

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
SEPTEMBER 26, 2019**

Mayor Selen called the Regular Meeting of the Township Committee of the Township of Chatham to order at 7:30 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, 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 Chatham High School Senior Nishika Agarwal to lead the Flag Salute.

Roll Call

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

Approval of Agenda

The Township Clerk indicated that Mr. Nachtigal was unable to attend this meeting. He asked that the resolution to honor Mr. Nachtigal be deferred to a future meeting.

Committeewoman Ness moved to approve the agenda as amended. Deputy Mayor Kelly seconded the motion, which carried unanimously.

Presentation – Acceptance Library

Nishika Agarwal gave a presentation on an Acceptance Library that she set up at Drip Coffee. She addressed the need for better representation for diverse groups. Ms. Agarwal said that more information is available at <https://acceptancelibrary.wixsite.com/acceptancelibrary>.

Mayor Selen thanked Ms. Agarwal for her presentation.

Deputy Mayor Kelly suggested that the Chatham Courier help publicize Ms. Agarwal's efforts.

Committeewoman Ness thanked Ms. Agarwal for setting up the Acceptance Library.

Reports

The Township Clerk reported that the annual Flu Clinic will be held on October 16th from 1:30 PM to 3:00 PM at the Municipal Building, and the annual Rabies Clinic will be held on November 2nd from 9:00 AM to 10:00 AM at the DPW Garage.

Engineer Ruschke reported that a public hearing has been scheduled regarding the Safe Routes to School sidewalk project for Lafayette Avenue and Spring Street. The hearing will be held in two sessions on October 16th from 1:00 PM to 2:00 PM and 7:00 PM to 8:00 PM. Committeewoman Swartz asked to whom the notice was sent. Engineer Ruschke said it was advertised in the Chatham Courier and sent by certified mail to the affected property owners.

Administrator Hoffmann reported that Lincoln Landscaping will be aerating and seeding the Township's fields. He also reported that the Township will be releasing an RFP for IT services. The bid opening will be held on October 23rd. Administrator Hoffmann further noted that the Public Contracts Law was amended to allow IT contracts to have a term of up to seven years. Administrator Hoffmann further reported that he attended a recent Board of Education meeting, and he proposed that they consider a Student-Government Day when seniors could run the Township for a day. He also reported that he attended a meeting of the Library of the Chathams Board of Trustees to introduce himself and discuss common areas of concern. Administrator Hoffmann thanked Mayor Selen for his kind words when introducing him to the Library

Trustees. Administrator Hoffmann further reported that he recently met a resident named William Freund, who is the retired chief economist for the New York Stock Exchange. He said that Dr. Freund and his family were refugees from Nazi Germany in the 1930's, and has recently published books based on his experiences.

Committeewoman Swartz asked about the scope of the IT services being sought. Administrator Hoffmann said that it will be for all IT services except for phone services.

Committeewoman Swartz reported that the Department of Public Works is working hard keeping the playing fields maintained for fall sports. She also reported that DPW has been repainting crosswalks, and that effort has been temporarily halted due to a drop in temperature.

Committeewoman Swartz also commented on the repaving of the access road to the Recycling Center. She also said that a path around the Colony Pool site is being installed. In regards to the Senior Center, Committeewoman Swartz noted that they will be hosting a shredding event on October 19th. Committeewoman Swartz also said that she is wearing purple at this meeting in recognition of Substance Abuse and Mental Health National Recovery Month. She also commented on the Morris County Sheriff's efforts to address substance abuse issues in the County.

Committeewoman Ness reported that the Art League of the Chathams had the opening reception for the fall exhibit. Colony Pool season has ended, however work is still being done at the site. Committeewoman Ness thanked the Environmental Commission for participating in the Sustainability Fair. The Rolling Knolls Community Advisory Group has been meeting, and a feasibility study is being sought. Possible remediation solutions are being worked on, and the Department of the Interior is also working with the EPA regarding the Landfill.

Deputy Mayor Kelly reported that the Chatham Township Historical Society will be hosting a presentation about the history of the Jersey Tomato.

Mayor Selen thanked the Township administrative staff for their work. He also advertised his cell phone number so that residents can contact him. Mayor Selen further noted that he is available to meet with residents at Dunkin Donuts on Saturday mornings.

JCP&L Improvements and Reliability

Carol Bianchi, the Regional External Affairs Consultant representing JCP&L to Chatham Township, gave a presentation regarding JCP&L's efforts to improve reliability. Mrs. Bianchi provided statistics on the outages in 2018. She also said that the circuits are inspected on a five-year cycle, and when concerns are discovered they are addressed before problems develop. Vegetative maintenance was also addressed. Mrs. Bianchi also described the re-closers that have been installed. She also discussed the restoration process, noting the order in which repairs are made. Mrs. Bianchi encouraged customers to contact JCP&L when they have a power outage, as it helps crews identify clusters.

Mayor Selen asked about frequent outage blips that his neighborhood experiences, and when the improvements being made will bring the frequent outage to an end. Mrs. Bianchi said that momentary outages are often due to re-closers doing their job.

Committeewoman Swartz noted that the demand on the electrical grid has increased as houses have become larger. She also said that having Mrs. Bianchi available as a contact helps local officials find out how issues are being addressed.

Mayor Selen asked how much revenue is drawn from Chatham Township customers and how much investment is being made in upgrading Chatham Township's infrastructure. Mrs. Bianchi said she would obtain that data for Mayor Selen.

Committeewoman Swartz noted that JCP&L no longer has a mobile app available. Mrs. Bianchi said that the information that was available through the app is still available online.

Committeewoman Ness asked about animals getting into the electrical equipment, and if there is any way to prevent them from damaging the equipment. Mrs. Bianchi said that squirrel guards

are installed, but they are not full-proof. She also said that short of installing netting, there is not much that can be done. Mrs. Bianchi also noted that the tree trimming helps keep squirrels away.

Deputy Mayor Kelly asked about the progress of the ash tree removal project. He also asked how JCP&L identifies if other types of trees are hazardous. Mrs. Bianchi said that drivers will ride the circuit to see what trees pose a threat to the power lines. They will also get property owner consent before trees are removed. Deputy Mayor Kelly asked how many more trees need to come down. Mrs. Bianchi said that she is not sure where the Township is in the four year cycle. She also said that questionable trees can be examined on a case-by-case basis.

Committeewoman Swartz noted that the ash borer is a multi-state issue. Mrs. Bianchi added that JCP&L is not in the business of wiping out trees, and action is only taken to protect the power lines. Committeewoman Swartz said that sometimes trees are left in place due to a homeowner's wishes, and problems can arise later when unhealthy trees are not removed.

Committeewoman Ness asked what gets left when trees are removed in the right-of-way. Mrs. Bianchi said that it depends on what the Township and the homeowner are willing to do. Committeewoman Ness said that remaining stumps are a visual reminder of how many trees were removed. Mrs. Bianchi said that it is very expensive for the stumps to be removed, and the town where she serves as Mayor does not remove the stumps.

Committeewoman Swartz noted that the line crews are very scripted as to what they are allowed to do, and safety measures are taken very seriously. Mrs. Bianchi commented on the safety rules she had to listen to before she was allowed on a site visit. Committeewoman Swartz commented on the enhanced communication over the past several years.

Hearing of Citizens

Mayor Selen opened the Hearing of Citizens.

1. Rich Matlaga, 36 Dale Drive, asked how JCP&L's tree removal project has been coordinated with the Township, and said that the actual work is different from what was represented by Mrs. Bianchi. He also asked the Township Committee to find out what residents are signing to accept responsibility for unhealthy trees that are not removed. Committeewoman Swartz said that affected residents can contact the Township Administrator or the Township Committee directly. Mr. Matlaga asked the Township Committee to obtain a copy of the document that JCP&L is asking residents to sign. Committeewoman Swartz also said that trees to be removed are marked with ribbons. Mayor Selen said that he will work with Mrs. Bianchi to get answers to Mr. Matlaga's questions.
2. Susan Hoag, 76 Canterbury Road, said that JCP&L left chunks of wood behind when they cleared trees on River Road in Chatham Borough. She also spoke in favor of the ordinance to ban plastic bags.
3. Sam Keliher, Huron Drive, asked if the location of the Skate Park is now deemed wetlands. He also asked if the Skate Park can be kept where it is. Deputy Mayor Kelly said that the Skate Park is in a 150-foot transition area buffer zone. He also said that the Skate Park would not be accessible without crossing the transition area. Mayor Selen thanked Mr. Keliher for engaging with the Township Committee.
4. Sally Rubin, Executive Director of the Great Swamp Watershed Association, thanked the Township Committee for their service, and commended Mr. Keliher for addressing the Township Committee. Mrs. Rubin also noted that a Fish & Wildlife Meeting will be held at 6:00 PM on October 21st at the Great Swamp Fenske Visitors Center. She also asked if JCP&L will be replanting the trees that are being removed as part of their maintenance program. Mrs. Rubin also spoke in favor of the ordinance banning plastic bags. Committeewoman Swartz said that JCP&L will not be replanting trees. She also said that there are trees that can be planted that will not grow high enough to interfere with power lines, and the information will be communicated with the public.

5. Ann Worden, 30 Floral Street, spoke in favor of the plastic bag ban. Mrs. Worden said that she summers in Prince Edward Island, and they prohibited plastic bags in the whole province.
6. Jessica Romeo, 49 Pine Street, said that the plastic bag issue involves the whole lifespan of the bag from creation to disposition. Mrs. Romeo commented on the amount of plastic that people ingest during a week though the act of drinking water.
7. Saleena Bahl, Crestwood Drive, said that she led a campaign to eliminate plastic straws at the Middle School, and she spoke in favor of banning plastic bags.
8. Jane Devlin, 420 River Road, spoke in favor of banning plastic bags, and noted that she has not heard any opposition from the public.
9. Mr. Matlaga asked about a resolution adopted at the last meeting for the affordable marketing plan, and said that it designated the Municipal Offices as a housing resource center. He asked what happens if someone renting an affordable apartment wants to break their lease due to proximity to the gun range, and if the Township assumes a liability. Attorney Cruz said that there will be a disclosure provision regarding the gun range when the apartments are rented.
10. Mariel Kolker, 15 Long Hill Lane, said that the rest of the world has moved on from using plastic bags. She also said that there is a Wikipedia page about switching from plastic to reusable bags. Mrs. Kolker also listed several countries that have eliminated plastic bags.
11. Dan Miller, 465 Green Village Road, read a quote from Thomas Jefferson. He also addressed punitive damages that will result from the plastic bag ban. Mr. Miller also said that seniors will forget to bring their reusable bags with them. He further suggested that the fees collected from bag sales could go toward substance abuse programs. Mr. Miller also addressed JCP&L's access to the substation in the Great Swamp, and better coordination with government agencies would have allowed them to get access sooner following Hurricane Sandy.
12. Marty McHugh, 61 Ormont Road, said that his family supports the ban on plastic bags. He encouraged people to think globally and act locally.

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

Public Hearing/Final Adoption of Ordinances

Ordinance 2019-16

ORDINANCE 2019-16

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO MANDATE DIRECT DEPOSIT FOR MUNICIPAL EMPLOYEES BY THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, PURSUANT TO N.J.S.A. 52:14-15f

WHEREAS, P.L. 2013 c. 28, authorizes local governments to mandate direct deposit for certain governmental employees effective after July 1, 2014; and

WHEREAS, P.L. 2013 c. 28 permits governing bodies to grant exemptions on such terms and conditions as they deem necessary.

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

Section 1. All full time employees and elected public officials who receive compensation from the Township of Chatham are mandated to have direct deposit of their compensation as of March 1, 2015 in accordance with Chapter 28 P.L. 2013, as defined under N.J.S.A. 52:14-15f(b).

Section 2. Temporary employees who are employed by the Township of Chatham are exempt from the direct deposit mandate.

Section 3. Municipal employees may request, in writing, an exemption from the direct deposit mandate to the Township of Chatham Administrator. Such requests will be presented to the Township Committee at the next regularly scheduled meeting of the Township Committee after the request is received by the Administrator. The Township Committee may grant such an exemption by Resolution and for good cause.

Section 4. 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 5. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect after final passage, adoption and publication according to law.

Mayor Selen opened the Public Hearing on Ordinance 2019-16.
Seeing no public comment, Mayor Selen closed the Public Hearing.

Administrator Hoffmann gave an overview of the ordinance. Committeewoman Swartz asked if there have been issues with employees not having bank accounts. Administrator Hoffmann said that has not been a problem.

Committeewoman Swartz moved to adopt Ordinance 2019-16. Deputy Mayor Kelly seconded the motion.

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

Introduction of Ordinances

Ordinance 2019-17

Committeewoman Swartz moved to table discussion on Ordinance 2019-17. Committeeman Ritter seconded the motion.

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

ORDINANCE 2019-17

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, PROHIBITING THE USE OF PLASTIC BAGS AND REGULATING THE USE OF PAPER BAGS BY RETAIL ESTABLISHMENTS WITHIN THE TOWNSHIP OF CHATHAM BY AMENDING CHAPTER III, TITLED "POLICE REGULATIONS", BY ADDING A NEW SECTION 3-13, TITLED "PLASTIC BAGS PROHIBITED AND PAPER BAGS REGULATED", TO THE REVISED GENERAL ORDINANCES

WHEREAS, on average, one person uses 500 single-use disposable bags each year, 4.4 billion single-use shopping bags are used annually in New Jersey, and 102 billion are used nationwide; and

WHEREAS, windblown plastic bags degrade the Township of Chatham land and waterways, and 80% of the plastic and trash that finds its way into the oceans comes from the land; and

WHEREAS, 12 million barrels of oil are used annually to manufacture the plastic bags that Americans use; and

WHEREAS, according to the United States Environmental Protection Agency, seabirds, fish, and other marine and land-based wildlife mistake plastic for food, while others can become entangled in the plastic trash, leading to exhaustion, starvation, and eventual death; and

WHEREAS, plastic breaks down into microplastics that measure 5 millimeters or less, which are ingested by shrimp, plankton, fish, birds, turtles, and other sea creatures. Microplastics absorb toxic chemicals, harms marine life, and can be consumed by humans via seafood and potable water; and

WHEREAS, 5% or fewer single-use carryout bags are actually recycled; and

WHEREAS, the Township of Chatham taxpayers currently bear the costs associated with the negative effects of plastic, single-use carryout bags on the solid waste stream, drainage, litter, and the negative consequences of the foregoing environmental impacts; and

WHEREAS, the Township of Chatham taxpayers currently bear the costs associated with improper placement of plastic bags in recycling containers resulting in increased costs for contaminated recycling; and

WHEREAS, all single-use carry-out bags are wasteful, and while paper carry-out bags present adverse impacts on the environment, these impacts are less than single-use plastic carry-out bags because they naturally decompose in the environment while plastic bags degrade at a much slower rate, estimated at hundreds of years, and release toxic materials during that process as well as pollute waterways; and

WHEREAS, Township of Chatham residents understand that reusable bags consume far less energy and natural resources than single-use plastic carry-out bags and paper carry out bags; and

WHEREAS, the Township of Chatham desires to reduce the number of disposable paper and plastic checkout bags that are being burned, used, discarded and littered and to promote the use of reusable checkout bags by retail establishments located within the Township of Chatham; and

WHEREAS, the Township Committee of the Township of Chatham finds that the reduction in the use of disposable paper and plastic checkout bags by retail establishments within the Township of Chatham promotes a legitimate public purpose; and

WHEREAS, in accordance with N.J.S.A. 40:48-2, a municipality in New Jersey may enact such ordinances "as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants" and regulating the use of plastic bags and paper bags will preserve the public health, safety, and welfare of the municipality.

NOW, THEREFORE, be it Ordained by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey as follows:

Section 3-13. PLASTIC BAGS PROHIBITED AND PAPER BAGS REGULATED

Section 3-13.1 DEFINITIONS

The following definitions apply to this Ordinance:

- (1) The term "customer" means any person purchasing goods or services from a retail establishment.
- (2) The term "operator" means the person in control of, or having the responsibility for, the operation of a retail establishment, which may include, but is not limited to, the owner of the retail establishment.
- (3) The term "person" means any natural person, firm, corporation, partnership, or other organization or group however organized.
- (4) The term "reusable bag" means a durable carryout bag with stitched handles for reinforcement made from any natural or synthetic material other than plastic film including, but not necessarily limited to, woven or nonwoven plastic or cloth, that is at least 10 mils thick, and that is specifically designed and manufactured for multiple reuse, and that is washable or is made from a material that can be cleaned or disinfected regularly.
- (5) The term "single-use plastic carry-out bag" means any bag made predominantly of plastic that is not made or intended for reuse that is provided by an operator of a retail establishment to a customer at the point of sale. This definition specifically exempts the following from the category of "Single-Use Plastic Carry-Out Bag":
 - (a) bags provided by operators and used by consumers inside retail establishments to:
 1. Package bulk items, such as fruit, vegetables, nuts, grains, candies, or small hardware items;
 2. Contain or wrap frozen foods, meat, or fish, whether packaged or not;
 3. Contain or wrap flowers, potted plants, or other items where dampness may be an issue;
 4. Contain live animals, such as fish or insects sold in pet stores;
 5. Contain unwrapped prepared foods or bakery goods;
 6. Contain pharmacy prescriptions or medicines; or
 7. Function as "produce bags" or "product bags," which shall mean bags used exclusively to carry produce, meats, or other food items to the point of sale inside a retail establishment or, for reasons of public health and safety, to prevent such food items from coming into direct contact with other purchased items.
 - (b) Newspaper bags for home delivery, door-hanger bags, laundry and/or dry-cleaning bags, or bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags, yard waste bags, or pet waste bags.

- (6) The term "retail establishment" means any store or commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the customer and is located within or doing business within the geographical limits of the Township of Chatham. Retail establishments include: a business establishment that generates a sales or use-tax; a drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other commercial entity engaged in the retail sale of a limited line of goods that include milk, bread, soda, and snack foods; a public eating establishment (i.e., a restaurant, take-out food establishment, or any other business that prepares and sells prepared food to be eaten on or off its premises); and business establishment that sells clothing, a hardware store, or any other non-perishable goods.

Section 3-13.2 SINGLE-USE PLASTIC CARRY-OUT BAGS PROHIBITED

EFFECTIVE March 1, 2020

Effective March 1, 2020, no retail establishment shall provide to any customer, or to any person, a single-use plastic carry-out bag, as defined above. The point of sale in such transactions is deemed to be at the retail establishment, regardless of where payment for the transaction physically occurs.

Section 3-13.3 PAPER BAGS SUBJECT TO A FEE EFFECTIVE MARCH 1,2020

Effective March 1, 2020, all retail establishments shall make available to customers, upon request by the customer, for a fee to be set by the retail establishment for each paper bag for the purpose of carrying goods or other materials away from the point of sale, subject to the provisions of this Ordinance. The fee charged shall be reflected in the sales receipt and shall be subject to applicable tax. The fee charged shall be retained by the retail establishment.

The following bags shall be exempt from the fee and are provided by operators inside retail establishments to:

- (1) Package bulk items, such as fruit, vegetables, nuts, grains, candies, or small hardware items;
- (2) Contain unwrapped prepared foods or bakery goods;
- (3) Take home uneaten food that has been served in a restaurant;
- (4) Take out foods intended for consumption away from the retail establishment for reasons of public health and safety during the transportation of such food products;
- (5) Contain pharmacy prescriptions and medicinal products; or
- (6) Function as "produce bags" or "product bags", which shall mean bags used exclusively to carry produce, meats, or other food items to the point of sale inside a retail establishment or, for reasons of public health and safety, to prevent such food items from coming into direct contact with other purchased items.

Section 3-13.4 PROMOTION OF REUSABLE BAGS

- (1) Each retail establishment shall be strongly encouraged to educate its staff to promote the use of reusable bags and to post signs encouraging customers to use reusable bags rather than paper carry-out bags.
- (2) Each retail establishment shall be strongly encouraged to educate its staff to make inquiry to a customer whether the customer desires a paper carry-out bag or has supplied his/her own reusable bags before offering the paper carry-out bags to the customer.
- (3) Each retail establishment shall inform customers that if they choose a paper carry-out bag they will be charged a fee for each paper bag.
- (4) Nothing in this Ordinance prohibits customers from using bags of any type that they choose to bring to retail establishments themselves, in lieu of using bags available for a fee from the retail establishment, or from carrying away goods that are not placed in a bag.
- (5) Nothing in this Ordinance shall prohibit a retail establishment from providing a credit to a customer who has supplied his/her own bags.
- (6) Nothing in this Ordinance shall prohibit a retail establishment from offering for sale reusable

bags as defined in this Ordinance.

- (7) The Township of Chatham shall undertake a reusable bag education program that includes:
 - a. Distributing information and free reusable bags as part of a Bring Your Own Bag (BYOB) campaign; and
 - b. Maintaining "Give One Take One" reusable bag collection boxes in municipal and other facilities.

Section 3-13.5 EXEMPT CUSTOMERS

- (1) Any customer who states that she or he participates in, or is a beneficiary of, any United States government federal welfare program, including but not limited to the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) or any local or County welfare assistance program, or any New Jersey State welfare program, including but not limited to the New Jersey Supplemental Nutritional Assistance Program (SNAP) or the New Jersey State Supplemental Security Income Program (SSI) shall be provided paper bags or reusable bags without charge. No further identification is necessary.
- (2) Any person who receives food, household items and/or personal care items from a food pantry or food distribution program shall be provided paper or reusable bags without charge.

Section 3-13.6 ENFORCEMENT AND VIOLATION PENALTY

- (1) The Township of Chatham will provide notice of this Ordinance to retail establishments within the Township no later than January 1, 2020.
- (2) The Township of Chatham Registered Environmental Health Specialist or authorized designee has the responsibility for enforcement of this Ordinance.
- (3) Any retail establishment that violates or fails to comply with any of the requirements of this Ordinance after an initial written warning notice has been issued for that violation shall be subject to a Municipal Court Summons payable to the Municipal Court.
- (4) If a retail establishment has subsequent violations of this Ordinance after the issuance of an initial written warning notice of a violation, the following penalties will be imposed and payable by the operator of the retail establishment:
 - a. \$100.00 for the first violation after the first written warning notice is given;
 - b. \$200.00 for the second violation after the written warning notice is given; and
 - c. \$500.00 for the third and any subsequent violations after the written warning notice is given.

Section 3-13.7 NO CONFLICT WITH FEDERAL OR STATE LAW

Nothing in this Ordinance is intended to create any requirement, power or duty that is in conflict with any federal or state law.

Section 3-13.8 REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 3-13.9 SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 3-13.10 EFFECTIVE DATE

This Ordinance shall take effect on March 1, 2020 and publication as provided by law.

Committeewoman Ness suggested that the 10 mils standard be added back into the definition of a single-use plastic bag.

Committeewoman Swartz said that the plastic bags from ShopRite can be reused. She also opined that the definitions in the ordinance for single-use and reusable plastic bags are egregious and beyond the scope of local government.

Committeeman Ritter said that he does not know how to define a reusable bag, and said that he would like local businesses to give testimony regarding the reusability of a bag. He also opined that there is not a lot of support for the ordinance, despite the public comments offered.

Committeewoman Swartz said that if the ordinance is adopted, the Township Committee should have the conviction to have the ordinance take effect immediately. Attorney Cruz noted that the ordinance does not take effect until March 1, 2020. He noted that in the 5 month period, local businesses will be notified and have time to give commentary.

Committeeman Ritter said that the ordinance does not limit the fee to be charged by businesses. He also said that the ordinance appears to be rushed through. Committeewoman Ness noted that the ordinance has been developed over a nine month process, and she cited several towns that have introduced or are considering similar ordinances. Committeewoman Ness also cited studies performed by Rutgers showing that there are micro-plastics in the Raritan River and the Passaic River. She also noted that local businesses are on board with the implementation of the ordinance, and Ace Hardware has agreed to serve on the Transition Team. Committeeman Ritter said that if the businesses are on board with the ordinance, then it is not necessary.

Committeeman Ritter also suggested that the ordinance have a fee comparable to the fee charged by the Borough. He further said that having it take effect in March 2020 is too much of a rush.

Committeewoman Swartz said that people are smart enough to use reusable bags without having an ordinance. She also said that most litter comes from fast food restaurants. Committeeman Ritter said that education would be preferable to legislation.

Deputy Mayor Kelly said that it would be short-sighted of the Township Committee to ignore all the evidence regarding micro-plastics in drinking water. He also said that some regulations are necessary.

Committeewoman Swartz asked if the enforcement of this ordinance will be placed on cashiers at local establishments. She also noted that ShopRite now has self-checkout registers.

Committeewoman Ness moved to introduce Ordinance 2019-15. Deputy Mayor Kelly seconded the motion.

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

Public Hearing on Ordinance 2019-17 will be scheduled for October 10, 2019.

Committeeman Ritter asked about enforcement of the ordinance. Attorney Cruz said that the Health Department will be responsible for enforcement. The Township Clerk said that the Health Officer is Mike Fitzpatrick and the REHS is Ben Samara. Committeeman Ritter asked about regular inspections. The Township Clerk said that the Health Department inspects facilities that sell food, which is why this was brought to the Board of Health's attention at the September meeting. Committeeman Ritter asked if every customer who receives a bag would count as a separate violation.

Mayor Selen asked Committeeman Ritter if he has spoken to the Health Officer about this ordinance. Committeeman Ritter said that he has not discussed it with the Board of Health. Committeeman Ritter asked if the Health Officer will be staking out the local stores for violations. Committeewoman Ness recommended that Committeeman Ritter attend a Board of

Health meeting to ask the Health Officer, but said that staking out stores is not the intention. Attorney Cruz said that violations will be dealt with during periodic inspections.

Consent Agenda

**RESOLUTION 2019-183
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
- Tax Collector – August
- Police Department – August

**RESOLUTION 2019-184
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 September 12, 2019.

**RESOLUTION 2019-185
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 meetings held on September 12, 2019.

**RESOLUTION 2019-186
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
Hoff Bros 2504 Plainfield Ave Scotch Plains, NJ 07076	ROI 2017-32	7764128508	\$500.00
Gialluisi Custom Homes 208 Lenox Ave #157 Westfield, NJ 07090	ROI 2017-48	7764128590	\$833.33
Priyank Srivastava 110 Meyersville Road Chatham, NJ 07928	BOA 18-13-16.01	7764943047	\$519.00
Catherine Hartzell 18 Rockledge Trail Chatham, NJ 07928	BOA 17-62.03-2	7764128475	\$119.50

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**RESOLUTION 2019-187
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPOINTING DAVID T. PANOS TO THE PUBLIC WORKS DEPARTMENT**

BE IT RESOLVED by the Township Committee of the Township of Chatham that David T. Panos is hereby appointed to the Department of Public Works effective October 1, 2019 with terms and conditions of employment as governed by the collective bargaining agreement in effect between the Township and Teamsters Local #469 at a starting salary in accordance with Serviceman Grade III Step 1.

**RESOLUTION 2019-188
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING A CONDITIONAL OFFER OF EMPLOYMENT TO ASHLEY OSIEJA AS AN
ADMINISTRATIVE ASSISTANT**

BE IT RESOLVED by the Township Committee of the Township of Chatham that subject to successful completion of the appropriate background checks, Ashley M. Osieja is hereby appointed as an Administrative Assistant effective October 16, 2019 at a starting salary of \$50,000 with terms and conditions of employment as governed by the Personnel Manual and Employee Handbook as well as the employment letter prepared by the Township Administrator.

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

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

Discussion

Financial Plan

**RESOLUTION 2019-189
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM UPDATING FUND BALANCE POLICY**

WHEREAS, on January 22, 2015 the Township Committee adopted Resolution 2015-038, and,

WHEREAS, this resolution has been reviewed annually and used as a benchmark for Township fiscal policy, and,

WHEREAS, based on the future needs of the Township it will be prudent to pay down future debt with funds that will become available in upcoming calendar years.

BE IT RESOLVED that the Township Committee of the Township of Chatham amends the adopted Fund Balance Policy annexed hereto with the recommendation outlined in the Township Administrator's memo dated September 26, 2019.

Administrator Hoffmann said that a memorandum was distributed to the Township Committee regarding short-term and long-term management of the Township's debt, which is a component of the Township's financial planning. He also discussed the municipal debt repayment schedule. He recommended that the Township's fund balance policy be amended to authorize the repayment of future debt as funds become available.

Committeewoman Swartz asked about a \$437,452.25 figure which is mentioned several times in Administrator Hoffmann's memorandum, and asked if that will be a fixed figure in future budgets for debt repayment. Administrator Hoffmann said that it is changeable, but it is an exact amount of the 2006 serial bonds principal and interest payments. He also said that additional surplus can be used to further pay down debt.

Committeewoman Ness said that the memorandum's length does not reflect the tremendous amount of work put into it by Administrator Hoffmann and CFO Debra King.

Administrator Hoffmann said that a utility bond sale was conducted in 2019, which helped reduce an anticipated spike.

Committeewoman Ness moved to adopt Resolution 2019-189. Deputy Mayor Kelly seconded the motion.

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

Hearing of Citizens/Petitions

Mayor Selen opened the Hearing of Citizens.

1. Jessica Romeo said that there are rules in place because people do not always make good choices. She also said that there are micro-plastics in the water supply. Mrs. Romeo suggested that the Township Committee members make a field trip to towns that have already enacted ordinances banning plastic bags. Mrs. Romeo also said that the behavior of the Township Committee members during meetings has been embarrassing, and a lot of time was wasted.
2. Jane Devlin addressed the lack of civility in the Township Committee's discussion regarding the plastic bag ordinance, and said that the behavior of the Committee is getting worse.
3. Stacey Ewald, 54 Nicholson Drive, addressed the Skate Park. She also asked about the spike mentioned regarding municipal debt, and asked if it will be further discussed later. Administrator Hoffmann said that there will be a financial update at a future meeting. He also said that some of the anticipated debt cost has been reduced, but some projections still need to be developed.

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

Executive Session

RESOLUTION 2019-P-17

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: In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Deputy Mayor Kelly moved to adopt Resolution 2019-P-17 to enter Executive Session at 10:39 PM. Committeewoman Ness seconded the motion.

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

The Township Committee returned to public session at 11:32 PM.

Committeewoman Swartz moved to adjourn at 11:32 PM. Committeewoman Ness seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk