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
SEPTEMBER 13, 2022**

Mayor Felice 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 7, 2022; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 7, 2022; and notice was filed with the Township Clerk on January 7, 2022.

Roll Call

Answering present to the roll call were Committeewoman Ewald, Committeewoman Fondaco, Deputy Mayor Hamilton and Mayor Felice. Committeeman Lois arrived late and participated via Zoom.

Executive Session

RESOLUTION 2022-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. Personnel – PBA Grievance Settlement
 - b. Contract Negotiations – Joint Recreation Shared Services Agreement
 - c. Potential Litigation
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Deputy Mayor Hamilton moved to adopt Resolution 2022-P-13 to enter Executive Session at 6:31 PM. Committeewoman Ewald seconded the motion.

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

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

Mayor Felice led the Flag Salute.

Mayor's Statement & Moment of Silence

Mayor Felice noted the 21st anniversary of the 9-11-01 Terrorist Attack, and she read the names of the Chatham residents whose lives were lost that day. Mayor Felice also asked for a moment of silence to honor the victims.

Mayor Felice noted that the Chatham Township Police Department recently held a forum regarding the rise in car thefts in the area. She reminded residents not to leave key fobs in cars and not to leave running vehicles unattended. Mayor Felice also asked residents to call 9-1-1 if they observe suspicious activity.

Mayor Felice stated that Chatham Township is committed to increasing awareness of suicide prevention. She also provided some statistics regarding suicide. Mayor Felice encouraged residents to participate in the fourth annual Out of the Darkness Suicide Prevention Walk, which will be held on September 17th at 4:00 PM at Cougar Field.

Citizen Awards

Mayor Felice presented Citizen Awards to Mollie Ritter, Olivia Shehadi and Catalina McBride. All three are leaders of Chatham Teens for Mental Health. They are also helping run the Out of the Darkness Suicide Prevention Walk.

Announcements

Mayor Felice noted that there are still vacancies on the Planning Board and Zoning Board. She asked that anyone interested in serving the community to contact the Township Clerk.

Mayor Felice wished a Happy Rosh Hashanah to the Jewish Community.

Approval of Consent Agenda

Deputy Mayor Hamilton moved to approve the order of items on the Consent Agenda. Committeewoman Ewald seconded the motion, which carried unanimously.

Reports

Committeewoman Ewald reported that the Senior Center has resumed operations following vacation. The semi-annual Shred Event will be held on October 22nd at the Chatham Middle School from 9:00 AM to Noon or until the truck is full. The Senior Center has a new Director of Programs who has been busy developing new programs and events. There are also several support groups available. Committeewoman Ewald further reported that the Municipal Alliance has a meeting at the Municipal Building on September 14th. They also have a presentation about warning signs of suicide risk factors on the evening of September 14th via Zoom. The Cultural & Diversity Celebration of the Chathams and Madison was held on September 10th and was a great success. The Mayor's Wellness Committee is working with several organizations on a Senior Safety Transport Initiative.

Committeewoman Fondaco provided a report on recent projects tended to by the Department of Public Works. The Historical Society of Chatham Township still opens the Red Brick Schoolhouse on the first Sunday of every month from 2:00 to 4:00 PM. The Environmental Commission is working with the Great Swamp Watershed Association for the townwide garage sale on October 15th. The pollinator garden is doing well, and the Environmental Commission wants to have a pocket park on Shunpike Road by the overflow parking lot. The Art League will be hosting a reception on Sunday September 18th at the Municipal Building from 2:00 to 4:00, and the display will be up until December 8th.

Deputy Mayor Hamilton gave a Public Safety Report regarding car thefts. He also reported that the Library of the Chathams Annual Book Sale donation drive will be on September 17th.

The Township Clerk reported that the FIOS broadcast is still not working, and efforts are being made to fix the issues.

Hearing of Citizens

Mayor Felice asked if any written comments had been received.

1. Dan Nealis, Yarmouth Road, had submitted written comments about a zoning issue on Yarmouth Road. Mr. Nealis asked the Township Committee to address a circumstance

where a rebuild was built close to the road than neighboring houses. The home is in the R-4 Zone, and the new home is withing the setback. However, Mr. Nealis noted that there is a footnote in the zoning regulations that if there are three (3) or more developed lots on the same side of the street within two hundred (200) feet of any particular undeveloped lot, then the existing setback needs to be maintained.

Administrator Shehady said he visited the site earlier today, and he will work with Mr. Ruschke on the matter. He also noted that it will also need to be addressed by the Planning Board.

Mayor Felice opened the Hearing of Citizens.

1. Maureen Kelly, Mountain Avenue, noted that the Zoom audio at the last meeting was hard to hear. Mrs. Kelly asked that the Planning Board start broadcasting its meetings over Zoom. She said she attended a Planning Board meeting to ask them directly, however she was told by the Chairman that she could only comment on the pending applications being heard. Mrs. Kelly asked that the Planning Board have a section of their meetings set aside for general comments. Mrs. Kelly also addressed the ordinance that will allow for the Planning Board and Zoning Boards to have a sufficient number of paper copies of plans, and noted that the Environmental Commission had worked with the prior Township Administrator to reduce the amount of paper.

Administrator Shehady said that he has been speaking with vendors to address the audio issues during Township Committee meetings. He also said he will speak with the Planning Board attorney for advice about either Zoom access or public comment. The Township Attorney indicated that Zoom access to a meeting is not required.

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

Public Hearing/Final Adoption of Ordinances

**ORDINANCE 2022-10
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, NEW JERSEY AMENDING THE LAND DEVELOPMENT ORDINANCE SECTION 30-60.5 TITLED “APPLICATION CONTENT” TO INCREASE THE NUMBER OF PAPER COPIES OF APPLICATIONS AND PLANS TO BE SUBMITTED**

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

Section 1.

Section 30-60.5 titled “Application Content” of the Revised General Ordinances of the Township of Chatham, the first full paragraph is hereby amended to change the number of hard copies of subdivision plats or site plans to up to fifteen (15) at the discretion of the land use board and one (1) subdivision plat or site plan in electronic format and up to fifteen (15) hard copies of the application at the discretion of the land use board and one (1) application in electronic format as follows:

30-60.5 Application Content.

Applications shall be made on forms available from the Board Manager. Up to Fifteen (15) hard copies of the application (at the discretion of the land use boards) and one (1) copy in electronic format accompanied by the required filing fee as specified in §30-17 shall be submitted.

Section 2.

Attachment 5, Appendix II, Checklist A to Chapter 30, titled “Land Development”, the first and fourth Checklist items shall be revised to conform to the Ordinance as follows:

___ Up to fifteen completed copies of the appropriate application form(s) and one complete copy in electronic format.

___ Up to fifteen copies of the plat plan, site plan, building or subdivision plan (25 x 36 inches folded engineer style) and one complete plan in electronic format.

Section 3.

The Township Clerk is hereby directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerks of adjoining municipalities. The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this Section, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 4.

After introduction, the Township Clerk is hereby directed to submit a copy of this Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within thirty-five (35) days after referral, a report including identification of any provisions in this proposed Ordinance which are inconsistent with the Township's Master Plan and recommendations concerning any inconsistencies and any other matters as the Board may deem appropriate.

Section 5.

Any article, section, paragraph, subsection, clause, or other provision of the Revised General Ordinances of the Township of Chatham inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

Section 6.

If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Section 7.

This Ordinance shall take effect immediately upon: (1) adoption; (ii) publication in accordance with the laws of the State of new Jersey; and (iii) filing of the final form of adopted Ordinance by the Township Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Mayor Felice opened the Public Hearing on Ordinance 2022-10.
Seeing no public comment, Mayor Felice closed the Public Hearing.

Committeewoman Ewald moved to adopt Ordinance 2022-10. Committeewoman Fondaco seconded the motion.

Mayor Felice said that the ordinance was structured to allow the two land use boards to determine how many physical copies they need.

The Township Clerk noted that this ordinance results from a request by the Zoning Board of Adjustment. The Planning Board has been content with electronic submissions, however the Zoning Board asked for physical copies so that they can return to meeting in person.

Committeeman Lois noted that stormwater reports are usually only read by engineers and said it may not make sense to request multiple copies thereof. The Township Clerk said that can be handled administratively by the Board Manager if multiple copies are not needed by a Board.

Committeewoman Ewald agreed that the amount of paper should be decreased whenever possible.

Committeeman Lois reiterated that stormwater reports do not need to be submitted in abundance. Mayor Felice said that the ordinance gives the necessary flexibility. Attorney King said that the Board Manager can work with the Boards and the applicants for the appropriate number of copies.

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

Introduction of Ordinances

Ordinance 2022-11

ORDINANCE 2022-11

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM ADOPTING RULES AND ORDER OF BUSINESS OF THE TOWNSHIP COMMITTEE

BE IT ORDAINED, by the Township Committee of the Township of Chatham, in the County of Morris, to add the following subsections to Chapter II of the Revised General Ordinances of the Township of Chatham:

Chapter II Section 2-1.12 RULES AND ORDER OF BUSINESS OF THE TOWNSHIP COMMITTEE

ARTICLE I.

Robert's Rules of Order Newly Revised.

The deliberations of the Township Committee shall be governed by Robert's Rules of Order Newly Revised.

ARTICLE II.

Selection of Mayor and Deputy Mayor

Section 1. The Mayor and Deputy Mayor shall be selected at the Reorganization Meeting. Section 2. The Mayor and Deputy Mayor shall serve a term expiring on December 31st.

Section 3. The Annual Reorganization Meeting shall be chaired by the Township Clerk until such time that the Mayor has been selected by the Township Committee.

ARTICLE III.

Meetings.

Section 1. The Mayor shall preside at all meetings of the Township Committee. In the absence of the Mayor, the Deputy Mayor shall perform all the duties of the Mayor. The Mayor shall on all occasions preserve order and shall cause the arrest or removal of all persons who interrupt the proceedings of the Township Committee.

Section 2. The Mayor shall decide all questions of order subject to appeal to the Township Committee.

Section 3. Each member of the Township Committee, including the Mayor, shall have the right to make and second motions and nominations and to vote thereon.

Section 4. Regular and Workshop meetings shall be held as scheduled at the annual organization meeting each year or as rescheduled by resolution adopted at a regular meeting.

Section 5. Special meetings shall be held as provided by Code of the Township of Chatham and applicable State law. Upon the filing of a proper call for a Special meeting, the Township Clerk shall give at least two (2) business days' notice thereof with a copy of the call to all members of the Township Committee by delivery to each member personally or to each member's residence. Copies of the notice shall be promptly released to the news media and posted in a prominent place in the Township Hall.

Section 6. Regular, workshop and special meetings of the Township Committee shall be open to the public. A portion of all meetings shall be set aside for citizens to address the Township Committee on any matter of interest.

Section 7. All items of business will be delivered to each member of the Township Committee by the Township Clerk or Township Attorney at least 2 days prior to the meeting at which it is to be considered, unless special circumstances do not permit advance delivery.

Section 8. No new business will be considered after 11 PM. Township Committee meetings will adjourn no later than 12 AM (midnight).

Section 9. The Township Committee may, by a majority vote of members then present, waive any section of the By-Laws in the public interest to be able to complete Township Committee business at a duly noticed Township Committee meeting.

Section 10. All Township Committee meetings will be conducted in accordance with the requirements of the Open Public Meetings Act. (N.J.S.A. 10:4-6 et seq.)

Section 11. Regular Township Committee meetings will be broadcast and livestreamed as a convenience for the public. In the event that the broadcast is interrupted for any reason, the Township Committee meeting will continue as noticed.

ARTICLE IV.
Order of Business.

Section 1. The following shall be the normal order of business of all meetings of the Township Committee:

1. Meeting called to order
2. Open Public Meetings Act announcement
3. Closed session resolution; if applicable
4. Return to public session; if applicable
5. Salute to flag
6. Moment of Silent Reflection (as necessary)
7. Roll Call
8. Announcements & Special Recognition
9. Reports
10. Hearing of citizens
11. Public Hearing and final adoption of ordinances
12. Introduction of ordinances
13. Approval of Consent Agenda
14. Adoption of resolutions
15. Miscellaneous business
16. Second Hearing of Citizens
17. Second closed session resolution; if applicable
18. Adjournment

Section 2. Hearing of Citizens

- a) During the first Hearing of Citizens on the Agenda, speakers may comment upon items that are not the subject of a separate public hearing scheduled for that meeting. Speakers may comment for up to three (3) minutes. Speakers may speak once and may not yield their time to another speaker.
- b) During public hearings, Section 3(a) will also apply.
- c) During the second Hearing of Citizens, speakers may comment upon any item on the agenda and/or any topic for the good and general welfare of the Township of Chatham. Speakers may comment for up to three (3) minutes. Speakers may speak once and may not yield their time to another speaker.
- d) During all public hearings, residents of the Township of Chatham will be called upon to speak before non-Township residents.

Section 3. Sub-Committee chairpersons and liaisons will provide short update reports to the Township Committee during the report section of meetings.

Section 4. The Department Heads shall provide a written report on a monthly basis to the Township Administrator to be furnished to the Township Committee and be available to provide an annual public report.

ARTICLE V.
Committees and Boards.

Section 1. The Township Committee hereby creates five Standing Committees, each consisting of two (2) members of the Township Committee as follows:

1. Public Safety/Emergency Management
2. Administration/Personnel/Communications
3. Finance
4. Public Works/Sewer Utilities

5. Recreation

Note: The Township Administrator shall supervise all departments, attend all meetings of the Standing Committees and implement the policies adopted by the Township Committee. The Standing Committees are not authorized to exert any administrative control over the departments assigned.

Section 2. Except as otherwise required by State statute and the Code of the Township of Chatham, the Mayor shall appoint members to the various Township boards with the approval of the Township Committee.

Section 3. The Township Committee may appoint advisory committees for special purposes composed of no more than 2 Members of Township Committee and such other Administrative staff members and members of the general public as it deems necessary and appropriate.

Section 4. At the time of creation of an advisory committee, the Township Committee shall establish the duration of the advisory committee. No advisory committee shall take a position on behalf of the Township Committee without the Township Committee's approval.

Section 5 . A member of the Township Committee, appointed by the Committee, shall serve as liaison to the following Boards, Commissions and Community Groups and other Entities:

- Mayor's Wellness Campaign
- Board of Education
- Environmental Commission
- Senior Citizens Center/Senior Club of the Chathams
- Municipal Alliance Committee & Madison-Chatham Coalition
- Historical Society
- Public Utilities

Section 6. A member(s) of the Township Committee, appointed by the Committee, shall serve as a member of the following Boards and Committees:

- Joint Recreation Advisory Committee
- Joint Municipal Court Committee (2 members)
- The Board of Health
- The Board of Trustees of the Joint Library of the Chathams
(Mayor or Mayor's designee)
- Open Space Committee
- Joint Community Garden

ARTICLE VI. Ordinances.

Section 1. All proposed ordinances, supplements to and amendments of ordinances shall be presented in writing at a regular meeting, except in those instances when the Township Committee decides to act on an ordinance at a special meeting.

Section 2. Every ordinance duly passed by the Township Committee shall be recorded by the Township Clerk in the Township Ordinance Book, with a proper index. Each ordinance entered in the Ordinance Book shall be compared with the original and shall not be entered unless it is identical in content with such original. The Township Clerk shall enter at the foot of the ordinance the date it was passed and the number and page of the Minute Book containing the minutes of the meeting at which it was passed. Each ordinance entered in the Ordinance Book shall be signed by the Mayor or Deputy Mayor and the Township Clerk.

Section 3. The Township Ordinance Book is hereby established as the original permanent record of the Ordinances of the Township.

Section 4. All ordinances shall be introduced, considered, read, heard, adopted and published in accordance with applicable law and inserted in the correct place in the Code of the Township of Chatham.

ARTICLE VII. Filings.

Section 1. The Township Committee shall file with the Township Clerk all ordinances, resolutions, reports, petitions, correspondence and other papers considered by or presented to the Township Committee.

ARTICLE VIII.

Minutes.

Section 1. The Township Clerk shall keep minutes of all Township Committee meetings as provided by law.

Section 2. Draft minutes for all meetings shall be delivered to the Township Committee Members no later than the Friday preceding the next regular meeting. Such minutes shall be clearly marked as a draft minutes.

Section 3. Minutes will be filed into the minute book and released to the public only by the Township Clerk and only after approval by the Township Committee.

Section 4. All open sessions of the Township Committee meetings may be recorded.

Section 5. The recordings, if made, will be kept by the Township Clerk as required by law.

Section 6. The approved minutes shall become the official record of the meeting.

ARTICLE IX.

Newly Elected Township Committee Members

Section 1. Upon certification of election results, the Township Clerk shall begin sending newly elected Township Committee members the meeting agendas and supporting documentation.

Section 2. Upon certification of election results, newly elected Township Committee members shall be invited to attend Executive Sessions prior to swearing-in provided that the newly elected Township Committee Member agrees to be bound by confidentiality requirements.

ARTICLE X.

Code of Conduct.

Section 1. No member of the Township Committee, including the Mayor, can conduct business for, or on behalf of, the Township without express, specific approval of the Township Committee. This includes all correspondence, written or otherwise, negotiations, and the like.

Section 2. It is the responsibility of each Committee member to disclose to the Township Attorney any personal or private interest, directly or otherwise, in any question or measure proposed or pending before the Township Committee. The Township Attorney will determine whether a conflict of interest exists.

Section 3. A member of the Township Committee who has a conflict of interest on a particular matter shall neither vote on nor take part in discussion of same.

Section 4. A member of the Township Committee shall not use or disseminate confidential information acquired by or available to them for personal gain or for personal, non- Township business related reasons. Any member who is aware of a breach of confidentiality, is expected to bring forth that information to the appropriate officials in a timely manner.

ARTICLE XI.

Filling Vacancies

Section 1. Vacancies on the Township Committee will be filled in accordance with 40A:16-11 and all other relevant statutes.

Section 2. Upon receipt of the names of three nominees to fill a vacancy, the nominees will be invited to present candidate statements to the Township Committee at a regular or special Township Committee meeting in Public Session.

Section 3. The three nominees will also be invited to be interviewed by the Township Committee in Public Session.

Section 4. The Township Committee's discussion on the merits of the three nominees will be held in Public Session.

Section 5. Any formal action by the Township Committee to fill a vacancy will be taken in Public Session.

ARTICLE XII.
Township Administrator.

Section 1. The Township Administrator shall be the Chief Administrative Officer of the Township, shall supervise all Departments, perform the duties of Township Administrator as specified in the Code of the Township and shall be responsible to the Township Committee for the proper and efficient administration of Township affairs. The Township Administrator shall make reports to the Township Committee as requested.

Section 2. The Township Administrator and staff under his direction shall prepare the annual budget. In preparation for the budget process, all departments, including the volunteer Fire Departments and Emergency Medical Service, shall submit their goals and objectives along with short-term and long-term budget and capital requests in a format to be decided by the Township Administrator. Members of the Township Committee also shall submit their goals and objectives to the Township Administrator. The funding requests accepted by the Township Administrator shall be included in the budget along with the goals and objectives to create a planning document to be shared with the public. It shall be the responsibility of the Township Administrator and the Township Committee to provide a short-term and long-term capital plan that includes an assessment of all Township facilities, physical plants, land and infrastructure as part of the planning and budget process.

Section 3. It is intended that the Township Committee shall act in all matters as a body. Members of the Township Committee shall not seek individually to influence the official acts of the Township Administrator or any other officer or to interfere in any way with the performance by such officers of their duties.

Committeewoman Ewald moved to introduce Ordinance 2022-11. Committeewoman Fondaco seconded the motion.

Mayor Felice stated that she and Committeewoman Ewald met to review the bylaws and to suggest revisions. The proposed revisions are designed to have smoother and more efficient meetings.

Mayor Felice said that the proposed bylaws bring back having workshop meetings to allow for regular meeting agendas to be a more collaborative effort with Township Committee members and department heads. Another proposed revision is to add an Administration/Personnel/Communications standing committee. Finance is separated out as a separate committee. A Recreation Subcommittee is also created. The draft also adds a second Hearing of Citizens, with speakers limited to three minutes in each hearing. Deputy Mayor Hamilton noted that if this ordinance is introduced, there will be a Public Hearing at the next meeting. The Township Clerk noted that the provision in the bylaws for a Fair & Open Process has been separated out as a separate ordinance later in the agenda.

Committeeman Lois asked if having a standing committee for recreation had been reviewed. Administrator Shehady stated that the standing committee is separate from the Joint Recreation Committee, and they would serve as a liaison to the Recreation Director. Attorney King said that there could be activities run by the Township separate from the Joint Recreation Program. Committeeman Lois expressed concern if the bylaws conform with the ordinance that governs the Joint Recreation Committee. Attorney King said that he would review the Code Book.

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

Public Hearing for Ordinance 2022-11 will be scheduled for September 27, 2022.

Ordinance 2022-12

ORDINANCE 2022-12
ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
ESTABLISHING A FAIR AND OPEN PROCESS FOR THE AWARD OF PROFESSIONAL
SERVICE AGREEMENTS

WHEREAS, Professional entities are exempt from established New Jersey Public bidding laws, specifically said exception being set forth under N.J.S.A. 40A:11-5; and

WHEREAS, Chatham Township has recognized that there is a need for a fair and open process for

the awarding of professional service contracts where those contracts and agreements are not subject to public bidding, in order to address the concerns of taxpayers regarding political contributions and to engender trust in the process of local government and to ensure that quality public services are received; and

WHEREAS, the State of New Jersey has enacted N.J.S.A. 19:44A-20.5 which bars any municipality, agency or instrumentality thereof from entering a contract in excess of \$17,500.00 (See N.J.S.A. 40A:11-3) with a business entity that has made a political contribution reportable pursuant to N.J.S.A. 19:44A-1 et. seq. to any municipal committee of a political party in that municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded unless said contract is awarded pursuant to a fair and open process consistent with N.J.S.A. 19:44A-1 et seq.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, in the County of Morris County, and State of New Jersey, to add the following subsections to Chapter II of the Revised General Ordinances of the Township of Chatham:

- A. Any professional service entity or other business entity providing services to Chatham Township shall be subject to a fair and open process. That fair and open process shall be as set forth in subsection B below which shall establish the criteria for the fair and open process.
- B. The fair and open process established by Chatham Township shall require the following:
 1. Any professional position or service contract not subject to bidding that shall expire as of December 31 of that calendar year shall be advertised by the Township Committee, appointing authority or Board as the case may be, in the official newspaper of Chatham Township for publication of notices, not later than November 10. The published notice shall set forth the name of the position or contract which is to become open and set forth the criteria to be considered and materials required to be submitted by the applicant.
 2. The applicant shall submit a resume which shall set forth information including, but not limited to the following (as applicable to a business entity or individual professional):
 - a) Full name and business address.
 - b) A listing of all post high school education of the applicant.
 - c) Dates of licensure in the State of New Jersey and any other State.
 - d) A listing of any professional affiliations or memberships in any professional societies or organizations, with an indication as to any offices held therein.
 - e) The number of licensed professionals employed by/affiliated with the business entity or the business entity which employs the applicant.
 - f) A listing of all special accreditations held by the individual licensed professional or business entity.
 - g) A listing of all previous or current public entities served by the business entity or licensed professional, indicating the dates of services and position held.
- C. The Township Committee, appointing authority or Board shall thereafter select the professional or business entity for the position so advertised based upon the most advantageous proposal, price and other factors considered which shall thereafter be confirmed or approved as required by Resolution or Ordinance.
- D. If due to an emergency or circumstances not anticipated, the Township may appoint a professional without advertising if the circumstances demand immediate action.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

Committeewoman Ewald moved to introduce Ordinance 2022-12. Committeewoman Fondaco seconded the motion.

Mayor Felice said that this was removed from the bylaws so that it could be a freestanding section of the Township Code Book. She also said that it is a best practice for all professional services to be subject to the Fair & Open Process.

The Township Clerk asked if this ordinance would apply to all boards. Attorney King confirmed that it will. The Township Clerk noted that would make things more transparent for the Township.

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

Public Hearing for Ordinance 2022-12 will be scheduled for September 27, 2022.

Consent Agenda

RESOLUTION 2022-257

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 \$753,154.52 and the prior month's payroll of \$448,102.35 Current Fund, \$71,546.78 Sewer Utility, \$57,349.70 Open Space and \$17,221.71 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of September 2022, in the amount of \$3,414,532.00 be paid.

RESOLUTION 2022-258

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 meeting held on August 9, 2022.

RESOLUTION 2022-259

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on August 9, 2022.

RESOLUTION 2022-260

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AWARDING A CONTRACT FOR MUNICIPAL BUILDING ROOF REPLACEMENT PROJECT TO MAK GROUP LLC

WHEREAS, the Township Committee of the Township of Chatham solicited bids for a Municipal Building Roof Replacement Project; and

WHEREAS, five total bids were received and opened on Thursday, August 4, 2022 at 11:00 A.M.;

WHEREAS, MAK Group, LLC of Clifton, New Jersey were the lowest responsible bidder in the amount of \$1,084,758.00; and

WHEREAS, the Township Engineer has recommended the award of the Municipal Building Roof Replacement Project to MAK Group, LLC in the amount of \$1,084,758.00.

BE IT RESOLVED that the Township of Chatham hereby awards a contract to MAK Group, LLC in the amount of \$1,084,758.00.

RESOLUTION 2022-261

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

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

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

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

NAME	<u>Project</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
Michael Gonnella 21 Cypress Avenue North Caldwell, NJ 07006	ZBA 20-009 60 Linden Lane	7765172869	\$0.00
Christopher Hermey 99 Southern Blvd. Chatham, NJ 07928	BOA 16-48.04-34 99 Southern Blvd	7763180062	\$382.50

RESOLUTION 2022-262

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
SUPPORTING SUBMISSION OF AN APPLICATION FOR THE NEW JERSEY DEPARTMENT
OF TRANSPORTATION “TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM”**

WHEREAS, the Township of Chatham is applying for funding to construct an off-road trail facility for pedestrians, bicyclists, and other nonmotorized forms of transportation from Southern Boulevard to Green Village Road (CR 646) within the Township of Chatham; and

WHEREAS, the project will help to continue and improve the promotion and encouragement of access for pedestrians, bicyclists, and other nonmotorized forms of transportation and safety for residents; and

WHEREAS, maintenance of the facility, once constructed, will be assumed by the Township of Chatham with the exception of (1) local ordinances that places maintenance responsibility with each individual property owner, and (2) those crosswalks on State or County Highways;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Chatham that it hereby supports the submission of a grant application for the Transportation Alternatives Set-Aside Program within the State of New Jersey Department of Transportation and authorizes the Mayor, Administrator and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

RESOLUTION 2022-263

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPOINTING RAISHAH FRANKLIN TO THE POSITION OF TECHNICAL ASSISTANT TO
THE CONSTRUCTION OFFICIAL**

BE IT RESOLVED, by the Township Committee of the Township of Chatham that Raishah Franklin is hereby appointed to the position of Technical Assistant to the Construction Official at an annual salary of \$60,000 effective September 1, 2022 and other terms and conditions are outlined in Offer Letter dated August 12, 2022.

RESOLUTION 2022-264

**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY REDUCING THE PERFORMANCE GUARANTY FOR THE ENCLAVE AT
CHATHAM DEVELOPMENT**

WHEREAS, the Planning Board has granted preliminary and final approval for the project at The Enclave at Chatham Development, Block 66, Lot 1; and

WHEREAS, said approvals required, in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Developer's Agreement between the developer and the Township, the posting of a performance guaranty to secure completion of the public improvements that were part of the project, and which was posted by the developer; and

WHEREAS, the original total performance guaranty consists of Performance Bond No. SU1 169234 in a total of \$2,547,480.30; and

WHEREAS, the Developer originally posted Bond No. SU1 169234 issued on December 14, 2020 by Arch Insurance Company; and

WHEREAS, as set forth by Township Engineer John K. Ruschke, P.E. in his letter dated August 31, 2022 the public improvements have been substantially completed to the extent that the performance guaranty may be reduced to the amount of \$764,244.09, which covers the remaining work.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the performance guaranty posted by the developer is hereby reduced, in accordance with the letter of Township Engineer John K. Ruschke, P.E., dated August 31, 2022, to the amount of \$764,244.09. The approved bond reduction is for a partial completion of site improvements. A maintenance bond shall be posted upon final acceptance of the site

improvements by the Township Committee in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and the Developer's Agreement between the Township and the developer. The amount of the maintenance bond shall be 15% of the original bond estimate for the subject improvements.

RESOLUTION 2022-265

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING FEDERAL AID AGREEMENT WITH NJDOT APPROVED ENGINEERING FIRM TO COMPLETE DESIGN OF LAFAYETTE AVENUE AND SPRING STREET IMPROVEMENTS

WHEREAS, in 2021 the Township of Chatham received a Federal Aid Grant through the Federal Aid Highway Program for improvements to the Shunpike Road Sidewalk; and

WHEREAS, the Township of Chatham has received additional funding of \$99,808.23 from the Federal Highway Administration for the project; and

WHEREAS, the additional funding is to be used toward the final design work; and

WHEREAS, the receipt of the additional funds requires an amendment to Federal Aid Agreement 2021-DT-DLA-544.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby approves the amendment to Federal Aid Agreement 2018-DT-DLA-544 and accepts the additional grant funding in the amount of \$99,808.23.

RESOLUTION 2022-266

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2022 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 receive additional funding of \$99,808.23 from the Federal Highway Administration for Federal Aid Highway Program SRS Shunpike Road Sidewalk Lafayette to Pine Replacement and wishes to amend its 2022 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 2022 in the sum of \$99,808.23 which is now available as a revenue from:

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

Federal Aid Highway Program SRS Shunpike Road Sidewalk- Lafayette to Pine Replacement, and

BE IT FURTHER RESOLVED, that a like sum of **\$99,808.23** be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Federal Aid Highway Program SRS Shunpike Road Sidewalk- Lafayette to Pine Replacement.

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

Deputy Mayor Hamilton moved to approve the Consent Agenda. Committeewoman Ewald seconded the motion.

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

Non-Consent Agenda

Resolution 2022-267

RESOLUTION 2022-267

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, APPROVING A MEMORANDUM OF AGREEMENT WITH THE BOROUGH OF MADISON REGARDING RECYCLING OF #6 EPS EXPANDED POLYSTYRENE

WHEREAS, the Borough of Madison currently accepts #6 EPS Expanded Polystyrene for recycling at the Madison Borough Recycling Center; and

WHEREAS, the Township of Chatham does not currently have the capacity to oversee the collection of #6 Expanded Polystyrene and transport it for proper disposition; and

WHEREAS, the Borough of Madison has agreed to accept #6 EPS Expanded Polystyrene from Chatham Township Residents on conditions as specified in the attached Memorandum of Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the Memorandum of Agreement for the recycling of #6 EPS Expanded Polystyrene annexed hereto is approved, and the Mayor is authorized to execute the same.

Committeewoman Ewald moved to adopt Resolution 2022-267. Committeewoman Fondaco seconded the motion.

Administrator Shehady said that he and CTEC Chairwoman Jessica Romeo have worked with the Borough of Madison to reach an agreement for Township residents to drop off Styrofoam at Madison's recycling facility. The only cost to the Township would be to make a contribution to the cost of transporting the collected Styrofoam to the facility in Springfield that processes the material. The agreement needs to be fully executed before it will take effect, and there will be an education program to roll out the collection.

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

Resolution 2022-268

RESOLUTION 2022-268

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING ADDITIONS TO THE LIST OF PROJECTS & POSSIBILITIES LIST

WHEREAS, Resolution 2022-197 resolved to maintain an official record of Projects and Possibilities, maintained by the Township Clerk as approved by the Township Committee in a list that could be added to from time to time.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham authorizes the current Prioritized Projects and Possibilities list to include the following: Organize and Inventory Surplus Municipal Property In Preparation For Auction; Update Mayors Hallway Display; Photo Catalogue Dead Trees on Municipal Property With Map Location and Description; Plan and Create an Organization System for the Field House at Nash Field; Create a Catalogue of Potential Hazards and Defects of Utility Poles & Overhead Wires For Presentation to Utility Companies For Remedy.

Committeewoman Fondaco moved to adopt Resolution 2022-268. The motion was not seconded.

Resolution 2022-269

RESOLUTION 2022-269

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING CERTIFICATION REIMBURSEMENT FOR NEWLY CERTIFIED LIFEGUARDS JOINING MID-SUMMER AT COLONY POOL

WHEREAS, the Township Committee recognizes a shortage of certified lifeguards has and does persist in the State of New Jersey in the 2022 summer season; and,

WHEREAS, lifeguard staff are essential to operating Colony Pool; and,

WHEREAS, to staff needed lifeguard positions volunteers, staff and elected officials have encouraged residents, pool members and surrounding communities to become certified lifeguards so that our community pool would provide uninterrupted operation; and

WHEREAS, lifeguards that certify in the middle of the summer may not have sufficient shifts remaining in the season to adequately cover the cost of training and certification; and,

WHEREAS, to mitigate this need many clubs and pool facilities offer newly certified lifeguards training and certification at no charge.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham authorizes the reimbursement at the conclusion of the summer season any lifeguard receiving

their certification after July 1, 2022 and having worked at least 4 weeks during the summer and remaining on staff, taking at least one day of the final weekend of operation.

There was not a motion to adopt Resolution 2022-269.

Discussion

Workshop Meetings

Administrator Shehady stated that workshop meetings are an excellent venue for governing bodies to meet with department heads as well as to discuss policy with each other. That way research can be performed, direction can be given and the governing body can be sure that the ordinance is in a final form before it is on an agenda for introduction. A trial workshop meeting will be held in October. Administrator Shehady noted that some towns have two workshop meetings and two regular meetings per month, others have one of each per month. He also stated that the department heads will be able to address the Township Committee at workshop meetings to let them know what sort of issues are likely to come up over the next few months. Administrator Shehady stated that workshop agendas will follow a different format from regular meetings.

The Township Clerk noted that workshop meetings will be open to the public. The Township Committee also may take action at a workshop meeting, however that would be kept limited.

Letter to PSE&G re: Wildflower Seeding

Administrator Shehady stated that he worked with Open Space Chairman Joe Basralian and Everton Scott of PSE&G regarding the Wildflower Seeding Program in the area of the high-tension transmission lines. The wildflowers would help the pollinator community and would be more attractive than an open field. PSE&G wanted to be sure that the Township and area residents are ok with the Wildflower Seeding Program. A letter was sent to neighbors abutting the area to inform them of the program. If there is not any objection, Administrator Shehady said he would send a letter to PSE&G authorizing the program.

Committeewoman Ewald thanked Mr. Basralian for his efforts assisting Administrator Shehady and noted that some invasive species will be replaced by the wildflower.

Committeewoman Fondaco moved to adjourn at 8:32 PM. Committeewoman Ewald seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk