

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
SEPTEMBER 27, 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, Committeeman Lois and Mayor Felice. Deputy Mayor Hamilton arrived late.

Executive Session

RESOLUTION 2022-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. Litigation
 - b. Personnel
 - c. Contract Negotiations
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 2022-P-15 to enter Executive Session at 6:31 PM. Committeewoman Fondaco seconded the motion.

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

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

Mayor Felice led the Flag Salute.

Recognition

Mayor Felice described a recent total power failure at the Water Pollution Control Plant. She recognized the efforts of Plant Operator Michael Hajjar and Assistant Plant Operator Matthew Miller to find the necessary replacement components. Until the components were received and installed, the crew at the WPC Plant worked around the clock in split shifts to make sure that there was not a loss of service despite the power failure. Mayor Felice recognized all the staff members at the WPC Plant for their efforts on behalf of the Township.

Citizen Awards

Mayor Felice presented Citizen Award certificates to Chatham High School students Adi Sinha and Ishir Rao in recognition of their work in founding CS Base, a free computer science summer camp for Chatham residents ages 6 to 15.

Oath of Office – Police Chaplain

Mayor Felice provided background on Rev. Dr. Ellen Clemot's religious ministry and service to the Chatham community.

Rev. Clemot was sworn in as a Police Chaplain. The oath was administered by Mayor Felice.

Announcements

Mayor Felice announced that the next Township Committee meeting will be a workshop meeting.

Approval of Consent Agenda

Committeewoman Ewald moved to approve order of the Consent Agenda as amended with the addition of Resolution 2022-280. Deputy Mayor Hamilton seconded the motion, which carried unanimously.

Reports

Committeewoman Ewald reported that the Madison-Chatham Coalition has been approved for five more years of Federal funding at \$125,000 per year. They will have a presence at Bottle Hill Day and Cougar Weekend. The Senior Center will have the bi-annual Paper Shred fundraiser on October 22nd from 9:00 AM to 12:00 PM at the Chatham Middle School. Committeewoman Ewald also highlighted some upcoming programs at the Senior Center and noted the schedule is available online.

Committeewoman Fondaco reported that the Chatham Township Historical Society will have the Red Brick Schoolhouse open on October 2nd from 2:00 PM to 4:00 PM. The Environmental Commission participated in the recent Sustainability Fair. On October 1st, Chatham Township residents will be able to drop off Styrofoam at the Madison Recycling Center on Tuesdays and Saturdays. Committeewoman Fondaco further reported on recent DPW activities. Donations are still being accepted by the Chatham United Methodist Food Pantry.

Committeeman Lois reported that on September 16th there was a power outage to roughly 1,000 Township residents due to a burnt cable. Service was restored by switching to a different circuit, and the necessary repairs were made within four hours. Committeeman Lois commented on the number of circuits in the Township compared with the number in the Borough, and suggested that the Township work with JCP&L to improve reliability. Committeeman Lois further relayed several recommendations from the Joint Recreation Committee. He also reported that Colony Pool ended the season with 20% more revenue than was budgeted. Committeeman Lois provided an update on the 2022 Budget and commented on debt restructuring.

Deputy Mayor Hamilton noted that the Joint Recreation Program is alive and well. He reported that the Library of the Chathams hired an Emerging Technologies and Teen Librarian. The Library's Volunteers Luncheon will be held on December 2nd. Deputy Mayor Hamilton further reminded residents to lock their cars and report suspicious activity.

The Township Clerk announced that the drop box for mail-in ballots can now be used. Committeeman Lois asked if the Township Clerk could give a report at the next meeting on the available methods for voting. The Township Clerk stated that normal in-person voting and mail-in ballots are still available, and early voting is now available. The drop boxes for mail-in ballots were introduced during the pandemic. In person voting will occur at the regular polling places.

Hearing of Citizens

Mayor Felice asked if any written comments had been received.

1. Kathy Matta, Green Village Road, submitted written comments asking for an update on alleged violations on an adjacent property.

Mayor Felice said she had referred the matter to the Township Administrator. Administrator Shehady said he will respond to the resident, and will also coordinate with Engineer Ruschke and the County to investigate the matter.

Mayor Felice opened the Hearing of Citizens.

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

Public Hearing/Final Adoption 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.

Mayor Felice opened the Public Hearing on Ordinance 2022-11.

1. Ron Rubino, Rose Terrace, asked about having workshop meetings televised and livestreamed.

Mayor Felice said that it has been many years since workshop meetings have been held, and it remains to be seen if they can be broadcast or livestreamed. Attorney King noted that public meetings do not need to be livestreamed to be OPMA compliant. Committeewoman Ewald spoke in favor of broadcasting or livestreaming meetings if possible. Mayor Felice explained the purpose of workshop meetings and said they are intended to be a more collaborative process.

Mr. Rubino spoke in favor of having Zoom. Committeeman Lois noted that Township Committee meetings were being broadcast before the Covid pandemic.

Seeing no further comment, Mayor Felice closed the Public Hearing.

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

Committeewoman Ewald noted that the bylaws changes include the reintroduction of a second hearing of citizens. She also noted that the pay-to-play section was separated out as a separate

ordinance. Furthermore, the standing committees were modified and include a Recreation Committee.

The Township Clerk reiterated that the televising and livestreaming of meetings creates additional transparency, however neither are legally required for OPMA compliance.

Committeeman Lois asked if the Order of Business applies to the workshop meetings, and asked about the public's ability to participate in workshop meetings. Mayor Felice reminded him that there will be two hearings of citizens. She also said the Order of Business will probably be different. Committeewoman Ewald stated that the idea is for the workshop meetings to be focused on discussion, however the Township Committee would reserve the right to take action if necessary. The Township Clerk stated that any action at a workshop meeting would be only routine items.

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

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.

Mayor Felice opened the Public Hearing on Ordinance 2022-12.
Seeing no comment, Mayor Felice closed the Public Hearing.

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

Committeewoman Ewald noted that there previously was not a formal RFQ process for board professionals. She noted that the Township Administrator has expressed his comfort with having this be an annual process.

Deputy Mayor Hamilton expressed appreciation for when there is agreement on best practices.

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

Consent Agenda

RESOLUTION 2022-270 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

CFO – August
Police Department -
Animal Control – August
WPC – July

RESOLUTION 2022-271 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 September 13, 2022.

RESOLUTION 2022-272 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 September 13, 2022.

RESOLUTION 2022-273

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
Alex Bidsall 12 Jay Road Chatham, NJ 07928	BOA 21-013	7765834534	\$0.00
Edward Mendrzycki 25 Garden Street Chatham, NJ 07928	BOA 21-016	7765834584	\$0.00
Janice Smith 28 Mountainview Road Chatham, NJ 07928	ZBA-20-002	7765172687	\$0.00

RESOLUTION 2022-274
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING AN INDEMNITY/HOLD HARMLESS AGREEMENT WITH THE GARDEN STATE QUILTERS GUILD

WHEREAS, on October 6-9, 2023 the Garden State Quilters Guild will be hosting their Annual Quilt Show at the Mountainview Gym located in the Municipal Building; and

WHEREAS, in connection with the Garden State Quilters Guild’s use of the facility, the Township has required that an Indemnity/Hold Harmless Agreement be entered into to indemnify the Township; and

WHEREAS, the Township Attorney has reviewed the proposed agreement and has deemed it acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the Mayor and Clerk be authorized to execute an Indemnity/Hold Harmless Agreement with the Garden State Quilters Guild in the form approved by the Township Attorney.

RESOLUTION 2022-275
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 of \$2,547,480.30 consists of a 90% surety bond of \$2,280,685.27 Bond No. SUL 169234 and a 10% cash portion of \$254,748.03; and

WHEREAS, the Developer originally posted Bond No. SUL 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 with a 90% surety bond of \$687,819.68 and a 10% cash portion in the amount of \$76,424.41, 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 2022-276
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING THE RESIGNATION OF ED NOONAN

WHEREAS, the Township of Chatham has accepted the resignation of Ed Noonan (hereinafter "Employee"); and

WHEREAS, the Employee resigned effective September 30, 2022.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Chatham Committee, in the County of Morris, that the Committee accepts the resignation of Ed Noonan.

RESOLUTION 2022-277
RESOLUTION OF THE TOWNSHIP COMMITTEE REJECTING BIDS RECEIVED FOR THE ROOF REPLACEMENT FOR THE CHATHAM ADMINISTRATION AND CONTROL BUILDING AT THE WATER POLLUTION CONTROL PLANT PROJECT

WHEREAS, the Township Committee of the Township of Chatham solicited for bids for the Roof Replacement for the Chatham Administration and Control Building at the Water Pollution Control Plant Project; and

WHEREAS, the bids were received and opened on Tuesday, September 20, 2022 at 11:00 A.M.; and

WHEREAS, the bid received on September 20, 2022 exceeded the Township Engineer's estimates for the project; and

WHEREAS, the bid specifications reserved to the Township the right to reject all bids and, under the circumstances, it is fully appropriate to do so;

WHEREAS, the Township Engineer, John Ruschke, PE of Mott MacDonald recommends the rejection of the bids received.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that it hereby approves the rejection of the bids received for the Roof Replacement for the Chatham Administration and Control Building at the Water Pollution Control Plant Project.

RESOLUTION 2022-280
RESOLUTION OF THE CHATHAM TOWNSHIP COMMITTEE AUTHORIZING A LEASE EXTENSION FOR 30 DAYS OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS

WHEREAS, the Local Lands and Building Laws, *N.J.S.A. 40A:12-24, et seq.*, authorizes the lease by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by lease in the manner provided by law; and

WHEREAS, the Township of Chatham is the owner of certain real property being Block 128, Lot 2 on the Tax Map of the Township of Chatham, commonly known as 522 Southern Boulevard, Chatham, New Jersey, hereinafter ("522 Southern Boulevard"), not needed for public use at this time, and the Mayor and Township Committee had determined that it was in the best interest of the Township to lease the same to generate revenue, reduce taxes and liabilities and help the school district.

WHEREAS, there currently exists a lease for the parking lot with First Student, Inc. and pursuant to paragraphs 14 and 22 thereof the parties wish to extend the lease term for an additional 30 days at the rate of \$5,000.

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

Section 1. The parking lot associated with 522 Southern Boulevard was offered for lease and awarded to First Student, Inc for \$5,000.00 a month pursuant to *N.J.S.A. 40A:12-24*.

Section 2. The property lease shall be extended pursuant to sections 14 and 22 for an additional 30 days at a rate of \$5,000.00.

Section 3. All terms and conditions contained in the original lease agreement are still in full force and affect except for the above-mentioned lease period and payment.

Section 4. The lease amendment is made subject to all applicable laws and ordinances of the State of New Jersey and the Township of Chatham. The parking of the buses will not interfere with any remediation being conducted at the site.

Section 5. If any section or provision of this Resolution shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provision of this Resolution, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 6. The Mayor and the Township Clerk are hereby authorized to execute all documents necessary for the amendment of the current lease of the property listed herein, including but not limited to executing all amendments to the current lease and other required documents if any.

Section 7. This Resolution shall take effect immediately.

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 2022-278

RESOLUTION 2022-278 RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING MAYOR TO SIGN DEED RESTRICTION REGARDING AFFORDABLE CONTROLS FOR 411 SOUTHERN BOULEVARD

WHEREAS, the Arbor Green Development, consisting of 24 rental apartments located at 411 Southern Boulevard is subject to Affordable Controls; and

WHEREAS, a Deed Restriction is necessary to place restrictions on the resale and refinancing of the affordable units; and

WHEREAS, the Deed Restrictions includes covenants restricting rentals, conveyance and improvements, and requiring notice of foreclosure and bankruptcy; and

WHEREAS, the Deed Restriction requires the Mayor's signature so that it may be recorded with the Morris County Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the Mayor is hereby authorized to sign the Deed Restriction regarding affordable controls.

Committeewoman Ewald moved to adopt Resolution 2022-278. Committeeman Lois seconded the motion.

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

Resolution 2022-279

RESOLUTION 2022-279 RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING TERMINAL LEAVE GRIEVANCE SETTLEMENT WITH PBA 170

WHEREAS, on November 10, 2021, the PBA Local 170 filed a grievance against the Township relative to the calculation of terminal leave for three member police officers who intended to and subsequently did retire from service with the Township in 2022; and

WHEREAS, in December 2021, the PBA submitted the matter to PERC for the selection of an arbitrator to decide the dispute between the parties pursuant to the collective negotiations agreement between the PBA and the Township; and

WHEREAS, binding arbitration was thereafter scheduled to take place before a private arbitrator on October 7, 2022; and

WHEREAS, in lieu of arbitration, representatives of the Township and PBA have reached terms of a settlement to resolve the dispute as set forth in the proposed agreement that was executed by the parties' representatives on September 22, 2022 (hereinafter, "Settlement Agreement"); and

WHEREAS, under the terms of the Settlement Agreement, the PBA has agreed to withdraw the grievance and scheduled arbitration in exchange for lump-sum payments, which reflect a compromise between the Township and PBA's positions, to be made to the affected retired police officers in the following amounts, subject to the approval of the governing body:

1. Sgt. Dan Papa - \$10,165.92
2. Ptl. Michael Sawyer - \$4,080.96
3. Sgt. David Weinert - \$11,491.82

WHEREAS, the Settlement Agreement provides that its terms, including the payout to the three retired officers, shall be considered non-precedential and shall not be used by either the Township or the PBA to establish a past practice or for any other use in future disputes or arbitrations.

NOW THEREFORE BE IT RESOLVED that the Committee of the Township of Chatham hereby approves the Settlement Agreement and authorizes the disbursement of funds in lump sum payments to the three affected officers as set forth above.

Deputy Mayor Hamilton moved to adopt Resolution 2022-279. Committeewoman Ewald seconded the motion.

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

Committeewoman Ewald moved to adjourn at 8:16 PM. Committeewoman Fondaco seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk