

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
APRIL 25, 2019**

Mayor Selen called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:36 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, 2019; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 4, 2019; and notice was filed with the Township Clerk on January 4, 2019.

Mayor Selen asked Delbarton High School student Will Ritter to lead the flag salute.

Roll Call

Answering present to the roll call were Committeewoman Swartz, Deputy Mayor Kelly and Mayor Selen. Committeeman Ritter was absent. Committeewoman Ness arrived a few minutes late.

Approval of Agenda

Deputy Mayor Kelly moved to approve the Agenda. Committeewoman Swartz seconded the motion, which carried unanimously.

Proclamation – Donate Life Month

Mayor Selen read aloud the attached proclamation for Donate Life Month.

Will Ritter was present to receive the proclamation.

Administrator Hoffmann thanked Mr. Ritter for bringing the topic of organ donations to the public's attention. He asked residents to consider becoming organ donors, and said that the organ donor designation can be added to a driver's license during the renewal process.

Reports

Committeewoman Swartz reported that the Senior Center will be hosting their annual Shred Event on April 27th from 9:00 AM to 12:00 PM at Lafayette Avenue School. She also noted that the Chatham Township Fire Department recently had drills at the former Special Services building. Committeewoman Swartz further reported that she attended the Kiwanis Club's Benevolence Event, and she noted the various community organizations that received donations. Committeewoman Swartz also congratulated Chatham Borough Police Department's Sergeant Mike Mahoney on his retirement.

Deputy Mayor Kelly reported that April 27th is National Take-Back Day, and residents can drop off unused prescription medications with the Chatham Township Police Department. He also reported that Tom Salvas, the Township's Government Access TV/Community Bulletin Board Manager, will be retiring at the end of May.

Engineer Ruschke said that the topic of curbing on Lenape Trail needs to be addressed, and the road needs to be resurfaced. He described the need for the project, and addressed funding options. Committeewoman Swartz asked if residents who install their own curbing do so uniformly. Engineer Ruschke said that he would oversee such curbing installation. He also said that the paving can be done before curbing is installed, but paving alone will not address the drainage issues. Engineer Ruschke further reported that trail grants are available from the Morris County Parks Commission, and he suggested that an application be submitted for a trail on the Hillside Ave open space tract. He also asked about the County's plan to do road improvements on the Shunpike Corridor, and asked if it is still the consensus of the Township Committee that they do not want any major modifications to the section between Southern Boulevard and Green

Village Road. Committeewoman Swartz said that there were concerns about pedestrian safety that would result from the proposed modifications, and noted that the Green Village Fire Department also had concerns. Committeewoman Swartz also asked about the potential for having the traffic light at Shunpike Road and Green Village Road replaced, and if the Township would have to pay for it, noting that the Township has a credit balance with the County.

Administrator Hoffmann thanked Engineer Ruschke for representing the Township at a grant meeting with Morris County. He also reported that there has been an issue with people walking their dogs at Shunpike Field and not cleaning up after them. Administrator Hoffmann further reported that the Sewer Treatment Plant staff have reported that there are problems with people flushing inappropriate substances such as clothing, diapers, dental floss, prescription containers and other items that can potentially damage the plant. He also reported that a bid opening will be held on May 2nd for the operating of the Colony Pool snack bar. Administrator Hoffmann also said that he was recently served jury duty, and noted that it is a civic responsibility to be a juror when called. Committeewoman Swartz asked about summer employment opportunities at Colony Pool and Public Works. Administrator Hoffmann said that there are still positions available.

Committeewoman Ness noted that the Environmental Commission is hosting a seedling sale on April 27th, and she thanked DPW Director Rich Young for his assistance. Committeewoman Ness also reported that she attended a Traffic Planning Committee meeting, which was held with municipal officials, local Assembly leaders and Morris County Freeholders. The Traffic Planning Committee discussed future traffic impacts, especially with the pending development of affordable housing, and a regional approach to traffic management was discussed.

Mayor Selen addressed potholes on County roads, and said that he reached out to the Morris County Department of Public Works. He also reported that he will be holding “office hours” on Wednesday mornings and Saturday mornings, and residents can meet with him at Dunkin’ Donuts.

Hearing of Citizens

Mayor Selen opened the Hearing of Citizens.

1. Jamie O’Brien, 268 Southern Blvd., asked the Township Committee to declare June 7th as Gun Violence Awareness Day. Mrs. O’Brien provided background on Gun Violence Awareness Day. Mrs. O’Brien also asked Mayor Selen to join the organization Mayors Against Illegal Guns.
2. Cara Feeser, 3 Falmouth Road, thanked the Township for having switched to organic lawn care on recreation fields in 2018. She also said that she considers what makes a community safe, she also considers protection against pesticides and other lawn care chemicals. She asked that the Township continue the practice of organic lawn care.
3. Kathy Abbott, 40 Wynwood Road, said that she has served on the Safe Routes to School Committee, and she described the work performed to apply for sidewalk grants. She also said that she would like to see the Circulation Plan Element of the Master Plan updated.
4. Fran Drew, 32 Inwood Road (Chatham Borough), presented materials related to tree removal by Cougar Field. Mrs. Drew had pictures of crews removing the trees. She also described her efforts to ascertain who requested the tree removal. Mrs. Drew further said that claims were made that the trees were rotted, and she presented pictures of what it looks like with the trees having been removed. She also said that she is a member of the Chatham Borough Shade Tree Commission, and most of the trees were healthy. Mrs. Drew also asked the Township to replace the trees that were removed, and asked for utility lines to be put underground so that tree maintenance would not need to be conducted. Committeewoman Ness said that complaints had been received that the sidewalk in question was a safety hazard, and she had contacted the Board of Education to have it repaired. She said that tree removal had not been discussed. Committeewoman Swartz said that JCP&L had been contacted about pruning, and trees

were removed because they were a legitimate safety concern. Mrs. Drew said that arborists had not been contacted prior to the tree removal.

5. Rez Estevez, 126 Southern Boulevard, asked about enrollment for the Colony Pool Summer Camp, and if the camp is on track to make money or lose money. Committeewoman Ness said that the work done thus far by the Colony Pool Advisory Committee has been at no cost to the Township, and staff for the Camp has not yet been hired. She said that the Camp is contingent on having at least 30 campers per week, and would be capped at 50 per week. Mrs. Estevez asked how many campers have enrolled thus far.
6. Greg Borsinger, 17 Pembroke Road, said that there are people in his neighborhood upset about the extent of the massive development in the Township, particularly on Woodlawn Drive. He asked that the Township consider adopting a floor area ratio ordinance, and said that many other municipalities have such an ordinance. Mr. Borsinger also said he has heard pushback that a floor area ratio ordinance would prohibit development, and he said that someone selling a property would make just as much money whether selling to a developer or a private owner. He also said that Chatham Township is an attractive community in which to live, and he addressed the importance of preserving a diversity of housing stock to maintain some measure of affordability.

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

Public Hearing & Final Adoption of 2019 Municipal Budget

Administrator Hoffmann gave the 2019 Budget Presentation. He said that the Township has received approval from the State to move forward with adoption. Administrator Hoffmann said that the Township collects tax dollars on behalf of the School District and the County, and he noted that the Township only keeps \$0.15 out of every dollar collected. A breakdown of the municipal use of tax dollars was also provided. Administrator Hoffmann also provided an overview of the appropriations cap and the levy cap.

Mayor Selen opened the Public Hearing on the 2019 Municipal Budget.

1. Stacey Ewald, 54 Nicholson Drive, asked that future presentations have a breakout showing department costs over time. She also asked about the 5-year capital plan and financial plan.

Administrator Hoffmann and Auditor Valerie Dolan noted that the capital plan is part of the budget. Administrator Hoffmann said that the Township has been considering the current indebtedness and future needs. He noted that having the open space tax revert to \$0.02 per \$100 assessed value in 2020 will allow the Township to pay off the current debt for recent purchases sooner.

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

Committeewoman Ness thanked Administrator Hoffmann, Township CFO Debra King, Auditors Valerie Dolan and Andrew Kucinski for their work on the Budget. She said that she learned a lot about the Township's financial planning during the budget process.

Committeewoman Swartz commented on the efficiency and fiscal responsibility of the Township's management.

RESOLUTION 2019-105

(See Attached)

Committeewoman Swartz moved to adopt Resolution 2019-105 to approve the 2019 Municipal Budget. Committeewoman Ness seconded the motion.

Roll call: Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Absent; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

Public Hearing/Final Adoption of Ordinances

Ordinance 2019-07

ORDINANCE 2019-07

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, ACCEPTING DEED OF CONSERVATION EASEMENT FROM GOLDEN RIVER HOMES, LLC, FOR A CONSERVATION EASEMENT ON AND OVER LOT 16 IN BLOCK 61 AS SHOWN ON THE TOWNSHIP OF CHATHAM TAX MAP AND COMMONLY KNOWN AS 11 SUNSET DRIVE

WHEREAS, Golden River Homes, LLC, is the owner in fee of real property located at 11 Sunset Drive and designated on the Township of Chatham Tax Map as Lot 16, Block 61 (“Property”); and

WHEREAS, approval was granted to Golden River Homes, LLC, by the Township of Chatham Board of Adjustment to build a single family house with variances on the Property as memorialized by Resolution BOA17-61-16, adopted June 21, 2018, and Golden River Homes, LLC, agreed to subject a portion of the Property to a conservation easement in recognition of environmental values and consistent with the requirements and purposes of the Township Land Development Ordinance.

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

Section 1. The attached Deed of Conservation Easement is hereby accepted.

Section 2. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 3. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

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

Engineer Ruschke explained that there was a Board of Adjustment application for which a conservation easement was required as a condition of approval, and the Township is the assigned recipient of the easement.

Mayor Selen opened the Public Hearing on Ordinance 2019-07.
Seeing no public comment, Mayor Selen closed the Public Hearing.

Deputy Mayor Kelly moved to adopt Ordinance 2019-07. Committeewoman Ness seconded the motion.

Roll call: Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Absent; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

Consent Agenda

RESOLUTION 2019-106

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 – March
Construction Official – March
Police Department – March
State Training Fees – 1st Quarter
Registrar of Vital Statistics – 1st Quarter
Dog/Cat Licensing – 1st Quarter

RESOLUTION 2019-107

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 April 11, 2019.

**RESOLUTION 2019-108
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on April 11, 2019.

**RESOLUTION 2019-109
A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, CANCELLING VARIOUS UNEXPENDED
BALANCES**

WHEREAS, The Report On Examination of Financial Statements (Audit) for the year ended December 31, 2018 revealed a number of miscellaneous items including unallocated receipts, appropriated reserves, reserves for special deposits, unexpended improvement authorizations, and state aid receivables and reserves, and

WHEREAS, The Chief Financial Officer has determined that these items may all be cancelled, **NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby cancels the following items:

General Capital Fund Schedule of Improvement Authorizations	
Ordinance 2017-010	\$426.47
Ordinance 2017-012	\$162,411.82
Total	\$162,838.29

Deputy Mayor Kelly moved to approve the Consent Agenda. Committeewoman Ness seconded the motion.

Roll call: Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Absent; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

Discussion

Bylaws Amendments

The Township Clerk said that a draft of the proposed changes to the bylaws has been distributed to the Township Committee. Attorney Cruz reviewed the changes in the bylaws to the public comment period. The Township Clerk indicated that a proposed change was also made to remove a provision stating that recordings would only be released after the minutes have been approved, noting that the video recordings are promptly posted on the Township website and the audio recordings should be available under the provisions of the Open Public Records Act.

Committeewoman Swartz asked about having discretion to allow more time for speakers when there is a controversial topic being discussed. Attorney Cruz said that there should be uniformity in how speakers are treated, and the number of speakers should not dictate how much time is given.

Administrator Hoffmann commented on the time for which the citizens spoke at this meeting.

Deputy Mayor Kelly expressed a concern about limiting the first Hearing of Citizens to topics on the agenda not already subject to a public hearing, as anyone wanting to comment on other topics would have to wait until the end of the meeting. Attorney Cruz said that the Township Committee should first hear comments regarding topics to be acted upon at the current meeting, and he said it is not uncommon for municipalities to limit the first public comment section to items on the agenda. Mayor Selen said that the public comment section should be more convenient for the public. Attorney Cruz noted that the bylaws also provide that no new business be considered after 11:00 PM, and limiting the first Hearing of Citizens to topics on the agenda would assist the Township Committee in addressing the business of the evening.

Committeewoman Ness said that the 30 minute limit to Hearing of Citizens was removed, and perhaps as a compromise the overall time limit to remain so that there is more time later for a Hearing of Citizens.

Deputy Mayor Kelly asked that the topic be deferred to the next meeting so that the Township Committee members can have more time to review the proposed changes.

Colony Pool Fees

Administrator Hoffmann said that at the last meeting, a resident suggested that a discount for Colony Pool memberships be offered to disabled people. Attorney Cruz said that there are many definitions under State and Federal law for the term “disabled,” and he said that the Township’s labor counsel was contacted for advice on which definition to use. Attorney Cruz said that the labor counsel suggested using the same criteria used by the State for disability discounts at State parks. He also said that someone requesting a disability discount would have to provide evidence of having a disability, and he cited examples of evidence. Attorney Cruz also said that the discount could be granted retroactively to those who have already signed up for this year.

Committeewoman Ness asked if the discount would only be applicable to annual memberships. Committeewoman Swartz said that it may present a challenge to expect the summer help to assess if someone qualifies for a discount for a daily discount. Attorney Cruz said he would see how the State handles daily discounts. Committeewoman Swartz also asked if the discount could be made only applicable to Township residents. Attorney Cruz said that it would be legally problematic to only offer it to Township residents.

Consensus of the Township Committee was to consider a formal proposed ordinance at a later meeting.

Committeewoman Swartz asked Attorney Cruz to look into requiring accompaniment for those with developmental disabilities, as there would be safety concerns.

Hearing of Citizens/Petitions

Mayor Selen opened the Hearing of Citizens.

1. Stacey Ewald said that people who sign up as for Colony Pool and request a disability discount should be able to provide documentation after signing up rather than having to provide it up front.

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

Executive Session

RESOLUTION 2019-P-06

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED

WHEREAS, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Potential Litigation: Aptive Environmental, LLC, v. Township of Chatham

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 Ness moved to adopt Resolution 2019-P-05 to enter Executive Session at 9:52 PM. Deputy Mayor Kelly seconded the motion.

Roll call: Committeewoman Ness, Aye; Committeewoman Swartz, Aye; Committeeman Ritter, Absent; Deputy Mayor Kelly, Aye; Mayor Selen, Aye.

The Township Committee returned from Executive Session at 10:26 PM.

Committeewoman Ness moved to adjourn at 10:27 PM. Deputy Mayor Kelly seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk