

**MINUTES
TOWNSHIP COMMITTEE
WORKSHOP MEETING
SEPTEMBER 26, 2023**

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 4, 2023; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 4, 2023; and notice was filed with the Township Clerk on January 4, 2023.

Roll Call

Answering present to the roll call were Committeeman Choi, Committeewoman Ewald, Committeeman Lois and Mayor Felice. Deputy Mayor Hamilton arrived during the Executive Session.

Executive Session

**RESOLUTION 2023-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. Collective Bargaining Agreement: PBA
 - b. Contract Negotiations: IT
 - c. Litigation: Tax Appeals
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 Ewald moved to adopt Resolution 2023-P-15 to enter Executive Session at 6:30 PM. Committeeman Lois seconded the motion.

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

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

The Regular Public Session began at 7:33 PM.

Mayor Felice led the Flag Salute.

Approval of Agenda

Committeeman Lois asked that Resolutions 2023-190 be pulled from the Consent Agenda for separate discussion and a vote.

Committeewoman Ewald moved to approve the agenda as amended. Committeewoman Ewald seconded the motion which carried unanimously.

Reports

Committeewoman Ewald reported that on October 13th the Senior Center's PADD Program will be performing short scenes at the Community Arts Theatre in Madison. The next Sred Event will be on October 21st. Online signups are available for upcoming programs. Committeewoman Ewald further reported that the Historical Society will have the Red Brick Schoolhouse open on October 1st and November 5th, and they are highlighting a century of sewing machines. On October 15th the Historical Society will host a program at Chatham Library about quilting. The Environmental Commission will host a townwide yard sale on September 30th, and the Sustainable Fair was rescheduled to October 14th from 8:00 to 1:00 at the Farmer's Market. The Fall Cleanup Day is scheduled for October 28th and several cleanup locations are set.

Committeeman Lois reported that a more complete report regarding the 2023 Colony Pool Season is anticipated for review at the next workshop meeting. He also reported that JCP&L sent out a flyer regarding an introduction to smart meters, and he would like to have a representative from JCP&L attend a Township Committee meeting to give an update on the program.

Deputy Mayor Hamilton encouraged residents to sign up for the Library of the Chathams' weekly e-newsletter. He also provided an update on the construction of the new Teen Center and the rear entranceway.

Mayor Felice reported that a Fall Fun Day will be held on September 30th at Shunpike Field.

Hearing of Citizens

Mayor Felice asked if any written comments had been submitted.

The Clerk reported that the following written comments were submitted:

1. David Nealis, Yarmouth Road, requested an update on Planning Board discussions regarding setbacks on Yarmouth Road.

Mayor Felice noted that the Planning Board has discussed the matter, and they have recommended that the Township Committee not make any change to the zoning regulations on this matter. She also stated that a report from the Board Planner is anticipated. Committeewoman Ewald asked why the Board's subcommittee recommended that changes not be made. Mr. Shehady said it is best to wait for the summary memorandum from the Planner. Committeeman Choi said that various options were considered, and the recommendation was to not make any changes to the ordinance but rather let market forces drive redevelopment in the neighborhood. Committeeman Lois suggested that lot grading could be a mechanism to address Mr. Nealis's concerns.

Mayor Felice opened the Hearing of Citizens.

Seeing no public comment, Mayor Felice closed the Hearing of Citizens

Introduction of Ordinances

Ordinance 2023-10

ORDINANCE 2023-10

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING FEES FOR LIMO/LIVERY LICENSES

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

Section 1. Section 4-5.2 of Chapter IV of the Revised General Ordinances of the Township of Chatham entitled AUTOCAB, LIMOUSINE AND LIVERY SERVICES shall be amended to read as follows:

§ 4-5.2 Fees

A license fee of \$25 shall be charged for each vehicle of any limousine or livery service for each year of registration or renewal thereof with the Township.

All required license fees shall be due and payable on the first business day of January of each year. Effective October 1, 2023 and February 1 every year thereafter, an additional late fee of \$25.00 will be charged to those licensees who have not obtained a license.

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect according to law.

Committeewoman Ewald moved to introduce Ordinance 2023-10. Committeeman Lois seconded the motion.

The Clerk stated that the objective of the late fee is to encourage limo/livery licensees to renew their annual licenses in a more timely fashion.

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

Public Hearing for Ordinance 2023-10 will be scheduled for October 24, 2023.

Ordinance 2023-11

**ORDINANCE 2023-11
ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY, TO ADD CHAPTER II SECTION 25 REGARDING LOCAL EMERGENCY
MANAGEMENT COUNCIL**

WHEREAS, pursuant to N.J.S.A. App, A:9-41, "Every municipality of this State, other than counties, shall create a local emergency management council. Each local emergency management council shall be composed of not more than 15 members who shall be appointed by the mayor or chief executive officer of the municipality and shall hold office at the will and pleasure of the appointing authority"; and

WHEREAS, pursuant to State law, the Chatham Township Council wishes to establish a Local Emergency Management Council ("LEMC"); and

WHEREAS, the Chatham Township Emergency Coordinator has reviewed the ordinance and procedures that will be put in place and agrees with same as it relates to the establishment of the LEMC; and

WHEREAS, the Chatham Township Council wishes to amend Chapter 2 of the Township Code in order to conform to the aforementioned statute pertaining to the creation of a LEMC.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Chatham, County of Morris, State of New Jersey, is hereby amended by the addition of § 2-25, Local Emergency Management Council, as follows:

**Chapter II Administration Article V Boards, Committees and Commissions § 2-25 Local
Emergency Management Council**

"§ 2-25 Local Emergency Management Council.

§ 2-25.1. Establishment of Local Emergency Management Council.

There is hereby established, within the Township of Chatham, a Local Emergency Management Council ("LEMC") as required by N.J.S.A. App. A:9-41.

§ 2-25.2. Membership; officers.

A. The LEMC shall be comprised of the up to 15 members who, in accord with N.J.S.A. App. A:9-41 and as suggested by *FEMA Comprehensive Preparedness Guide 101*, shall be appointed by the Mayor, and who shall serve at the will and pleasure of the Mayor. The composition of the LEMC is recommended as set forth below:

- (1) Mayor.
- (2) Township Administrator.
- (3) Township Engineer.
- (3) Chief of Police.
- (4) DPW Superintendent.
- (5) Health Officer.
- (6) OEM Coordinator.
- (7) Chatham Township Fire Department Chief or Chiefs designee.
- (8) Green Village Fire Department Chief or Chiefs designee.
- (9) Ambulance Corps Captain or Captain designee.
- (10) Red Cross Administrator.
- (11) Religious institution representative number 1.
- (12) Religious institution representative number 2.
- (13) School District of the Chatham's Superintendent or designee.
- (14) Private sector representative number 1 (hospital or health care facilities)
- (15) Private sector representative number 2 (utility operators or Childcare facilities)

B. The Mayor, in accordance with N.J.S.A. App. A:9-40.1a, shall appoint a Municipal Emergency Management Coordinator, preferably from among the residents of the Township. If a qualified Township resident cannot be identified, then any qualified individual appointed as a Municipal Emergency Management Coordinator who is not a resident of the municipality shall reside within a reasonable proximity of the municipality to ensure a prompt response and coordination of municipal resources for any local incident. The Municipal Emergency Management Coordinator shall serve as the Chairperson of the LEMC.

C. The Municipal Emergency Management Coordinator, subject to fulfilling the requirements of law, shall serve for a term of three (3) years, unless removed pursuant to N.J.S.A. App. A:9-40.2. As a condition of appointment and right to continue for the full term of appointment, each Municipal Emergency Management Coordinator shall have successfully completed at the time of appointment or within one (1) year immediately following appointment or the effective date of this ordinance, whichever is later, the current approved home study course and the basic emergency management workshop. The failure of any Municipal Emergency Management Coordinator to fulfill such requirement within the period prescribed shall disqualify the coordinator from continuing in the office of Coordinator and thereupon a vacancy in said office shall be deemed to have been created.

D. The Emergency Management Coordinator, subject to the Mayor's approval, in accordance with N.J.S.A. App. A:9-40.3, shall appoint a Deputy Emergency Management Coordinator from amongst the employees of the Township.

§ 2-25.3. Duties.

The Emergency Management Coordinator shall be responsible for the planning, activating, coordinating, and the conduct of emergency management operations within the Township. [N.J.S.A. App. A:9-40.4]

- A. The LEMC is directed, within the limits of appropriations, to establish an adequate organization to assist in supervising and coordinating the emergency management activities of the Township.
- B. The LEMC shall assist the Township in establishing the various local volunteer agencies needed to meet the requirements of all local emergency management activities in accordance with rules and regulations established by the governor in pursuance of the provisions of this chapter. [N.J.S.A. App. A:9-41].
- C. The LEMC shall meet a minimum of two (2) times per year.
- D. The LEMC shall prepare written emergency operations plans focused on all hazards, including homeland security, flooding, fire, loss of utilities and sanitary services, and shall confidentially share such plans as necessary with the various Township departments and personnel impacted by such plans.

- E. The LEMC shall, at least once per year, review previously prepared emergency response plans and update same as necessary in conformity with State statutes, N.J.S.A. App. A:9-42.1 through 43.4, Executive Orders issued by the Governor, any current or future NJOEM directives, or any applicable Federal statutes or regulations.
- F. The LEMC members shall participate in training and exercises as required by the Chairperson or NJOEM Director.
- G. In compliance with N.J.A.C. 6A:16-5, School Safety and Security Plans, the LEMC will meet with the Chief School Administrator of the School District of the Chathams in the development of the school districts' plans, procedures and mechanisms for school safety and security.
 - (1) The plans, procedures and mechanisms shall be consistent with the provisions of N.J.A.C. 6A:16-5.1 and the format and content established by the Domestic Security Preparedness Task Force, pursuant to N.J.S.A. App. A:9-64 et seq., and the Commissioner of Education.
 - (2) The plans, procedures and mechanisms shall be reviewed annually and updated, as appropriate.
- H. The LEMC shall collaborate with state, county, municipal, other Emergency Management Council personnel and agencies that serve disability and access/functional needs.
- I. All members of the LEMC shall maintain confidentiality and adhere to all laws, regulations and executive orders governing the confidentiality of any and all emergency operations plans to the extent permitted by law, including but not limited to the common law, the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., and Executive Order 21 (McGreevey 2002) and as amended by Order 26 (McGreevey 2002)."

“§ 2-25 Local Emergency Management Council.

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- A. The LEMC shall be comprised of the up to 15 members who, in accord with N.J.S.A. App. A:9-41 and as suggested by *FEMA Comprehensive Preparedness Guide 101*, shall be appointed by the Mayor, and who shall serve at the will and pleasure of the Mayor. The composition of the LEMC is recommended as set forth below:
 - (1) Mayor.
 - (2) Township Administrator.
 - (3) Township Engineer.
 - (3) Chief of Police.
 - (4) DPW Superintendent.
 - (5) Health Officer.
 - (6) OEM Coordinator.
 - (7) Chatham Township Fire Department Chief or Chiefs designee.
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 - (9) Ambulance Corps Captain or Captain designee.
 - (10) Red Cross Administrator.
 - (11) Religious institution representative number 1.
 - (12) Religious institution representative number 2.
 - (13) School District of the Chatham's Superintendent or designee.
 - (14) Private sector representative number 1 (hospital or health care facilities)
 - (15) Private sector representative number 2 (utility operators or Childcare facilities)
- B. The Mayor, in accordance with N.J.S.A. App. A:9-40.1a, shall appoint a Municipal Emergency Management Coordinator, preferably from among the residents of the Township. If a qualified Township resident cannot be identified, then any qualified individual appointed as a Municipal Emergency Management Coordinator who is not a resident of the municipality shall reside within a reasonable proximity of the municipality to ensure a prompt response and coordination of

municipal resources for any local incident. The Municipal Emergency Management Coordinator shall serve as the Chairperson of the LEMC.

- C. The Municipal Emergency Management Coordinator, subject to fulfilling the requirements of law, shall serve for a term of three (3) years, unless removed pursuant to N.J.S.A. App. A:9-40.2. As a condition of appointment and right to continue for the full term of appointment, each Municipal Emergency Management Coordinator shall have successfully completed at the time of appointment or within one (1) year immediately following appointment or the effective date of this ordinance, whichever is later, the current approved home study course and the basic emergency management workshop. The failure of any Municipal Emergency Management Coordinator to fulfill such requirement within the period prescribed shall disqualify the coordinator from continuing in the office of Coordinator and thereupon a vacancy in said office shall be deemed to have been created.
- D. The Emergency Management Coordinator, subject to the Mayor's approval, in accordance with N.J.S.A. App. A:9-40.3, shall appoint a Deputy Emergency Management Coordinator from amongst the employees of the Township.

§ 2-25.3. Duties.

The Emergency Management Coordinator shall be responsible for the planning, activating, coordinating, and the conduct of emergency management operations within the Township. [N.J.S.A. App. A:9-40.4]

- A. The LEMC is directed, within the limits of appropriations, to establish an adequate organization to assist in supervising and coordinating the emergency management activities of the Township.
- B. The LEMC shall assist the Township in establishing the various local volunteer agencies needed to meet the requirements of all local emergency management activities in accordance with rules and regulations established by the governor in pursuance of the provisions of this chapter. [N.J.S.A. App. A:9-41].
- C. The LEMC shall meet a minimum of two (2) times per year.
- D. The LEMC shall prepare written emergency operations plans focused on all hazards, including homeland security, flooding, fire, loss of utilities and sanitary services, and shall confidentially share such plans as necessary with the various Township departments and personnel impacted by such plans.
- E. The LEMC shall, at least once per year, review previously prepared emergency response plans and update same as necessary in conformity with State statutes, N.J.S.A. App. A:9-42.1 through 43.4, Executive Orders issued by the Governor, any current or future NJOEM directives, or any applicable Federal statutes or regulations.
- F. The LEMC members shall participate in training and exercises as required by the Chairperson or NJOEM Director.
- G. In compliance with N.J.A.C. 6A:16-5, School Safety and Security Plans, the LEMC will meet with the Chief School Administrator of the School District of the Chathams in the development of the school districts' plans, procedures and mechanisms for school safety and security.
 - (1) The plans, procedures and mechanisms shall be consistent with the provisions of N.J.A.C. 6A:16-5.1 and the format and content established by the Domestic Security Preparedness Task Force, pursuant to N.J.S.A. App. A:9-64 et seq., and the Commissioner of Education.
 - (2) The plans, procedures and mechanisms shall be reviewed annually and updated, as appropriate.
- H. The LEMC shall collaborate with state, county, municipal, other Emergency Management Council personnel and agencies that serve disability and access/functional needs.
- I. All members of the LEMC shall maintain confidentiality and adhere to all laws, regulations and executive orders governing the confidentiality of any and all emergency operations plans to the extent permitted by law, including but not limited to the common law, the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., and Executive Order 21 (McGreevey 2002) and as amended by Order 26 (McGreevey 2002)."

SECTION 2. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portions of this ordinance.

SECTION 3. All ordinances of the Township of Chatham which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect immediately upon passage and publication.

Deputy Mayor Hamilton moved to introduce Ordinance 2023-11. Committeewoman Ewald seconded the motion.

Committeeman Lois asked why this ordinance is necessary if having a Local Emergency Management Council is required by the State. Mr. King stated that municipalities have some ability to craft how the LEMC would be shaped. He also stated that there are Federal guidelines suggested what types of people should staff the LEMC.

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

Public Hearing for Ordinance 2023-11 will be scheduled for October 24, 2023.

Ordinance 2023-12

ORDINANCE 2023-12

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO ADD CHAPTER III SECTION 19 REGARDING PRIVATE STORAGE OF DE-ICING MATERIALS

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

Chapter III Section 19 – Storage of De-Icing Materials

SECTION I. Purpose

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Township of Chatham to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. §3-19.1 Definitions

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. “Storm drain inlet” means the point of entry into the storm sewer system.
- D. “Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 3. The structure shall be erected on an impermeable slab;
 4. The structure cannot be open sided; and
 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

SECTION III. §3-19.2 Deicing Material Storage Requirements

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
 5. Containers must be sealed when not in use; and
 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
- C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

SECTION IV. §3-19.3 Exemptions

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

SECTION V. §3-19.4 Enforcement

This ordinance shall be enforced by the Chatham Township Zoning Officer during the course of ordinary enforcement duties.

SECTION VI. §3-19.5 Violations and Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Any person(s) who is found to be in repeat violation and/or failure to complete corrective action of the provisions of this section shall be subject, upon conviction, to the penalties provided in § 1-5, General Penalty.

SECTION VII. Severability

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Committeewoman Ewald moved to introduce Ordinance 2023-12. Committeeman Choi seconded the motion.

Deputy Mayor Hamilton asked if this ordinance is being considered to meet a State requirement. Mr. King confirmed that there is a State requirement, and he said that other municipalities for which he works are also having issues with salt contaminating wells. Deputy Mayor Hamilton noted that this ordinance would not apply to homeowners having driveway salt. Mr. King said he is aware of only two properties in the Township to which the ordinance would have any impact.

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

Public Hearing for Ordinance 2023-12 will be scheduled for October 24, 2023.

Consent Agenda

RESOLUTION 2023-177

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 \$914,974.85 and the prior month's payroll of \$485,559.21 Current Fund, \$66,478.34 Sewer Utility, \$53,796.27 Open Space and \$28,943.68 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of September 2023, in the amount of \$3,419,113.00 be paid.

**RESOLUTION 2023-178
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 August 15, August 31 and September 12, 2023.

**RESOLUTION 2023-179
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 meetings held on August 15 and September 12, 2023.

**RESOLUTION 2023-180
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
ACCEPTING THE RETIREMENT OF VITO CAPABIANCO**

NOW, THEREFORE, BE IT RESOLVED, by the Township of Chatham Committee, in the County of Morris, that the Committee does hereby formally accepts the retirement of Vito Capabianco effective January 1, 2024.

**RESOLUTION 2023-181
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY ACCEPTING THE RESIGNATION OF M. CHRISTOPHER SHAY**

WHEREAS, the Township of Chatham has accepted the resignation of M. Christopher Shay (hereinafter “Employee”); and

WHEREAS, the Employee resigned effective September 30, 2023.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Chatham Committee, in the County of Morris, that the Committee accepts the resignation of M. Christopher Shay.

**RESOLUTION 2023-182
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING THE SALE OF SURPLUS MUNICIPAL EQUIPMENT**

WHEREAS, the Township of Chatham is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Township Committee are desirous of selling said surplus property in an “as is” condition without express or implied warranties.

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

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows:

<u>Year</u>	<u>ITEM</u>	<u>VIN or MODEL No</u>
1985	Parts Washer Plexiglass Desk Shields Backpack Sprayers	

- (5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and

Indemnification Agreement concerning use of said surplus property.

- (6) The Township of Chatham reserves the right to accept or reject any bid submitted.

**RESOLUTION 2023-183
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	Project	A/C NUMBER	AMOUNT
Chatham House Builders LLC 6 Schooley’s Mountain Road Long Valley, NJ, 07853	Permit #22-0292 Re: 90 Long View Ave	77-66-323-023	\$10,000 Plus Interest

**RESOLUTION 2023-184
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY RATIFYING AND CONFIRMING THE APPOINTMENT OF A FOREMAN**

WHEREAS, the Township of Chatham desires to fill a vacancy in the position of Foreman in the Water Pollution Control Division of the Department of Public Works; and

WHEREAS, the Township of Chatham has advertised the vacancy and received resumes that have been reviewed by the Superintendent of Public Works and Manager of the Water Pollution Control Division; and

WHEREAS, the Superintendent of Public Works has recommended that it would be in the best interests of the Township to promote Matt Miller to Foreman; and

WHEREAS, the Matt Miller has held the position of Assistant Chief Operator/Assistant Foreman since January 2019; and

WHEREAS, the Township Administrator appoints Matt Miller as full-time Foreman in the Water Pollution Control Division of the Department of Public Works.

BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, New Jersey that Matt Miller is hereby appointed as full-time Foreman in the Water Pollution Control Division of the Department of Public Works at an annual salary of \$103,821, effective October 1, 2023, subject to satisfactory completion of a training period of forty-five (45) calendar days.

**RESOLUTION 2023-185
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW
JERSEY REDUCING THE PERFORMANCE GUARANTY FOR THE ARBOR GREEN
PROJECT**

WHEREAS, the Planning Board has granted preliminary and final approval for the Arbor Green Project at High Gate at Block 48.16, Lot 117.28; 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. 800038806 in the sum of \$6,200,000.00; and

WHEREAS, on April 26, 2022 the Township Committee adopted Resolution 2022-122 to reduce the performance guaranty to the amount of \$2,480,000.00; and

WHEREAS, as set forth by Township Engineer John K. Ruschke, P.E. in his letter dated September 14, 2023 the public improvements have been substantially completed to the extent that the performance guaranty may be released; and

WHEREAS, Resolution 2022-122 requires the posting of a maintenance bond upon final acceptance of the site improvements by the Township Committee; and

WHEREAS, the amount of the maintenance bond to be posted is \$930,000 (15% of the original bond estimate for the subject improvements).

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 released, in accordance with the letter of Township Engineer John K. Ruschke, P.E., dated September 14, 2023. A maintenance bond in the amount of \$930,000 (15% of the original bond estimate for the subject improvements) shall be posted 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.

RESOLUTION 2023-186

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING A SETTLEMENT OF THE TAX APPEAL OF SANKET & SWAPMA PURANI

WHEREAS, Sanket N & Swapna S Purani (“Taxpayers”), the owner of Block 62.11, Lot 21 on the Township of Chatham’s Tax Assessment Maps, commonly known as 148 Huron Drive (“Property”), filed appeals of their 2017, 2018, and 2019 tax assessments in the Tax Court of New Jersey, Docket Nos.: 006768-2017; 007043-2018; 005926-2019; and

WHEREAS, the Township Committee of the Township of Chatham, County of Morris, State of New Jersey met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor Special Tax Appeal Attorneys; and

WHEREAS, the Property was assessed at \$1,012,500 for the year under appeal; and

WHEREAS, the Property was purchased by Taxpayers on or about July 30, 2015 for \$995,000;

WHEREAS, the Director’s ratios for the 2017, 2018, and 2019 tax years were 89.52%, 89.22%, and 88.82%, respectively;

WHEREAS, an acceptable settlement of the aforesaid tax appeal has been negotiated which reduces the total tax assessment levied upon the Property for 2017 only; and

WHEREAS, as a result of the proposed settlement, Taxpayers have agreed to waive the Freeze Act and withdraw their 2018 and 2019 tax appeals;

WHEREAS, the 2017 total tax assessment, based upon said reduction, will be \$962,500 instead of \$1,012,500 for the Property; and

WHEREAS, Taxpayers have agreed that any refunds due shall be without interest provided the tax refund is paid within 90 (ninety) days of the date of entry of the Tax Court Judgment; and

WHEREAS, the Township Committee leaves the allocation between land and improvements of the aforesaid tax assessment reduction to the Township of Chatham’s Tax Assessor’s discretion with the direction that the same be set so as to be most beneficial to the Township; and

WHEREAS, the aforesaid reduction has no general application to other properties within the Township of Chatham as a result of the aforesaid specific fact situation; and

WHEREAS, the Township Committee makes this settlement with Taxpayers without prejudice to its dealing with any other Chatham Township’s taxpayers’ request for tax assessment reduction; and

WHEREAS, the Mayor and Township Committee have reviewed a copy of the proposed Stipulation of Settlement, which is annexed hereto and incorporated herein by this reference.

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

1. The Township of Chatham’s Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$962,500 total tax assessment for the 2017 Tax Year for Block 62.11, Lot 21, which is most beneficial to the Township of Chatham and advise the Township Attorney of that allocation.
2. The Special Tax Appeal Attorney is authorized to execute a Stipulation of Settlement relative to the tax appeal of Sanket B & Swampna S Purani (“Taxpayers”) Docket Nos.: 006768-2017; 007043-2018; 005926-2019, which reduces the total tax assessment on Block 62.11, Lot 21 from \$1,012,500 to a total tax assessment of \$962,500 for the 2017 Tax Year only, with Taxpayers withdrawing the 2018 and 2019 tax appeals; and which further provides that any refunds due shall be without interest provided the tax refund is paid within 90 days of the date of entry of the Tax Court Judgment.
3. The settlement outlined above shall be without prejudice to the Township of Chatham’s dealings with any other Township taxpayers’ request for tax assessment reductions.

RESOLUTION 2023-187

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING FEDERAL AID AGREEMENT WITH NJDOT FOR FINAL DESIGN COSTS OF SHUNPIKE ROAD SIDEWALK – FALMOUTH ROAD TO PINE STREET

WHEREAS, in 2019 the Township of Chatham received a Federal Aid Grant through the Federal Aid Highway Program for installation of a sidewalk on Shunpike Road from Falmouth Road to Pine Street; and

WHEREAS, the Township of Chatham has received further additional funding of \$19,184.70 and \$6,434.47 from the Federal Highway Administration for the final design (FD) costs associated with the Federal Aid Highway Program SRS Shunpike Road Sidewalk -Falmouth Road to Pine Street; and

WHEREAS, the receipt of the additional funds requires a second amendment to Federal Aid Agreement 2019-DT-DLA-515.

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 2019-DT-DLA-515 and accepts the additional grant funding in the amount of \$19,184.70 and \$6,434.47.

RESOLUTION 2023-188

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, AMENDING EMPLOYEE SALARIES FOR THE YEAR 2023

BE IT RESOLVED by the Township Committee of the Township of Chatham, in the County of Morris, New Jersey, that annual salaries of non-contractual employees are hereby amended as shown below effective for the 2023/2024 School Year.

<u>Position</u>	<u>Amount</u>
Special Law Enforcement Officer III (SLEO III)	\$40.00 per Hour

This Resolution shall take effect October 1, 2023.

RESOLUTION 2023-189

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING A FIRE OFFICIAL/MARSHAL

WHEREAS, the Township of Chatham desires to fill a vacancy in the position of Fire Official/Marshal due to a resignation; and

WHEREAS, the Fire Official/Marshal shall be the chief administrator of the Township of Chatham Fire Prevention Bureau; and

WHEREAS, James Rothenberger is certified by the State of New Jersey, Department of Community Affairs, Division of Fire Safety as a Fire Official.

BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, New Jersey that James Rothenberger is hereby appointed part-time Fire Official/Marshal at a starting annual salary of \$14,500, effective October 1, 2023, pending satisfactory completion of a criminal background investigation, and subject to satisfactory completion of a probationary period of 180 days.

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

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

Non-Consent Agenda

RESOLUTION 2023-190

RESOLUTION AWARDDING A CONTRACT TO ATHLETIC FIELDS OF AMERICA IN THE AMOUNT OF \$474,000.00 FOR SHUNPIKE FIELD THROUGH THE BERGEN COUNTY CO-OP, UNDER QUOTE BC-C-23-013

WHEREAS, the existing turf field at Shunpike Field was installed in 2011; and

WHEREAS, the Recreation Director, Larry McCann, has advised that due to the age and condition of the field it must be replaced; and

WHEREAS, the Recreation Director obtained quotations from Field Turf for \$496,000 and Athletic Fields of America for \$474,000; and

WHEREAS, Athletic Fields of America submitted a proposal pursuant to Bergen County Co-Op Contract BC-C-23-013, dated September 20, 2023, for the replacement of the existing turf, including all labor and material, in the amount of \$474,000; and

WHEREAS, the Recreation Director, the Town Engineer, John Ruschke, and the Township Administrator, Ziad Shehady, recommend that the Contract be awarded to Athletic Fields of America; and

WHEREAS, the Township Administrator and Recreation Director have met with representatives of the various sports clubs that utilize the field and they support the replacement of the existing turf; and

WHEREAS, a certificate showing the availability of funds has been provided by the Chief Financial Officer pursuant to N.J.A.C. 4:3014.5, and the Contract will be charged to the following accounts:

General Capital	C-04-55-951-904	\$ 90,000
Recreation Trust	R-99-55-200-001	\$110,000
Open Space Trust	R-99-55-020-007	\$274,000

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

1. A Contract is hereby authorized to be executed and awarded to Athletic Fields of America, 150 River Road, Montville, NJ 07045, through Bergen County Co-Op, under Quote BC-C-23-013, for the proposal dated September 20, 2023, which is made a part of this Resolution, in the amount of \$474,000.00.
2. A copy of this Resolution shall be available for public inspection in the Office of the Township Clerk.
3. This Resolution shall take effect immediately.

Deputy Mayor Hamilton moved to adopt Resolution 2023-190. Committeeman Lois seconded the motion.

Committeeman Lois thanked the Township Committee for supporting this project, and thanked them for the use of capital funds for recreation purposes.

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

Hearing of Citizens

Mayor Felice opened the Hearing of Citizens.

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

Committeeman Lois moved to adjourn at 8:00 PM. Deputy Mayor Hamilton seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk